CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, THIRD SESSION.

VOLUME XLIX.

WASHINGTON:
1913.



VOLUME XLIX, PART V.

CONGRESSIONAL RECORD,

SIXTY-SECOND CONGRESS, THIRD SESSION,

PROCEEDINGS, APPENDIX, AND INDEX.

PROCEEDINGS.

SENATE.

THURSDAY, *February 27, 1913.*

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Thou, who always givest us the victory in Christ, we thank Thee that Thou dost never leave us nor forsake us. Though Thou takest from our side friends and counselors, yet Thou dost not take from us Thy loving kindness. We thank Thee, our Father, for the life, the character, and the public service of him whom we this day remember and, remembering, honor. We thank Thee for the privilege of laboring with him for the common weal and for the blessed memory of his life. We commend to Thee those to whom this sorrow is most deep and tender, and pray Thee to keep them and us evermore in Thy heavenly care.

And unto Thee, who art the first and last and whose we are, living or dying, be all glory and praise on earth and in heaven now and forevermore. Amen.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

NEW MEXICO STATE CLAIMS (S. DOC. NO. 1112).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate from the Department of the Interior for an appropriation of $32,000 for the purpose of surveying and establishing boundaries of certain small holding claims in the State of New Mexico, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

UNITED STATES MINT, PHILADELPHIA, PA. (S. DOC. NO. 1111).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending for inclusion in the general deficiency appropriation bill an item of appropriation for placing iron grilles at windows, United States Mint, Philadelphia, Pa., $10,000, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 6176. An act for the relief of Gibbes Lykes; and

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant.

The message also announced that the House had passed a bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.; and

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

SENATOR FROM OKLAHOMA.

Mr. GORE. I present the credentials of my colleague [Mr. OWEN], reelected to the Senate from the State of Oklahoma, which I ask may be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of ROBERT L. OWEN, chosen by the Legislature of the State of Oklahoma a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of the State of Maine, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution by Senate and House of Maine Legislature, seventy-sixth session.

Whereas there is pending before Congress a bill known as the McLean bill, Senate Document No. 6497, to afford Federal protection to migratory game and insectivorous birds; and

Whereas there is a general sentiment in favor of such protection, and an urgent request has been made for the enactment of such law: Now therefore be it

Resolved, That Congress be, and hereby is, urged to enact a law insuring ample protection to migratory game and insectivorous birds.

Resolved, That the legislatures of all States of the United States be, and they are hereby, urged to join in this request by the adoption of this or similar resolution.

Resolved further, That the secretary of state be, and hereby is, directed to print and transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the several Members of said bodies representing this State therein; also to the legislatures of all other States of the United States.

CARL E. MILLIKEN, *President.*
JOHN A. PETERS, *Speaker.*

In senate chamber, February 10, 1913: Read and adopted. Sent down for concurrence.

W. E. LAWRY, *Secretary.*

House of representatives, February 10, 1913: Read and adopted in concurrence.

W. R. ROIX, *Clerk.*

UNITED STATES OF AMERICA, STATE OF MAINE,
OFFICE OF SECRETARY OF STATE.

I, J. E. Alexander, secretary of state of the State of Maine and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of joint resolution of the Senate and House of Representatives of the State of Maine in legislature assembled with the original thereof as filed in the office of the secretary of state of the State of Maine, on the 12th day of February, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta this 12th day of February, in the year of our Lord one thousand nine hundred and thirteen and in the one hundred and thirty-seventh year of the Independence of the United States of America.

[SEAL.] J. E. ALEXANDER,
Secretary of State.

The PRESIDENT pro tempore presented a petition of members of the Pokagon Tribe of Pottawattomie Indians of Michigan and Indiana, remonstrating against the enactment of legislation to facilitate the reclamation of shore lands for the Burnham lake-front improvement project on Lake Michigan, which was referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of the congregation of Race Street Methodist Episcopal Church South, of Statesville, N. C., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Mad River Grange, No. 71, Patrons of Husbandry, of Waterbury, Conn., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented a memorial of sundry citizens of Lewiston, Me., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of members of the Athene Club of Bangor, the Seneca Club of South Paris, the Woman's Club of Orono, the Past and Present Club of Fairfield, the Skowhegan Club of Skowhegan, the Progressive Club of Lisbon, the Searchlight Club of Rumford, the Columbian Club of Bethel, the Pine Cone Club of Clinton, the Conklin Class of Portland, and of the Woman's Club of Newcastle and Damariscotta, all in the State of Maine, remonstrating against the enactment of legislation transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GRONNA presented sundry affidavits in support of the bill (S. 8304) for the relief of Rodger Caplette, which were referred to the Committee on Claims.

Mr. JOHNSON of Maine presented a joint resolution of the Legislature of Maine relative to Federal protection of migratory game and insectivorous birds, which was ordered to lie on the table.

Mr. DU PONT presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Chestertown, and Rock Hall, in the State of Maryland, and sundry citizens of Washington, D. C., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

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Mr. LODGE presented a memorial of the board of directors of the Massachusetts Peace Society, of Boston, Mass., remonstrating against the enactment of legislation providing for Federal pay for the National Guard, which was referred to the Committee on Military Affairs.

He also presented a memorial of the directors of the Massachusetts Peace Society, of Boston, Mass., remonstrating against the enactment of legislation authorizing the construction of more than one proposed new battleship, which was referred to the Committee on Naval Affairs.

Mr. SHIVELY. I present Senate concurrent resolution 2 of the General Assembly of the State of Indiana, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 2.

A concurrent resolution requesting the Representatives and instructing the Senators in Congress from the State of Indiana to vote for and use their influence for the passage of a bill now pending before Congress to place the officers of the Civil War on the retired list as a matter of honor to them.

Resolved by the senate (the house of representatives concurring), That the Representatives in Congress from the State of Indiana be requested and the Senators from the State of Indiana be instructed to use their influence and to vote for the bill now pending in the Congress of the United States to place the officers of the Civil War on the retired list as a matter of honor, and other matters connected therewith.

Resolved further, That the secretary of the senate is hereby instructed to send a certified copy of this resolution to each of the Representatives in Congress and to the Senators, with instructions, as above indicated, to be certified to by the secretary of the senate and signed by the president of the senate and attested by the secretary.

I hereby certify that the above is a full, true, and complete copy of senate concurrent resolution 2, adopted by the senate on the 13th day of February, 1913, and concurred in by the house on the 14th day of February, 1913.

WM. P. O'NEILL,
President of Senate.

Attest:

WADE H. FREE,
Secretary of Senate.

Mr. GALLINGER presented a telegram in the nature of a petition from F. S. F. Dearborn, New Hampshire State regent, Daughters of the American Revolution, of Suncook, N. H., which was ordered to lie on the table and to be printed in the RECORD, as follows:

SUNCOOK, N. H., *February 26, 1913.*

Senator GALLINGER,
Washington, D. C.:

Please support the bill for memorial bridge to Arlington.

Respectfully, yours,

F. S. F. DEARBORN,
New Hampshire State Regent,
Daughters of the American Revolution.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (H. R. 24296) for the relief of Alonzo D. Cadwallader, reported it with an amendment and submitted a report (No. 1324) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 20511) for the relief of Samuel Butter & Co., reported it with an amendment and submitted a report (No. 1327) thereon.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with an amendment and submitted a report (No. 1328) thereon.

Mr. ROOT, from the Committee on Industrial Expositions, to which was referred the amendment submitted by Mr. LEA on the 21st instant, providing that the Government of the United States participate in the National Conservation Exposition to be held at Knoxville, Tenn., during the fall of 1913, etc., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and submitted a report (No. 1332) thereon.

Mr. BRYAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 8497) to repeal section 3 of an act entitled "An act making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1900," reported it without amendment and submitted a report (No. 1329) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 7620) for the relief of Ernest C. Stahl, reported it without amendment and submitted a report (No. 1330) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (H. R. 8921) for the relief of William H. Seward, reported it without amendment and submitted a report (No. 1331) thereon.

CORPORATIONS IN INTERSTATE COMMERCE.

Mr. CUMMINS. I submit a report from the Committee on Interstate Commerce, together with the individual views of certain members of the committee. I ask that the report be printed and also that it be printed in the RECORD.

Mr. CLAPP. I should like to request that, in addition to the usual number of this report, there be printed a thousand additional copies for the use of the Interstate Commerce Committee.

The PRESIDENT pro tempore. The title of the report will be read.

Mr. CUMMINS. I did not ask for the reading of the report.

The PRESIDENT pro tempore. The Chair did not direct it. The Chair simply wanted to know what the Senator reports on.

Mr. CUMMINS. It is a report pursuant to Senate resolution 98, agreed to July 26, 1911, and as the result of a certain investigation which was ordered by that resolution.

The PRESIDENT pro tempore. The Senator from Iowa asks that the report be printed in the RECORD, and the Senator from Minnesota requests that 1,000 additional copies be printed for the use of the Committee on Interstate Commerce. Without objection, that order will be made.

The report (No. 1326) is as follows:

CONTROL OF CORPORATIONS, PERSONS, AND FIRMS ENGAGED IN INTERSTATE COMMERCE.

Mr. CUMMINS, from the Committee on Interstate Commerce, submitted the following report, pursuant to Senate resolution 98:

The Committee on Interstate Commerce, to which was referred the following resolution—

"Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee"—

begs leave to make the following report:

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce provided for open hearings upon the subject matter of the resolution. The hearings began on the 15th day of November, 1911, and were continued from day to day for more than three months, during which time 103 men appeared before the committee, and their statements, together with the exhibits and documents submitted by them, fill 2,799 printed pages. A printed copy of these statements, exhibits, and documents, including an index, laws, and reference concerning industrial combinations in foreign countries, and a collection of judicial decisions touching the power of Congress in the regulation of commerce among the States, in all, five volumes, is herewith presented to the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion:

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That, whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporation now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

It is plain that the first question to be answered in considering what additional legislation upon the subject is necessary or desirable is a vital one. It is this: Should Congress attempt to maintain competitive conditions in the general interstate commerce of the country, where they still exist, and to restore such conditions where they have been destroyed, or should it accept the complete or partial overthrow of competition and resort to some other method of protecting the people against the power of combination and monopoly?

Without doubt the chief if not the only object in mind, when the antitrust law was passed, was to maintain competition as an effective regulating force in business by making it unlawful to enter into any contract or combination in restraint of trade or commerce among the States or with foreign nations, or to monopolize, or attempt to monopolize, such trade or commerce. The bill introduced by Senator Sherman, out of which the present statute grew, was in terms directed against the suppression of competition. After a long debate and much reflection the Judiciary Committee of the Senate reported a substitute in which "restraint of trade" was the thing forbidden instead of interference with competition. This was accepted not because there was any abandonment of the desire to preserve competition, but because there was a common law on the subject well established and carefully elucidated in the English decisions. The common law was that both contracts and acts in restraint of trade were injurious to the public welfare, and therefore opposed to public policy. The Congress of 1890 very wisely borrowed the language of the common law and with it came the learning of the judges, who had from time to time declared and expounded it. It is not the purpose of the committee to recite the development of the English doctrine. It was not always stated with exact accuracy and there is some inharmony of expression, but it may be said with confidence that a restraint of trade consisted of such unreasonable restriction of competition as impaired substantially, and to the public injury, the freedom of trade or the freedom to trade. Interference with free competition was generally but not necessarily a restraint of trade, for there were some restrictions that could be put upon competition and upon competitors that left the competitive force as an adequate protection to the people. Hence the common law was that unreasonable, unfair, undue restraint upon or interference with competition or competitive conditions constituted a restraint of trade.

The committee has made this comment upon the common law, and pointed out the distinction between "restraint of competition" and "restraint of trade" in order that it may be fully understood in its analysis of the conflict between the earlier and later opinions of the Supreme Court of the United States relating to the construction and application of the antitrust statute.

The committee will not at this time enter upon an extended argument respecting the policy of maintaining competition or competitive conditions in the business of the country. It is well understood that there are many distinguished students and highly trained thinkers who believe that the age of competition is past, and that for the struggle which competition involves there should be substituted combination and cooperation, under such regulation and supervision as will protect the people from the oppression of monopolistic power, and added to the students and thinkers who have reached this conclusion through mere observation and investigation there are many men engaged in commerce, and who therefore speak from a practical standpoint, who have also concluded that some form of regulated monopoly or concentration should be adopted. All these men, whether theorists or otherwise, admit that if we abandon the effort to maintain competition the Government must undertake, directly or indirectly, to fix prices for the combinations or monopolies. The committee feels that the time has not yet come for so radical a departure from the long-established policy of the country, and it hopes that the time may never come when it will be necessary for the Government to assume the task of establishing prices for general commodities. It believes that the progress of the world depends in a large measure upon that fair, reasonable rivalry among men which has hitherto characterized the advances of civilization.

It is frequently declared that the law can not compel men employed in like business to compete with each other. There is a sense in which this is true, but it is only technically true. What is meant when we use the phrase "maintaining competition" is maintaining competitive conditions. We can both create and maintain competitive conditions, and until human nature is revolutionized when competitive conditions exist there will be actual competition, but if for some extraordinary reason that should fail there will be at least a potential competition tending to prevent undue prices and unfair practices. Without going further into the issue between regulated competition and regulated monopoly, the committee reiterates its finding that the antitrust statute should stand and that every possible effort to create and preserve competitive conditions should be made.

Assuming, therefore, that Congress should maintain the policy established by the antitrust law and should make it more effective by additional legislation, if it be within our power to do so, the committee calls attention to the interpretation which the Supreme Court has given to the statute and to the application of its provisions which that tribunal has made in cases which have come before it for decision. It is not the intent of the committee in this report to review the opinions of the Supreme Court one by one, but rather to select certain types which will either demonstrate the wisdom of additional legislation or show that the law is adequate as it is.

The committee selects for the purpose indicated the following cases, all of which arose under the statute now being considered:

United States *v.* E. C. Knight Co. (156 U. S., 1).
United States *v.* Trans-Missouri Freight Association (166 U. S., 290).
United States *v.* Joint Traffic Association (171 U. S., 505).
Hopkins *v.* United States (171 U. S., 578).
Northern Securities Co. *v.* United States (193 U. S., 197).
Standard Oil Co. *v.* United States (221 U. S., 1).
United States *v.* American Tobacco Co. (221 U. S., 106).
United States *v.* Union Pacific Railroad Co. (not yet reported, opinion delivered Dec. 2, 1912).

The committee does not give a statement of the facts in each of these cases, for to do so would greatly prolong the report, and it will be taken for granted that those who are interested in the subject are already familiar with the facts as they appear in the Supreme Court reports.

The rule of law announced in United States *v.* Knight Co. and in Hopkins *v.* United States is that a restraint of trade however unreasonable is not prohibited by the antitrust statute, no matter how general or disastrous the interference or restraint may be upon commerce among the States unless it directly affects such commerce. There is a general understanding among the judges and lawyers of the country that the Knight case has been overruled or modified in subsequent decisions. Undoubtedly it can be fairly inferred from the recent opinions of the court in like cases that, if the facts of the case were now presented, it would be held that the restraint was direct; but the rule of law established has never been questioned by the court and has been emphatically reasserted in every prominent opinion hitherto rendered. The committee does not bring these cases forward for the purpose of disputing the soundness of the rule under existing legislation. Its object is to disclose, as clearly as possible, the scope of judicial discretion, and therefore of business uncertainty which it creates. In every prosecution under the act wherein there is proven or admitted a contract or combination which restrains trade among the States, the first thing that the court must ascertain and declare is whether the restraint is direct or indirect. In the Knight and Hopkins cases, and others of that type, it was held to be indirect. In the Northern Securities Co., Standard Oil Co., and American Tobacco Co. cases it was held to be direct. It is obvious that the opinion of any given man in any given case upon this question, whether he be judge or not, must depend largely not upon his learning in the law but upon his training and bent in the economy of commerce. The result has been, and necessarily will be, that the law officer of the Government before he institutes a prosecution must determine whether the restraint is direct and immediate, and the court in order to decide the issue must employ the functions of the legislator rather than the lawyer.

The consequence is twofold: First, the Department of Justice will ignore a great many unlawful transactions because there will be doubt as to whether the interference with interstate or international trade is direct or indirect; second, the business community has found itself and will find itself in a state of uncertainty as to whether a particular transaction is to be judged by the law of the State or the law of the Nation. It is not claimed that this undefined and undefinable field of judicial discretion can be wholly occupied by legislation, but it is manifest that it is the duty of the legislative branch of the Government to circumscribe it within the closest practicable bounds. The committee will recur to this subject in connection with another aspect of the judicial power, and contents itself now with a statement of its conclusion that there should be further legislation specifically prohibiting certain forms of associations, combination, or monopoly which admittedly restrain trade and commerce among the States and with foreign nations, but which may be held by the courts to be indirect or remote interferences.

The committee has first referred to the point just mentioned, not because it is first in importance, but because it first arose. It now passes to another and more serious weakness in the law as now interpreted.

In the Trans-Missouri Freight Association case there developed a controversy among the members of the Supreme Court that was carried on with unabated vigor through the 15 years intervening between the opinion in the Freight Association case and the opinion in the Standard Oil Co. case. In this period the vicissitudes of life and the changes upon the bench which necessarily ensued converted the opinion of the court in the Freight Association case into a single dissenting opinion in the Standard Oil Co. case, and the dissenting opinion in the former case into the opinion of the court in the latter case. In the Freight Association case Mr. Justice Peckham, in delivering the opinion of the court, said:

"Second. The next question to be discussed is as to what is the true construction of the statute, assuming that it applies to common carriers by railroad. What is the meaning of the language as used in the statute that 'every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal'? Is it confined to a contract or combination which is only in unreasonable restraint of trade or commerce, or does it include what the language of the act plainly and in terms covers, all contracts of that nature?" (Page 327.)

The learned justice answered the question thus propounded many times and in great variety of phrase in the course of the opinion, and the committee quotes some of these answers.

"When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress (p. 328).

"But we can not see how the statute can be limited, as it has been by the courts below, without reading into its text an exception which alters the natural meaning of the language used, and that, too, upon a most material point, and where no sufficient reason is shown for believing that such alteration would make the statute more in accord with the intent of the lawmaking body that enacted it (p. 329).

"The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act, could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances we are, therefore, asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade, and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act by way of judicial legislation an exception that is not placed there by the lawmaking branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it can not be supposed that Congress intended the natural import of the language used. This we can not and ought not to do (p. 340).

"The conclusion which we have drawn from the examination above made into the question before us is that the antitrust act applies to railroads, and that it renders illegal all agreements which are in restraint of trade or commerce as we have above defined that expression, and the question then arises whether the agreement before us is of that nature" (p. 341).

The issue was clearly joined by Mr. Justice White (now Chief Justice), who in his dissenting opinion, in which Justices Field, Gray, and Shiras concurred, thus stated the question:

"To state the proposition in the form in which it was earnestly pressed in the argument at bar, it is as follows: Congress has said every contract in restraint of trade is illegal. When the law says every, there is no power in the courts, if they correctly interpret and apply the statute, to substitute the word 'some' for the word 'every.' If Congress had meant to forbid only restraints of trade which were unreasonable it would have said so; instead of doing this it has said 'every,' and this word of universality embraces both contracts which are reasonable and unreasonable" (p. 345).

The distinguished justice begins his answer to the proposition just quoted as follows:

"I commence, then, with these two conceded propositions, one of law and the other of fact: First, that only such contracts as unreasonably restrain trade are violative of the general law; and second, that the particular contract here under consideration is reasonable, and therefore not unlawful if the general principles of law are to be applied to it" (p. 344).

Again:

"Its title is 'An act to protect trade and commerce against unlawful restraints and monopolies.' The word 'unlawful' clearly distinguishes between contracts in restraint of trade which are lawful and

those which are not. In other words, between those which are unreasonably in restraint of trade, and consequently invalid, and those which are reasonable and hence lawful" (p. 352).

Again:

"If these obvious rules of interpretation be applied, it seems to me they render it impossible to construe the words 'every restraint of trade' used in the act in any other sense than as excluding reasonable contracts, as the fact that such contracts were not considered to be within the rule of contracts in restraint of trade was thoroughly established both in England and in this country at the time the act was adopted" (p. 354).

Again:

"Indeed it seems to me there can be no doubt that reasonable contracts can not be embraced within the provisions of the statute if it be interpreted by the light of the supreme command that the intention of the law must be carried out, and it must be so construed as to afford the remedy and frustrate the wrong contemplated by its enactment" (p. 355).

It will be noted that but once in the dissenting opinion is the word "unreasonable" used to qualify the phrase "in restraint of trade." It is generally employed to qualify the word "contract." There is some difference between saying that there may be a reasonable interference with competition or freedom in trade or freedom to trade which did not at the common law constitute a restraint of trade, and saying that there can be under our statute a reasonable restraint of trade. But this was only the beginning.

Two years later the suit of the United States *v.* Joint Traffic Association came on for decision. Again Mr. Justice Peckham delivered the opinion of the court, and upon the point we are considering there seems to have been no change in the attitude of the members of the court toward it. It is instructive to observe, however, that in referring to Hopkins *v.* The United States, in which the opinion was handed down at the same term, the learned justice said:

"In Hopkins *v.* The United States, decided at this term, post, 578, we say that the statute applies only to those contracts whose direct and immediate effect is a restraint upon interstate commerce * * * the effect upon interstate commerce must not be indirect or incidental only" (p. 568).

Five years thereafter the well-known Northern Securities case was decided, and the struggle was renewed with intense earnestness. Mr. Justice Harlan rendered the opinion of the court, and this is the way he stated the question:

"Is the act to be construed as forbidding every combination or conspiracy in restraint of trade or commerce among the States or with foreign nations? Or does it embrace only such restraints as are unreasonable in their nature? Is the motive with which a forbidden combination or conspiracy is formed at all material when it appears that the necessary tendency of that particular combination or conspiracy in question is to restrict or suppress free competition between competing railroads engaged in commerce among the States? Does the act of Congress prescribe, as a rule for interstate or international commerce, that the operation of the natural laws of competition between those engaged in such commerce shall not be restricted or interfered with by any contract, combination, or conspiracy" (p. 328)?

In answering the question he probably goes a little further than Justice Peckham. He states as the conclusion to be drawn from former opinions of the courts:

"That the act is not limited to restraints of interstate and international trade or commerce that are unreasonable in their nature, but embraces all direct restraints imposed by any combination, conspiracy, or monopoly upon such trade or commerce; * * *. That every combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in interstate trade or commerce, and which would in that way restrain such trade or commerce, is made illegal by the act; * * *. That to vitiate the combination, such as the act of Congress condemns, it need not be shown that the combination in fact results or will result in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce or tends to create a monopoly in such trade or commerce and to deprive the public of the advantages that flow from free competition (p. 331).

"Whether the free operation of the normal laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly there are those who think that the general business interest and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be all this as it may, Congress has in effect recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce" (p. 337).

Mr. Justice Brewer was with the majority of the court in the Trans-Missouri Association case, and he concurred in the decision in the Northern Securities Co. case; but upon the question we are discussing he rejected the reasoning of Justice Harlan and adopted the views expressed by Justice White in the former case. He said:

"Instead of holding that the antitrust act includes all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate trade, and as such within the scope of the act. That act, as it appears from its title, was leveled at only 'unlawful restraints and monopolies.' Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decision at common law had affirmed were reasonable and ought to be upheld. The purpose rather was to place a statutory prohibition with prescribed penalties and remedies upon those contracts which were in direct restraint of trade, unreasonable, and against public policy. Whenever a departure from common-law rules and definitions is claimed, the purpose to make the departure should be clearly shown. Such a purpose does not appear and such a departure was not intended" (p. 361).

The Chief Justice and Justices White, Peckham, and Holmes dissented. Justice White, while discussing many phases of the relation between the General and the State Governments, finally rested his opinion upon the Knight case, holding that there was no direct restraint of interstate commerce. Justice Holmes, while concurring with Justice White, took occasion to say, in substance, that the method adopted by the defendants for the suppression of competition did not constitute a restraint of trade in the sense of the antitrust law.

With the Northern Securities case there terminated one distinct, striking period in the interpretation and application of the antitrust statute. It is needless to inquire at length whether or not the views of the court, as expressed in the opinions of Justices Peckham and Harlan, were in exact harmony with the common law as to the meaning or definition of the phrase "restraint of trade." Even if these learned judges were not quite successful in distinguishing the difference, at the common law, between a restraint of competition and a restraint of trade, it still remains true that for more than 13 years repeated decisions of the highest tribunal of the country had declared that every contract or combination which prevented free competition was a restraint of trade, and that, if the restraint directly affected commerce among the States, then the contract or combination was unlawful, under the first section of the act.

Inasmuch as the committee is of opinion that legislation should be so clear in its terms as not to admit of unlimited judicial discretion, it pauses here a moment to point out just what the range of discretion was under the decisions ending with the Northern Securities case. It is manifest that the inquiry that the court was then required to make in each case was this: Has the evidence established a restraint of trade; that is to say, has the evidence established a contract or combination which interfered with free competition?

There was some but not great latitude for difference of opinion upon such an inquiry, and the uncertainty in the application of the law was reduced to a minimum; nor would the uncertainty have been much increased if the inquiry had been as to an unreasonable interference with free competition, which would have been the inquiry had the common-law understanding been strictly adopted by the Supreme Court.

If the more recent construction of the statute were in harmony with the earlier decisions, further legislation might nevertheless be required; but it is unnecessary to make the inquiry. That question is purely academic, for the later rulings have completely reversed the former ones, in so far as the phase of the subject now being discussed is concerned.

On the 15th day of May, 1911, the case of the Standard Oil Co. *v.* The United States was passed upon by the Supreme Court. Chief Justice White (formerly Justice White) delivered the opinion and reiterated, as the conclusion of the court, the views that he had so forcibly urged as a dissenter 15 years before. It was not necessary for the court to deal with the question at all, inasmuch as it found the defendants guilty of a restraint of trade under any and every meaning of the term, but for the very purpose, the committee assumes, of advising the country that a new rule had been adopted, so that business might be guided by it, it was stated in the most emphatic way imaginable that the statute which declares that "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal" means that a contract or combination in order to be illegal must cause an undue restraint of trade. The following quotations from the opinion will need no comment:

"That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint" (pp. 59, 60).

Again:

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section" (p. 61).

That the Chief Justice intended to announce a rule at variance with the declarations of Justice Peckham and Justice Harlan in the Trans-Missouri Freight Association and Northern Securities cases is made clear in the following extracts:

"The question is pertinent and must be fully and frankly met, for if it be now deemed that the Freight Association case was mistakenly decided or too broadly stated, the doctrine which it announced should be either expressly overruled or limited. * * * And in order not in the slightest degree to be wanting in frankness, we say that in so far, however, as by separating the general language used in the opinion in the Freight Association and Joint Traffic cases from the context and the subject and parties with which the cases were concerned, it may be conceived that the referred to conflicts with the construction which we give the statute, they are necessarily now limited and qualified" (pp. 68, 69).

The learned Chief Justice contends that this rule of construction, which he repeatedly calls the "rule of reason," must be applied in order to prevent the entire overthrow of the statute.

It is one of the interesting things in our judicial history that so great had been the change in the personnel of the court that when the dissenting opinion of Justice White in 1896 became the opinion of the court in 1911 Justice Harlan was the only member remaining to protest against the reversal. He recorded his dissent in one of the most vigorous opinions that can be found in the reports, but for the purposes which the committee has in view it is not necessary to do more than to mention it.

Justice Harlan has passed away, and it may be assumed that the Supreme Court is now unanimously in favor of the doctrine so often and so ably promulgated by Chief Justice White. The rule was reasserted in the American Tobacco Co. case and has not since been questioned by any member of the court.

It is true that in the important opinion rendered in the suit of the United States *v.* The Union Pacific Railroad Co., Justice Day says:

"The act is intended to reach combinations and conspiracies which restrain freedom of action in interstate trade and commerce and unduly suppress or restrict the play of competition in the conduct thereof," citing as authority the Joint Traffic Association case.

It is true also that the court quotes, with apparent approval, the following extract from Mr. Justice Harlan in the Northern Securities case:

"In all the prior cases in this court the antitrust act has been considered as forbidding any combination which by its necessary operation destroys or restrains free competition among those engaged in interstate commerce; in other words, that to destroy or restrict free competition in interstate commerce was to restrain such commerce."

But thereafter the court says:

"In the recent discussion of the history of the meaning of the act in the Standard Oil Co. and Tobacco Co. cases this court declared that the statute should be given a reasonable construction with a view to

reaching those undue restraints of interstate trade which are intended to be prohibited and punished."

The fair conclusion is that it is now the settled doctrine of the Supreme Court that only undue or unreasonable restraints of trade are made unlawful by the antitrust act, and that in each instance it is for the court to determine whether the established restraint of trade is a due restraint or an undue restraint.

Whatever may be the opinion of the several members of the committee with respect to the soundness of the rule as now established, the committee as a whole accepts it as the present law of the land. It is profoundly convinced that, in view of the rule and its necessary effect upon the business of the country, the inherent rights of the people, and upon the execution of the statute, it has become imperative to enact additional legislation.

The committee has full confidence in the integrity, intelligence, and patriotism of the Supreme Court of the United States, but it is unwilling to repose in that court, or any other court, the vast and undefined power which it must exercise in the administration of the statute under the rule which it has promulgated. It substitutes the court in the place of Congress, for whenever the rule is invoked the court does not administer the law, but makes the law. If it continues in force, the Federal courts will, so far as restraint of trade is concerned, make a common law for the United States just as the English courts have made a common law for England.

The people of this country will not permit the courts to declare a policy for them with respect to this subject. If we do not promptly exercise our legislative power, the courts will suffer immeasurable injury in the loss of that respect and confidence so essential to their usefulness. It is inconceivable that in a country governed by a written Constitution and statute law the courts can be permitted to test each restraint of trade by the economic standard which the individual members of the court may happen to approve. If we do not speedily prescribe in so far as we can a legislative rule by which to measure the forms of contract and combination in restraint of trade with which we are familiar or which we can anticipate, we cease to be a Government of law and become a Government of men, and, moreover, of a very few men, and they appointed by the President.

It may be that the Supreme Court will be so enlightened and so alert that its opinion respecting what is due and what is undue restraint of trade will be in harmony with an awakened public conscience and a disinterested public judgment, but to fashion our conduct upon that hypothesis is to repudiate the fundamental principles of representative government.

When the commercial development of the country is considered, when the forms of industrial activity are taken into account, it must be admitted by every student of affairs that the policy of the Government with respect to restraints of trade and commerce should remain a judicial question in those cases only in which Congress can not prescribe a definite rule.

In order to look at the subject in the light of illustration, it is suggested that there will presently come before the courts the combination centered in the United States Steel Corporation. In the end nine justices of the Supreme Court will be asked to say whether the restraint of trade brought about through this combination is a due or an undue restraint, and the answer which each justice makes to that question will depend upon his individual opinion as an economist or sociologist, the conclusion of the court being in substance an act of legislation passed by the judicial branch of the Government to fit a particular case.

Further, it is believed by many thoughtful people that a substantial identity in the managing boards of competing corporations constitutes a restraint of trade and is harmful to the public interest. If such a case were brought before the court, what would be the "rule of reason?" What guide would the court have in determining whether such community of directors or managers was a due or an undue restraint of trade?

Again, suppose there were a dozen establishments in a given field of production competing with each other and six of them were to consolidate, employing half of all the capital and advancing the consolidated enterprise to a dominating position in the trade, where would the judge go for light in determining whether the restraint of trade was due or undue? These illustrations might be indefinitely extended, but it would serve no useful purpose to multiply them.

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared however, to say that Congress should, in as far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct. They should be so clear that the business world can understand them and go confidently forward, guided by them.

Not only should such conditions be imposed upon those who are engaged or propose to engage in commerce among the States, but our legislation should further recite certain known forms of combination and declare them to be unlawful because in restrain of trade. With respect to other forms, we should declare that if restraint is established the burden of proof is upon the persons or corporations involved to show that the restraint is reasonable.

These suggestions are not made solely for the better protection of that general body of our citizens, commonly called the people, who must deal with, buy from, and sell to the combinations sought to be regulated, but are made also in the interest of safety and certainty for the men who compose what is ordinarily known as the business community.

There are many forms of combination, and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful; but as the statute is now construed there are many forms of organization, and many other practices that seriously interfere with competition, and are plainly opposed to the public welfare, concerning which it is impossible to predict with any certainty whether they will be held to be due or undue restraints of trade.

The committee does not conceal the difficulty of reaching an agreement concerning the details of the legislation just outlined, but it has no hesitation in reporting that legislation of the general character pointed out is both wise and necessary.

The committee further reports that if the additional legislation, the general scope of which has been pointed out, is enacted it will be very desirable to accompany such legislation with a measure establishing a commission for the better administration of the law and to aid in its enforcement. It may be fairly said that there is need of such a commission, even though the present statute is not supplemented in any manner; but it is apparent that if the new legislation is enacted the need of a commission will become more imperative.

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First. If the Bureau of Corporations were converted into an independent commission composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on, but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, and here is the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired there should be an approval, and in so far as the lawfulness of the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, though administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction, and whatever jurisdiction they now have, or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment.

Respectfully submitted.

ADDITIONAL VIEWS OF MR. POMERENE.

With the report in general I am in accord. But there is one feature of it about which I desire to be more explicit, and that is the paragraph discussing the certainty of the provisions of the Sherman law as applicable to certain cases and its uncertainty as applicable to others.

I approve the view that—

"There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful."

There are other forms of organization and acts which seriously interfere with competition, such as interlocking directories, watering of stock, selling of merchandise in one locality at a less price than in another, and other practices which are so contrary to sound business principles and good morals that they can and should be specifically controlled or prohibited by statute. As to these, in the interest of certainty, there should be other and further legislation. But, whatever may be the additional legislation, there will be many other contracts, combinations, and practices in "undue and unreasonable restraint of trade," which it is impossible for Congress to define by statute, because any attempt to so define them will, in practice, be found to exclude many other contracts, combinations, and practices which are equally inimical to the public good. As to these we must always depend upon the sound wisdom and discretion of courts and juries for relief, just as in the past we have been obliged to trust to their judicial administration.

To illustrate: We know that legislatures and courts have constantly refused to define fraud because the multiplicity of acts and circumstances involved in human affairs make it impossible of definition.

The same may be said with equal truth as to what constitutes "undue or unreasonable restraint of trade."

It is said with a great deal of force that men are not always able to tell in advance whether certain acts are in "undue or unreasonable restraint of trade." But however difficult this may be, it is no reason why they should be left for decision to the selfishness of in-

terested parties uncontrolled by judicial decision under the principles of the common law or under the broad provisions of the Sherman law.

In criminal cases it is often difficult to say in advance whether a given state of facts constitutes a reasonable doubt. But is that a reason why courts and juries should not attempt to say in a specific case whether there was, in fact, a reasonable doubt or not?

In negligence cases it is equally difficult to say whether a given state of facts constitutes contributory negligence on the part of the plaintiff or reasonable care on the part of the defendant. But can this be urged as a reason for not leaving special cases to the judgment of the court and jury?

In my judgment, what is "undue or unreasonable restraint of trade" must, in many cases if not in most cases, be left largely for judicial determination, and sound judgment and good morals will be a sufficient guide for those who are actuated by a proper public spirit rather than by selfish motives.

While I believe there can be some additional legislation along the lines indicated, I am firmly of the opinion that the Sherman law is a clear and certain guide for reasonable men who desire to comply with the law and do not exert themselves to evade its provisions.

ATLEE POMERENE.

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ADDITIONAL VIEWS OF MR. TILLMAN.

The undersigned, after carefully considering the antitrust statute or Sherman law, agrees to the first proposition laid down by the committee contained on the second page of this report, and to that portion of the second proposition beginning with the words "it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations." It would be unwise for Congress to interfere by Federal corporation acts, and he believes it wiser to leave such things where they now are, to the States.

With the third proposition the undersigned is not now prepared to express concurrence, preferring to wait until the specific conditions and regulations contemplated are presented for decision.

He assents to the lucid and masterly exposition in the report of the vacillation of the Supreme Court of the United States, which has made the minority opinions of 15 years ago become the majority opinions now. That powerful tribunal has thus reversed the law on a most important question relative to crimes in connection with trusts and monopolies, and instead of a congressional statute we have judge-made law. These opinions were rendered in lawsuits of all sorts; and thus made by piecemeal, instead of properly explaining and defining the scope of the antitrust law, have made it a judicial question to be decided by the judges trying the case, whether a proven destruction of competition operating as a restraint of trade is to be prohibited and punished because contrary to law, or is to be allowed to go unwhipped of justice because the judges think it is not an "unreasonable" crime, but one which may be permitted.

The undersigned agrees that Congress should legislate so as to destroy any such preposterous and dangerous judicial discretion, because such discretion was never contemplated by the Constitution.

The undersigned is not now prepared to say that a new national commission should be established for the better administration of the antitrust law. He is inclined to believe that we have too many commissions now, composed largely of so-called "lame ducks," both Democrats and Republicans, who have been defeated at the polls and are given these places mainly as a compensation and means of support. He thinks Congress ought to perform its own functions rather than surrender them to commissions thus created by Executive appointment.

He does not assent to the particular language used on any point in the report of the committee, except where he has specifically so stated.

As the committee is not now ready to propose specific measures of legislation, he prefers to wait and to listen to the recommendations of the incoming President of the United States.

B. R. TILLMAN.

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ADDITIONAL VIEWS OF MR. GORE.

I concur in the main body of the report and in the conclusions arrived at, except as to the specific recommendation looking to the establishment of a commission. Upon that recommendation I reserve my judgment for the present. I could not yield my assent to this proposition without first considering both the principles and details of any measure proposing such a commission. My ultimate assent would depend upon the constitution and character of the commission and upon the extent and limitation of its powers and purposes. It may be possible that a commission could with propriety be vested with power to pass upon the form of a proposed organization, but no commission should have authority to grant indulgences as to methods, conduct, and operations of any such organization.

T. P. GORE.

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ADDITIONAL VIEWS OF MR. NEWLANDS.

Whilst I agree with the general conclusion reached by Mr. CUMMINS in his report, I have not been able to study with sufficient care the decisions of the Supreme Court relating to the trusts to enable me to form an independent opinion as to his analysis of them. For years I have contended that if at the time the Sherman Act was passed (the date of its passage being almost contemporaneous with that of the Interstate-commerce act regarding the railroads) we had organized an interstate trade commission similar to the Interstate Commerce Commission, and with somewhat similar powers of investigation and correction, we would have prevented or remedied many of the abuses which have since grown up, and that we would have gradually evolved a system of commercial law, through administrative process, as complete as that which has been built up regarding our system of transportation.

I presented my views relating to this matter at the first hearing of this committee regarding the control of corporations on the 4th day of August, 1911, and on the 16th of November, 1911 (hearings, pp. 1 to 26, inclusive). I then discussed a bill for the organization of an interstate trade commission (Senate bill No. 2941), which was introduced by me on the 5th of July, 1911, and a substitute bill of the same number introduced by me August 21, 1911.

As a result of the additional light shed upon this subject by the hearings, I introduced in the Senate, on February 26, 1912, a bill (Senate bill 5485, 62d Cong., 2d sess.) entitled "A bill to create an interstate trade commission," etc.

Later on, as a result of subsequent consideration, this bill has been amended, and I present it with the alterations as a tentative proposal for criticism and suggestion. The bill as amended is annexed hereto.

Whilst I believe that the Sherman Antitrust Act should not be altered, I believe that it should be supplemented by such legislation as is shown to be necessary by the experience of the time. Such variety of view exists as to what this supplementary legislation shall be that I do not believe early legislation on this line is practicable. But I do believe that all can agree upon an interstate trade commission with powers of investigation and correction, and with the power to aid the courts in the administration of the Sherman Act and other supplementary legislation; and I believe that such a commission should be organized immediately, so that Congress can soon have the benefit of the recommendations which it will make as the result of its experience.

I shall not enter into any labored argument upon this question. I shall simply content myself with quoting from previous utterances in the Senate.

In the Senate, January 11, 1911:

"Mr. NEWLANDS. * * * The railroad commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 21 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption."

In the Senate, May 16, 1911:

"Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinions has been formed, and crystallizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect. * * *

"The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and as the result probably of the inertia and the inaction of Congress has taken upon itself what the dissenting member of this court, Mr. Justice Harlan, declared to be judicial legislation, and has written into the statute words which Congress never put there; and so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.

"The question, therefore, presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.

* * * * * * * *

"* * * What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant, to carry out its will under rules established by it.

"The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

"Now, contrast that action with other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate-commerce act was passed, with reference to interstate trade, to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporation afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up and combinations of capital would have been effected without the abuses which have existed during the past 23 years * * *."

In the Senate, June 22, 1911:

"Mr. NEWLANDS. What is the second one which I suggested? I suggested legislation providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, correction, and recommendation with regard to interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation. This resolution was offered before the recent decision of the Supreme Court regarding the trusts, and I then declared that, whatever might be the decision of that court, the creation of such

a commission was essential. Interstate trade is just as much a part of interstate commerce as interstate transportation. The abuses of interstate trade have become just as great as the abuses of interstate transportation in the past have been. Obviously the teachings of experience lead us to the organization of a commission or board similar to the Interstate Commerce Commission, with a view of taking hold of the great combinations of capital and making them obedient to the law, giving such a commission powers of examination, recommendation, and condemnation similar to those enjoyed by the Interstate Commerce Commission.

"Since that decision the trust managers themselves have seen a great light, and in public examinations have stated that in their judgment the time has come for as complete regulation of corporations engaged in interstate trade as of corporations engaged in interstate transportation. Whether that regulation will ever extend so far as the regulation of the price itself is a matter to be determined in the future, for Congress will be called upon to decide how great these corporations shall be, what the extent of their capital shall be, what number of plants they shall own, and what shall be the extent of their operations. If they conclude to maintain the principle of competition, even though it leads to destruction, there will then, of course, be no necessity of regulating prices. But if they recognize the principle of helpful cooperation instead of destructive competition, then it will be necessary for them in extreme cases to face the question of the regulation of prices just as the prices of any public utility are regulated.

"I do not venture to express an opinion now as to what course should be pursued with reference to this great question, but it is time that the Interstate Commerce Committee of the Senate were entering upon an inquiry of the most important question in economics that has engaged the attention of the country since the railroad question was first presented to it."

Quotation from Mr. NEWLANDS'S statement before the committee on the 15th day of November, 1911 (hearings, p. 25):

"I may later on have something further to lay before this committee regarding this bill; but I wish to state at present that since the bill was introduced there has been a wide discussion throughout the country upon two divergent lines of thought, one insisting upon absolutely free and unrestricted competition as the regulator of corporate business, and the other inclining toward allowing large combinations of capital and applying thereto Government supervision and direction as the prime regulator. It is difficult to say now which of these opposing tendencies should or will ultimately prevail. The bill which I have introduced is, in my judgment, adapted to this undeveloped situation. It will help us to determine which of these theories is the correct one; it will furnish to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It does not affect the operation or the enforcement of the Sherman law; its work of publicity and supervision will tend to promote fair competition and keep equally open to all the highways of commerce. On the other hand, it takes the situation as it is, recognizes that there is a large degree of combination already existing, and makes that condition a subject for supervision, study, and report to Congress. Its frankly tentative character and its moderation recommend it as a step upon which all can unite in doing what is imperatively needed for the present without prejudicing the future.

"I trust that the committee will see the wisdom, without waiting for the end of this investigation, of recommending this tentative measure, which will aid in the final solution of all the pressing questions relating to trade corporations."

APPENDIX.

The following is the Interstate Trade Commission bill as tentatively amended by the Senate Committee on Interstate Commerce:

[S. 5485, Sixty-second Congress, second session.]

A bill to create an Interstate Trade Commission, to define its powers and duties, and for other purposes.

Be it enacted, etc., That this act shall be referred to and cited as the Interstate Trade Commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That there is hereby created a body to be known as the Interstate Trade Commission, which shall consist of three members, of whom no more than two shall belong to the same political party. The commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be three, six, and nine years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of nine years, and shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies shall be filled by like appointment and confirmation for the unexpired term. Each member of said commission shall receive a salary of $10,000 a year. The office of the commission shall be at Washington, in the District of Columbia, but the commission may hold meetings elsewhere when necessary and convenient.

SEC. 3. That the Bureau of Corporations is hereby transferred to and merged in said commission, and all of the powers, duties, records, papers, and funds belonging or pertaining to the Bureau of Corporations shall hereafter belong and pertain to the Interstate Trade Commission, and all the officers and employees of said bureau shall thereupon be officers and employees of the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such clerks, inspectors, examiners, experts, messengers, and other assistants as from time to time may be necessary and as may be appropriated for by Congress.

SEC. 4. That all corporations engaged in commerce among the several States or with foreign nations, excepting common carriers, shall from time to time furnish to the commission such information, statement, and records of their organization, business, financial condition, conduct, and management and the organization, business, financial condition, conduct, and management of their subsidiaries at such time, to such degree and extent, and in such form as may be prescribed by the commission; and the commission at all reasonable times, or its duly authorized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations and their subsidiaries, including the records of any of their executive or other committees. Failure or neglect on the part of any corporation subject to this act, or of any of its subsidiaries, to comply with the terms of this section within such time after written demand shall have been made upon such corporation by the commission requiring such compliance, as shall be fixed by the commission, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

SEC. 5. The information so obtained shall be public records, and the commission shall from time to time make public such information in such form and to such extent as it may deem necessary.

SEC. 6. That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission or alleging a failure to comply with or a violation of any of the provisions of this act by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction or other order enforcing such order of the commission or commanding such corporation, its officers and employees, to comply with the provisions of this act.

SEC. 7. That for the purposes of this act the commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation, or other person, to appear before said commission (and produce books, documents, and papers, if so ordered) and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying.

The tetimony of any witness may be taken at the instance of a party in any proceeding or investigation pending before the commission by deposition at any time after the inquiry is instituted. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such deposition may be taken before any person authorized so to do by the commission and who has power to administer oaths.

Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing.

Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, documents, or other things before this commission or in obedience to the subpœna of the commission whether such subpœna be signed or issued by one or more of the commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it in a proceeding instituted upon its own initiative: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who under oath testify in response to a subpœna of the commission in an inquiry instituted by the commission.

SEC. 8. That the said commission shall, on or before the 1st day of January in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 9. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 10. That in case a final decree shall be issued against any corporation under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, the court entering such decree may, in its discretion, refer to the commission its decree, with instructions to take evidence, consider such facts, and report to the court the findings as to method of dissolution or reorganization as the commission shall consider best fitted to carry out such decree; if a reorganization takes place under a decree, the commission shall inform itself respecting the reorganization, and if it is of the opinion that it is not in harmony with the decree it shall, through counsel, inform the court for such action as the court may take.

SEC. 11. That the said commission may at any time, upon complaint of any person or corporation, or upon its own initiative, or upon the request of the Attorney General, or of the corporation affected, investigate any corporation subject to the provisions of this act for the purpose of determining whether such corporation has been guilty of a violation of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of an "Act to reduce taxation," etc., which became a law August 27, 1894, or of any of the provisions of this act, and may hold such hearings and take such evidence as it may deem necessary; and in case the commission shall find that such corporation has been guilty of a violation of the provisions of said acts or of this act it shall make a finding, stating the facts, and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said acts and of this act, and shall transmit a copy of the said finding in full to such corporation. If within 60 days after transmitting said finding, or such extension thereof as shall be given by the commission, the corporation shall not have complied with the terms of the finding and shall not have performed the acts prescribed as necessary to make it comply with the said acts or with this act, the commission shall report the fact of noncompliance to the Attorney General, together with a copy of such finding, for his action under the said acts or of this act. But the commission may, if it deems it proper, report the facts to the Attorney

General without calling upon such corporation for compliance with said acts or with this act.

Nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the act to protect commerce, etc., approved July 2, 1890.

MINORITY VIEWS.

The undersigned members of the Senate Committee on Interstate Commerce are unable to agree to the report of the majority of the committee on Senate resolution 98, as to "what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce."

While certain features of the report are commendable, there are several conclusions therein which do not accord with our views, and therefore we are prevented from approving the report as a whole.

W. M. CRANE.
FRANK B. BRANDEGEE.
GEORGE T. OLIVER.
HENRY F. LIPPITT.

JENNIE M. ALDRICH.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 469, submitted by Mr. BURNHAM on the 20th instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Jennie M. Aldrich, widow of L. W. Aldrich, late a messenger of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

GERTRUDE WILSON.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 471, submitted by Mr. CRANE on the 21st instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Gertrude Wilson, widow of Washington Wilson, late a laborer of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PROPOSED FINANCIAL INVESTIGATION.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 477, submitted by Mr. PENROSE on the 25th instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to make investigations into internal-revenue, customs, currency, and coinage matters, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary, and to report from time to time to the Senate the result thereof; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the recess or sessions of the Senate during the Sixty-third Congress at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, and to employ such stenographic, clerical, and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

CHARLES H. ARBUCKLE AND BESSIE VON HARTEN.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 453, submitted by Mr. BRISTOW on the 6th instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Charles H. Arbuckle, who served as clerk to the Hon. Kirtland I. Perky, Senator from Idaho, from January 25 to February 6, 1913, the sum of $66.67, being at the rate of compensation now paid to clerks to Senators; and to Bessie Von Harten, who served as stenographer to Senator Perky for the same period, the sum of $40, being at the rate of compensation now paid to stenographers to Senators.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to repeal so much of the act of June 30, 1913, as relates to additional appointments as cadets or cadet engineers in the Revenue-Cutter Service, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. BURTON submitted an amendment proposing to appropriate $10,000 for salaries and expenses of the International Waterways Commission, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,000 to pay Emma Morris, widow of Frank H. Morris, late Auditor of the Treasury for the War Department, who lost his life on December 22, 1900, while in the discharge of his official duties in the Winder Building, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $15,000 toward the construction of a graving dry dock to connect the Delaware River and Reserve Basin, Philadelphia, Pa., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $175,000 for the extension to the depot of supplies, United States Marine Corps, Philadelphia, Pa., including the purchase of site, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $300,000 for the construction or purchase of a testing or wrecking pontoon for submarines, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $5,033.94 to pay balance for rent of temporary quarters at Cleveland, Ohio, for the accommodation of Government officials from October 31 to December 22, 1910, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—MANEUVER GROUND, TULLAHOMA, TENN.

On motion of Mr. LEA, it was—

Ordered, That permission be granted to withdraw from the files of the Senate the original manuscript of Senate Report No. 1303, relating to permanent maneuver ground, Tullahoma, Tenn.

LISTS OF CLAIMS AND JUDGMENTS.

Mr. WARREN. I ask unanimous consent to introduce a resolution calling for the judgments of the local courts, that we may have them in season for the deficiency bill which is about to be written up. I ask for its present consideration.

The resolution (S. Res. 478) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to transmit to the Senate the following schedule and lists of claims and judgments requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS.

Mr. POINDEXTER submitted the following resolution (S. Res. 479), which was ordered to lie on the table and be printed:

Resolved, That the Secretary of the Treasury be directed to report the list of securities which he has authorized to be accepted as security for Government deposits in national bank depositaries and what has actually been accepted as such security; and further, that he be directed to transmit to the Senate copies of all letters, telegrams, or other communications to or from Government officials relating to the recent Treasury Circular No. 5.

IMPORTATION OF TEAS.

Mr. POINDEXTER submitted the following resolution (S. Res. 480), which was ordered to lie on the table and be printed:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate copies of all correspondence, rulings, reports, and orders to or from officials of the Treasury Department during the years 1911 and 1912 relative to the importation into this country of green teas or colored teas and all documents and papers relating thereto in the possession of or under the control of the Secretary of the Treasury, together with a statement showing the importation of green teas into this country during the years 1911 and 1912, by whom imported, and the amount so imported.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

HOUSE BILLS REFERRED.

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 398. Joint resolution to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions, was read twice by its title and referred to the Committee on the District of Columbia.

COURT LIBRARIES FOR NORTHERN DISTRICT OF OHIO.

Mr. BORAH. I ask unanimous consent to submit a report from the Committee on the Judiciary. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district, to report it favorably without amendment, and I submit a report (No. 1325) thereon.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

Mr. BURNHAM. I am not aware as to what this particular report is, but I hope the Senator will not insist upon its present consideration.

Mr. POMERENE. It is not a matter that there will be any discussion about.

Mr. BURNHAM. We have been trying to avoid all matters of that kind.

Mr. POMERENE. Then I suggest that the bill lie on the table for the time being.

The PRESIDENT pro tempore. The bill will lie on the table.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LOUDENSLAGER.

Mr. BRIGGS. I desire to give notice that on March 1 I shall ask the Senate to consider resolutions commemorative of the life and public character of Hon. HENRY C. LOUDENSLAGER, late a Member of the House of Representatives from the State of New Jersey.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 28283, the agricultural appropriation bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. McCUMBER. Mr. President, a word upon that first. We ought to have an understanding as to what we are going to do.

The PRESIDENT pro tempore. The motion is not debatable except by unanimous consent.

Mr. McCUMBER. I ask unanimous consent. I wish to know if we can not at some time take up the calendar, when we can dispose of a few pension bills in time to get them over to the House. They ought to be passed. It is proposed that we shall proceed with the consideration of the appropriation bill rather out of order, as the morning business has not been called. We ought properly to take up the calendar during the morning hour. I fear if we pass over even another day without passing the Senate bills it will be impossible to get them through the House.

Mr. TOWNSEND. I suggest that the Senator ask unanimous consent for their consideration.

Mr. McCUMBER. I intended to do that, but the Senator from New Hampshire made a motion to take up the agricultural appropriation bill.

Mr. BURNHAM. I would be very glad to join the Senator, but this bill has been delayed somewhat. It is one of the most important of our appropriation bills, and I feel that we ought to proceed now with its consideration.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. BURNHAM. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Without objection it is so ordered. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 1, line 10, before the word "Secretary," to insert "There shall be a"; on page 2, line 1, after the word "Agriculture," to strike out "$5,000" and insert "$6,000"; in line 2, after the words "chief clerk," to strike out "$2,000," and insert "$3,000, and $500 additional as custodian of buildings"; in line 8, after the word "clerk," to strike out "$2,000" and insert "$2,250"; in line 10, after the word "each," to insert "six law clerks, at $2,250 each"; in line 11, before the word "law," to strike out "ten" and insert "eight"; in the same line, after the word "each" to strike out "eight" and insert "four"; in line 14, before the word "clerks," to strike out "two" and insert "three"; in line 15, before the word "clerks," to strike out "ten" and insert "nine," and in line 19, after the word "engineer," to strike out "who shall be captain of the watch," so as to read:

Salaries, Office of the Secretary of Agriculture: There shall be a Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $6,000; solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; 1 appointment clerk, $2,250; 1 chief of supply division, $2,000; 1 inspector, $2,750; 1 law clerk, $3,000; 2 law clerks, at $2,500 each; 6 law clerks, at $2,250 each; 1 law clerk, $2,200; 8 law clerks, at $2,000 each; 4 law clerks, at $1,800 each; 3 law clerks, at $1,600 each; 1 special agent on exhibits, $3,000; 1 telegraph and telephone operator, $1,600; 3 clerks, class 4; 6 clerks, class 3; 9 clerks, class 2; 18 clerks, class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 14 messengers or laborers, at $840 each; 10 assistant messengers or laborers, at $720 each; 1 chief engineer, $2,000.

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the word "Secretary" to strike out "$301,120" and insert "$305,070," so as to read:

Total for Office of the Secretary, $305,070.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 3, line 18, before the words "chief of bureau," to strike out "One" and insert "There shall be one"; in the same line, after the words "chief of bureau," to strike out "$4,500" and insert "$6,000"; in line 21, before the words "chiefs of division," to strike out "two" and insert "three," and in the same line, before the word "clerks," to strike out "eight" and insert "seven," so as to read:

Salaries, Weather Bureau: There shall be one chief of bureau, $6,000; one assistant chief of bureau, $3,250; one chief clerk and executive assistant, $3,000; one chief of printing division, $2,500; three chiefs of division, at $2,000 each; seven clerks.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Weather Bureau, on page 4, line 15, before the word "messengers," to strike out "27" and insert "37," and in line 20, after the words "in all," to strike out "$323,260" and insert "$329,460," so as to read:

Six messengers, messenger boys, or laborers, at $660 each; 37 messengers, messenger boys, or laborers, at $600 each; 87 messengers, messenger boys, or laborers, at $480 each; 5 messengers, messenger boys, or laborers, at $450 each; 27 messenger boys, at $360 each; 1 charwoman, $360; 3 charwomen, at $240 each; in all, $329,460.

The amendment was agreed to.

The next amendment was, on page 5, line 24, after the word "employees," to strike out "$585,000" and insert "$590,500," so as to read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $590,500.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "expenses" to strike out "$105,500" and insert "$106,500," so as to read:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, $106,500.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "thereto," to strike out "$42,500" and insert "$43,500," so as to read:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, $43,500.

The amendment was agreed to.

The next amendment was, on page 6, line 10, after the word "grounds," to strike out "$99,000" and insert "$100,000," so as to read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, $100,000.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "service," to strike out "$305,000" and insert "$306,000," so as to read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $306,000.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "men," to strike out "$115,000" and insert "$126,000," so as to read:

For investigations in climatology and evaporation, including the erection of temporary buildings for living quarters for observers, for river, rain, snow, ice, crop, evaporation, aerial, storm, hurricane, and other observations, warnings, and reports, and for pay of special observers and display men, $126,000.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the word "work," to strike out "$40,000" and insert "$50,000," so as to read:

For the acquisition of sites outside of the District of Columbia and the erection thereon of two buildings for use as Weather Bureau observatories, to be constructed under the supervision of the Chief of the Weather Bureau, plans and specifications to be approved by the Secretary of Agriculture, and for all necessary labor, materials, and expenses connected with this work, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 12, after the word "expenses," to strike out "$1,337,250" and insert "$1,367,750," so as to read:

In all, for general expenses, $1,367,750.

The amendment was agreed to.

The next amendment was, on page 7, line 13, after the words "Weather Bureau," to strike out "$1,685,510" and insert "$1,722,210," so as to read:

Total for Weather Bureau, $1,722,210.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 7, line 16, before the words "chief of bureau," to strike out "One" and insert "There shall be one"; in the same line, after the word "bureau," to strike out "$3,000" and insert "$5,000," and in line 17, after the word "clerk," to strike out "$1,500" and insert "$2,750," so as to read:

Salaries, Bureau of Animal Industry: There shall be 1 chief of bureau, $5,000; 1 chief clerk, $2,750.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Animal Industry, on page 8, line 21, after the words "in all," to strike out "$359,250" and insert "$359,500," so as to read:

Eleven charwomen, at $480 each; 4 charwomen, at $360 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $359,500.

The amendment was agreed to.

The next amendment was, on page 11, line 8, after the word "animals," to strike out "$620,000" and insert "$654,000," and in the same line, after the word "*Provided*," to strike out "That of this sum not less than $45,000 shall be set aside for demonstrating the best method of preventing hog cholera" and insert "That of this sum not less than $3,000 may be used for the erection of a superintendent's dwelling on the ground of the United States animal quarantine station for the port of Boston at Littleton, Mass.," so as to read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, $654,000: *Provided*, That of this sum not less than $3,000 may be used for the erection of a superintendent's dwelling on the ground of the United States animal quarantine station for the port of Boston at Littleton, Mass.

The amendment was agreed to.

The next amendment was, on page 12, line 4, after the word "markets," to strike out "$177,900" and insert "$200,000," so as to read:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated butter factories and markets, $200,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

That from and after July 1, 1913, it shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized. That the importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are hereby prohibited. The Secretary of Agriculture is hereby authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous products are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer. That the Secretary of Agriculture be, and hereby is, authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid. The Secretary of Agriculture is hereby authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful. All licenses issued under authority of this act to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of this act, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or affect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals. That any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under this act where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid. That any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended as the Secretary of Agriculture may direct, for the purposes and objects of this act, the sum of $25,000, which appropriation shall become available on July 1, 1913, and may be expended at any time before July 1, 1914.

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the words "general expenses," to strike out "$1,310,446," and insert "$1,394,046," so as to read:

In all, for general expenses, $1,394,046.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

And hereafter the Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 16, line 18, after the word "breeding," to insert "and the exhibition of animals and animal products," so as to read:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, and the exhibition of animals and animal products, including cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, and the experiments in the breeding of horses for military purposes, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $100,000.

The amendment was agreed to.

The next amendment was, on page 17, line 7, after the words "sum of," to strike out "$200,000," and insert "$250,000," so as to read:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June 30, 1906 (36 Stats. L., p. 674), there is hereby appropriated for the fiscal year ending June 30, 1914, the sum of $250,000.

The amendment was agreed to.

The next amendment was, on page 17, line 8, after the words "Animal Industry," to strike out "$1,969,696," and insert "$2,103,546," so as to read:

Total for Bureau of Animal Industry, $2,103,546.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 17, line 12, before the words "plant physiologist," to strike out "One" and insert "There shall be one"; in line 14, after the word "distribution," to strike out "$2,250" and insert "$2,500"; in line 15, after the word "publications," to strike out "$2,000" and insert "$2,250"; in line 16, after the word "records," to strike out "$2,000" and insert "$2,100"; and in line 18, before the word "executive," to strike out "three" and insert "four," so as to read:

Salaries, Bureau of Plant Industry: There shall be one plant physiologist and pathologist, who shall be chief of bureau, $5,000; one chief clerk, $2,500; one executive assistant in seed distribution, $2,500; one officer in charge of publications, $2,250; one landscape gardener, $1,800; one officer in charge of records, $2,100; one superintendent of seed weighing and mailing, $2,000; one executive clerk, $2,250; four executive clerks, at $1,980 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Plant Industry, on page 18, line 1, before the word "messengers," to strike out "thirty-six" and insert "twenty-eight"; in the same line, after the word "messengers," to strike out "gardeners"; in line 13, after "$600," to strike out "one gardener" and insert "two gardeners, at"; in line 14, after "$1,440," insert "each"; in line 15, before the word "gardeners," to strike out "two" and insert "four"; in the same line, after the word "each," to strike out "one gardener" and insert "eight gardeners, at"; in line 16, after "$1,100," insert "each"; in line 17, before the word "gardeners," to strike out "two gardeners or assistants, at $1,000 each; seven" and insert "fifteen"; in line 18, before the word "gardeners," to strike out "four gardeners, at $840 each; four" and insert "nineteen"; in line 20, before the words "one skilled laborer," to strike out "eight gardeners, at $720 each; five gardeners, at $660 each; two gardeners at $600 each"; in line 21, before the word "skilled," to strike out "four" and insert "three"; in the same line, after the word "laborers," to strike out "or gardeners"; and on page 19, line 7, after the words "in all," to strike out "$418,920" and insert "$429,420," so as to read:

Twenty-four clerks, at $840 each; 15 clerks, at $720 each; 28 messengers or laborers, at $720 each; 11 messengers, messenger boys, or laborers, at $660 each; 20 messengers, messenger boys, or laborers, at $600 each; 1 artist, $1,620; 1 clerk or artist, $1,200; 1 assistant in illustrations, $840; 1 photographer, $1,400; 1 photographer, $1,200; 1 photographer, $900; 1 laboratory aid, $1,440; 1 laboratory aid, $1,380; 3 laboratory aids, at $1,200 each; 1 laboratory aid, $1,080; 2 laboratory aids, at $1,020 each; 5 laboratory aids, at $840 each; 8 laboratory aids, at $720 each; 6 laboratory aids, at $600 each; 1 laboratory apprentice, $720; 2 map tracers, at $720 each; 1 map tracer, $600; 2 gardeners, at $1,440 each; 4 gardeners, at $1,200 each; 8 gardeners, at $1,100 each; 15 gardeners, at $900 each; 19 gardeners, at $780 each; 1 skilled laborer, $960; 1 skilled laborer, $900; 3 skilled laborers, at $840 each; 1 assistant in technology, $1,400; 1 assistant in technology, $1,380; 1 mechanical assistant, $1,200; 1 blacksmith, $900; 1 carpenter, $900; 1 painter, $900; 1 teamster, $840; 1 teamster, $600; 19 laborers, at $540 each; 24 laborers, messengers, or messenger boys, at $480 each; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $360 each; 2 laborers, at $420 each; 8 charwomen, at $240 each; 8 messenger boys, at $360 each; 3 messenger boys, at $300 each; in all, $429,420.

The amendment was agreed to.

The next amendment was, on page 20, line 8, after the word "thereof," to strike out "$30,380" and insert "$35,740," so as to read:

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $35,740.

The amendment was agreed to.

The next amendment was, on page 20, line 14, after the word "selection," to strike out "$33,300" and insert "$43,300," so as to read:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton by cultural methods, breeding, and selection, $43,300.

The amendment was agreed to.

The next amendment was, on page 20, line 22, after the word "thereto," to strike out "$26,000" and insert: "$46,120: *Provided*, That of the sum thus appropriated, not to exceed $6,000 may be used in cooperation with textile schools for testing the tensile strength and bleaching qualities of the different grades of cotton as standardized by the Government," so as to read:

For investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, $46,120: *Provided*, That of the sum thus appropriated, not to exceed $6,000 may be used in cooperation with textile schools for testing the tensile strength and bleaching qualities of the different grades of cotton as standardized by the Government.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "thereof," to strike out "$65,000" and insert "$75,640," so as to read:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $75,640.

The amendment was agreed to.

The next amendment was, on page 21, line 7, after the word "authorized," to strike out "$18,000" and insert "$23,655," so as to read:

For biophysical investigations in connection with the various lines of work herein authorized, $23,655.

The amendment was agreed to.

The next amendment was, on page 21, line 24, after the word "production," to strike out "$25,000" and insert "$35,000," so as to read:

For the investigation and improvement of forage crops and methods of forage-crop production, $35,000.

The amendment was agreed to.

The next amendment was, on page 22, line 20, after the word "conditions," to strike out "$125,000" and insert "$130,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph," so as to read:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $130,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph.

The amendment was agreed to.

The next amendment was, on page 23, line 8, after the word "regions," to strike out "$73,000" and insert "$78,000," so as to read:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $78,000.

The amendment was agreed to.

Mr. JONES. Mr. President, referring to items preceding the one now reached, the appropriation of $375,000, "to investigate and encourage the adoption of improved methods of farm management and farm practice, and for farm demonstration work," I offered an amendment, or, rather, had one referred to the committee, increasing the appropriation to $600,000. I did that because I found out by investigation at the department that the requests for work of this character and for agents to illustrate detailed farm management were far more than the department with the present appropriation were able to comply with. I was informed at the department that they were taking care of about 150 requests of this character, and that about 270 had come in. I was led to look into this matter because of the requests from my State, especially in the first section, for cooperation with the local authorities by the Agriculture Department, and the department informed me that they were unable to comply with these requests. I should like to have the Senator in charge of the bill explain why this appropriation was not increased somewhat.

Mr. BURNHAM. The amendment suggested in the statement of the Senator from Washington was very carefully considered by the committee. The amount in the item, $375,000, corresponds to the same amount in the next item—the appropriation of $375,000 for farmers' cooperative demonstration and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil. It was thought that the amount was sufficient for the department. The committee understood from the department that the appropriation in the two items is substantially all that could be taken care of.

I wish to call attention to the fact that last year the appropriation was $300,000 for improved farm management and the committee increased that $75,000, making it $375,000. These

two items are considered together and have a corresponding purpose. The amount has been increased very largely in the last two or three years for this particular character of appropriation, and the committee thought that the amount allowed here was all that the department could handle.

Mr. JONES. I should like to ask the Senator why these two items occur separately? Why are they not put in the same item—because I would judge by the language that the work is very much the same?

Mr. BURNHAM. Mr. President, that question has come to the committee, and inquiry has been made of the department. The committee understands from the department that while the work corresponds in a degree, yet, with the organization, the department has divided up the work in such a way that it is not convenient to make the change.

Mr. JONES. Is it not a fact that a very large proportion of the second item is used in connection with the boll weevil work?

Mr. BURNHAM. I think that in the beginning the appropriations for meeting the ravages of the cotton boll weevil were largely devoted to the cotton boll weevil, but since then the demonstration work has broadened out in the South until it has come to embrace considerably more than the cotton boll weevil.

Mr. JONES. Is it not a fact that the appropriation is largely used in States that are affected by the boll weevil or that are likely to be affected by it?

Mr. BURNHAM. That may be so; but though the work has been carried on against the boll weevil, considerable sums have been expended outside of those States.

Mr. JONES. My understanding has been that that amount has been almost, if not exclusively, used in those States and sections, so that none of it is available for general farm demonstration work throughout the different sections of the country.

Mr. BURNHAM. Mr. President, while I have an impression that quite a large part of it has been devoted to stay the ravages of the cotton-boll weevil, yet a substantial part has been devoted to other purposes; but how it has been divided I can not say.

Mr. JONES. I have no doubt that the money is well used, and I do not object; but I should like to have a larger amount of money so that general farm-demonstration work in the different States of the Union can be carried on. I know the demands upon the committee; I know the committee has considered this matter very carefully, and that they have probably given all they felt they ought to give in this bill. I am not complaining at the action of the committee, and I am not going to offer an amendment to increase this amount, but I should like to see a more liberal appropriation made that could be used, and would be used, throughout the States generally for the purpose of improving farm methods, because I do not believe that we can expend money in any manner better than in improving farm methods and the methods of farm management.

Mr. SMITH of Georgia. Mr. President, if the chairman will allow me, I should like also to say to the Senator from Washington [Mr. JONES] that we have pending a bill which provides for large appropriations to be handled through the local authorities—the State colleges of agriculture—for demonstration work.

Mr. TOWNSEND. May I ask the Senator from Georgia if there is any probability of getting that bill out of the committee?

Mr. SMITH of Georgia. Yes; we are going to have another meeting to-day, and are going to try to do so; but, if we do not, we will have to come back to the Senate and lay the situation before it. The matter would still be in the hands of the Senate. I am seeking to urge upon the House conferees some concessions that they can put through, and I still have a hope that we may obtain them. Whether we do or not, however, I think we may confidently rely in the very near future upon the passage of a bill which will provide for a large appropriation, to be duplicated by the States, to be used in each one of the States, through the State colleges of agriculture, for farm-demonstration work. I hope that we may pass it at this session; but, if we do not, the matter will certainly come up afterwards at the next session. The House is committed to it, and I think the Senate is also. So I feel sure that the distribution will take place and that the work which the Senator from Washington advocates will proceed upon even a much broader plan than it has in the past. I think he can confidently rely upon that, and I most earnestly advocate it. I believe the Department of Agriculture thought we were giving them all that they, from a central organization, could successfully handle with their present system.

Mr. BURNHAM. Mr. President, I desire to say that the committee felt like making as large an appropriation as they would be justified in making, but the increase of $75,000 in this item and the increase of a large amount in the next item was all that they felt ought to be made at present. The department assured the committee that the amount allowed was all that they could reasonably care for at this time.

Mr. JONES. Mr. President, with reference to the suggestion of the Senator from Georgia [Mr. SMITH], I earnestly hope that the committee of conference will be able to get together on the measure to which he refers. I can see no reason why it should not do so. The Senate and the House both concur in a certain portion of that bill, and it seems to me that, with reasonable concessions, we ought to get a good measure and pass it at this session.

I find this situation: Several localities in my State would like to have somebody to work with them in the matter provided for in the first paragraph here, the adoption of improved methods of farm management, and so forth. They have made their application to the department, but the department has said that, with the work in hand and the present appropriations, it could not comply with those requests. Those localities are ready to put up money practically to pay the salary of the man whom the department will furnish, if the department will furnish the man. We ought to be able to do that. Furthermore, those localities ought not be required to pay all of this amount. That was the reason I had urged that this appropriation should be increased. Now, it appears that a considerable increase has been made over last year. I know the committee has done the best it could and the best that it felt that it ought to do, and I am not going to urge a further increase; but I do hope that, with the increase made, the Agricultural Department will find it possible to meet some of the requests, at any rate.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 23, line 12, after "$92,000," to strike out "*Provided*, That $5,000 of the amount hereby appropriated may be set aside and used in the investigation and improvement of the pecan industry," so as to read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, packing, storing, handling, and shipping, and for experimental shipments of fruits within the United States and to foreign countries, $92,000.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the word "houses," to strike out "$12,410" and insert "$11,690," so as to read:

To cultivate and care for experimental gardens and grounds, manage and maintain conservatories, greenhouses, and plant and fruit propagating houses, $11,690.

The amendment was agreed to.

The next amendment was, on page 24, line 2, after the word "subjects," to strike out "$40,000" and insert "$50,960," so as to read:

For horticultural investigations, including the study of producing, handling, shipping, and marketing truck and related crops, including the continuance of the potato and sugar-beet seed work provided for in the agricultural act of August 10, 1912 (37 Stat. L., p. 301), and the study of landscape and vegetable gardening, floriculture, and related subjects, $50,960.

The amendment was agreed to.

The next amendment was, on page 24, after line 13, to insert:

For continuing the study of rice production and investigating the acclimatization, adaptation, cultivation, irrigation, and development of high-yielding types of rice, and for experimenting with new methods of controlling red rice, and for developing and putting into practice the methods of control already discovered, $10,000.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the words "general expenses," to strike out "$1,892,245" and insert "$1,989,260," so as to read:

In all, for general expenses, $1,989,260.

The amendment was agreed to.

The next amendment was, in the item of appropriation for purchase and distribution of valuable seeds, on page 25, line 11, after the word "elsewhere," to strike out "$296,000" and insert "$295,100," and in line 12, after the word "than," to strike out "$257,000" and insert "$256,100," so as to read:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $295,100, of which amount not less than $256,100 shall be allotted for congressional distribution.

The amendment was agreed to.

The next amendment was, on page 27, line 23, after the words "Plant Industry," to strike out "$2,607,165," and insert "$2,713,780," so as to read:

Total for Bureau of Plant Industry, $2,713,780.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 28, line 2, before the word "Forester," to strike out "One" and insert "There shall be one"; in line 3, after the word assistant," to strike out "2,000" and insert "2,250"; in line 16, after the word "auditor," to strike out "$1,800" and insert "$2,000"; and in line 17, before the word "clerks," where it occurs the second time, to strike out "eleven" and insert "fourteen," so as to read:

Salaries, Forest Service: There shall be one Forester, who shall be chief of bureau, $5,000; 1 administrative assistant, $2,250; 1 forest supervisor, $2,700; 1 forest supervisor, $2,600; 5 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 48 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 10 forest supervisors, at $1,600 each; 4 deputy forest supervisors, at $1,700 each; 27 deputy forest supervisors, at $1,600 each; 31 deputy forest supervisors, at $1,500 each; 18 deputy forest supervisors, at $1,400 each; 2 forest rangers, at $1,500 each; 21 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 286 forest rangers, at $1,200 each; 690 assistant forest rangers, at $1,100 each; 1 property auditor $2,000; 1 clerk, $2,100; 3 clerks, at $2,000 each; 14 clerks, at $1,800 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Forest Service, on page 30, line 1, after the words "in all," to strike out "$2,235,960" and insert "$2,241,810," so as to read:

In all, $2,241,810.

The amendment was agreed to.

The next amendment was, on page 38, line 24, after "$3,800," to insert "and not to exceed $2,000 may be expended in the erection of a headquarters building," so as to read:

Wichita National Forest, Okla., $3,800, and not to exceed $2,000 may be expended in the erection of a headquarters building.

The amendment was agreed to.

The next amendment was, on page 40, line 19, after the word "equipment," to strike out "$155,000" and insert "$168,000," so as to read:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments, and equipment, $168,000.

The amendment was agreed to.

The next amendment was, on page 41, line 2, after the word "products," to strike out "$120,000" and insert "$170,000," so as to read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, $170,000.

The amendment was agreed to.

The next amendment was, on page 41, line 5, after the word "means," to strike out "$20,180" and insert "$25,820," so as to read:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, $25,820.

The amendment was agreed to.

The next amendment was, on page 42, line 5, after "$400,000," to insert "*Provided*, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines," so as as to read:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $400,000: *Provided*, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines.

The amendment was agreed to.

The next amendment was, on page 42, line 22, before the words "per cent," to strike out "ten" and insert "twenty," so as to read:

That an additional 20 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The amendment was agreed to.

Th next amendment was, on page 43, line 8, after the words "general expenses," to strike out "$3,110,299" and insert "$3,198,939," so as to read:

In all, for general expenses, $3,198,939.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to insert:

That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to insert:

That hereafter the employees of the Forest Service who are assigned to permanent duty in Alaska may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year.

The amendment was agreed to.

The next amendment was, on page 44, line 4, after the words "Forest Service," to strike out "$5,346,259" and insert "$5,440,749," so as to read:

Total for Forest Service, $5,440,749.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Chemistry," on page 44, line 6, after the word "Chemistry," to insert "there shall be one chemist, who shall be chief of bureau, $5,000"; in line 7, before the word "chief," to strike out "One" and insert "one"; in line 15, before the word "food," to strike out "ten" and insert "thirteen"; in line 16, before the word "food," to strike out "fourteen" and insert "thirteen"; in line 17, before the word "food," to strike out "thirteen" and insert "eleven"; and on page 45, line 9, after the words "in all," to strike out "$272,860" and insert "$273,860," so as to read:

Salaries, Bureau of Chemistry: There shall be 1 chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; 1 supervising clerk, $2,500; 1 executive clerk, $2,000; 7 clerks, class 4; 9 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 22 clerks, at $900 each; 1 clerk, $840; 1 chief food and drug inspector, $3,000; 1 food and drug inspector, $2,250; 13 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 4 food and drug inspectors, at $1,400 each; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 2 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; two laboratory helpers, at $780 each; 20 laboratory helpers, messengers, or laborers, at $720 each; 2 laboratory helpers, messengers, or laborers, at $660 each; 26 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 tool maker, $1,200; 1 sampler, $1,200; 1 janitor, $1,020; 1 student assistant, $300; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 1 messenger boy or laborer, $360; 6 charwomen, at $240 each; in all, $273,860.

The amendment was agreed to.

The next amendment was, on page 46, line 1, after the word "agriculture," to strike out "$65,000" and insert "$70,000," so as to read:

For conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture, $70,000.

The amendment was agreed to.

The next amendment was, on page 46, line 6, after the word "work," to strike out "$35,000" and insert "$40,000," so as to read:

For collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, $40,000.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the word "expenses," to strike out "$104,280" and insert "$114,280," so as to read:

In all, for general expenses, $114,280.

The amendment was agreed to.

The next amendment was, on page 47, line 5, after the words "District of Columbia," to strike out "$675,000" and insert "$700,000," so as to read:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia, $700,000.

The amendment was agreed to.

The next amendment was, on page 47, line 6, after the words "Bureau of Chemistry," to strike out "$1,052,140" and insert "$1,088,140," so as to read:

Total for Bureau of Chemistry, $1,088,140.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 47, line 9, before the words "soil physicist," to strike out "One" and insert "There shall be one"; in line 13, before the word "clerks," where it occurs the first time, to strike out "eight" and insert "nine"; in line 24, after "$1,800," to insert "one soil cartographer, $1,600"; in line 16, before the word "draftsmen," to strike out "three" and insert "four"; and in line 19, after the words "in all," to strike out "$52,420" and insert "$56,420," so as to read:

Salaries, Bureau of Soils: There shall be one soil physicist, who shall be chief of bureau, $4,000; one chief clerk, $2,000; one executive assistant, $2,000; three clerks, class 4; two clerks, class 3; four clerks, class 2; one clerk, $1,260; nine clerks, class 1; four clerks, at $1,000 each; three clerks, at $900 each; one soil cartographer, $1,800; one soil cartographer, $1,600; one soil bibliographer, $1,400; one photographer, $1,200; four draftsmen, at $1,200 each; one draftsman, $1,000; one messenger, $840; three messengers, messenger boys, or laborers, at $480 each; one laborer, $600; one laborer, $300; one charwoman or laborer, $480; in all, $56,420.

The amendment was agreed to.

The next amendment was, on page 48, line 24, after the word "determine," to strike out "a"; in the same line, after the word "possible," to strike out "source" and insert "sources"; in the same line, after the word "supply," to insert "and methods of utilization"; and on page 49, line 1, after the word "other," to strike out "natural fertilizers, $25,000," and insert "fertilizer material, $35,000," so as to read:

For exploration and investigation within the United States to determine possible sources of supply and methods of utilization of potash, nitrates, and other fertilizer material, $35,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to insert:

For the investigation of the relation of soils to drainage and seepage waters, $5,000.

The amendment was agreed to.

The next amendment was, on page 49, line 7, after the word "investigations," to strike out "$175,000" and insert "$195,000," so as to read:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $195,000.

The amendment was agreed to.

The next amendment was, on page 49, line 13, after the words "general expenses," to strike out "$280,400" and insert "$315,400," so as to read:

In all, for general expenses, $315,400.

The amendment was agreed to.

The next amendment was, on page 49, line 14, after the words "Bureau of Soils," to strike out "$332,820" and insert "$371,820," so as to read:

Total for Bureau of Soils, $371,820.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 49, line 16, after the word "Entomology," to insert "There shall be one entomologist, who shall be chief of bureau, $4,500"; in line 17, after "$4,500," to strike out "one executive assistant, $2,250," and insert "one chief clerk, $2,500"; in line 18, after "$2,500," to strike out "one chief clerk, $1,800," and insert "one executive clerk, $2,000"; in line 20, before the words "class four," to strike out "one clerk" and insert "two clerks"; on page 50, line 4, before the word "one," where it occurs the second time, to strike out "one mechanic, $750," and in line 6, after the words "in all," to strike out "$59,910" and insert "$61,410," so as to read:

Salaries, Bureau of Entomology: There shall be one entomologist, who shall be chief of bureau, $4,500; one chief clerk, $2,500; one executive clerk, $2,000; two clerks, class 4; three clerks, class 3; six clerks, class 2; five clerks, class one; six clerks, at $1,000 each; one superintendent of moth work, $2,750; one entomological assistant, $1,800; two entomological draftsmen, at $1,400 each; one entomological draftsman, $1,080; four foremen, at $1,080 each; two entomological preparators, at $840 each; one entomological preparator, $720; six entomological preparators, at $600 each; one messenger, $840; two messengers or laborers, at $720 each; one mechanic, $840; one laborer, $540; two charwomen, at $480 each; one charwoman, $240; in all, $61,410.

The amendment was agreed to.

The next amendment was, on page 50, line 21, before the word "nuts," to insert "and," and in the same line, after the word "nuts," to strike out "etc., including investigations of the pear thrips, cranberry insects, and apple maggots, $45,000," and insert "including insects affecting the apple, pear, peach, plum, cherry, grape, cranberry, pecan, walnut, etc., $50,000," so as to read:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, including insects affecting the apple, pear, peach, plum, cherry, grape, cranberry, pecan, walnut, etc., $50,000.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the words "and so forth," to strike out "$80,000" and insert "$90,000, of which amount not to exceed $10,000 shall be expended for the investigation of the range caterpillar," so as to make the clause read:

For investigations of insects affecting cereal and forage plants, including insects affecting wheat, corn, oats, rye, barley, alfalfa, clover, etc., $90,000, of which amount not to exceed $10,000 shall be expended for the investigation of the range caterpillar.

The amendment was agreed to.

The next amendment was, on page 51, line 9, after the word "forests," to strike out "$44,750" and insert "$50,000," so as to read:

For investigations of insects affecting forests, $50,000.

The amendment was agreed to.

The next amendment was, on page 51, line 15, after the words "bee culture," to strike out "$15,000" and insert "$16,000," so as to read:

For investigations in bee culture, $16,000.

The amendment was agreed to.

The next amendment was, on page 51, line 18, after the words "and so forth," to strike out "$21,500" and insert "$25,000," so as to read:

For investigations of insects affecting tropical and subtropical fruits, including insects affecting the orange, lemon, grapefruit, mango, etc., $25,000.

The amendment was agreed to.

The next amendment was, on page 51, line 25, after the word "machinery," to strike out "$30,000" and insert "$55,000; *Provided*, That $25,000 of said sum shall be expended in investigating the Rocky Mountain spotted-fever tick," so as to read:

For investigations of miscellaneous insects, including the study of insects affecting the health of man and domestic animals, household insects, the importation and exchange of useful insects, and experiments with insecticides and insecticide machinery, $55,000: *Provided*, That $25,000 of said sum shall be expended in investigating the Rocky Mountain spotted-fever tick.

The amendment was agreed to.

The next amendment was, on page 52, line 3, after the words "general expenses," to strike out "$356,250" and insert "$406,000," so as to read:

In all, for general expenses, $406,000.

The amendment was agreed to.

The next amendment was, on page 52, line 14, after the words "Bureau of Entomology," to strike out "$716,160" and insert "$767,410," so as to read:

Total for Bureau of Entomology, $767,410.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Biological Survey," on page 52, line 17, before the word "biologist," to strike out "One" and insert "There shall be one"; in line 18, after the word "clerk," to strike out "$1,800" and insert "$2,000"; in line 19, after the word "preservation," to strike out "$2,000" and insert "$2,250"; and in line 25, after the words "in all," to strike out "$29,740" and insert "$30,190," so as to read:

Salaries, Bureau of Biological Survey: There shall be 1 biologist, who shall be chief of bureau, $3,500; 1 chief clerk, $2,000; 1 assistant in game preservation, $2,250; 2 clerks, class 3; 3 clerks, class 2; 4 clerks, class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger, $720; 1 photographer, $1,300; 1 game warden, $1,200; 1 draftsman, $900; 1 messenger, messenger boy, or laborer, $480; 1 laborer, $600; 1 charwoman, $240; in all, $30,190.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

For the establishment and maintenance of a winter elk refuge in the State of Wyoming, $5,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to include in said refuge and to inclose not more than 1,000 acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge.

The amendment was agreed to.

The next amendment was, on page 54, line 16, after the word "marten," to strike out "$55,000" and insert "$60,000," so as to read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $60,000, of which sum $15,000 shall be used for the destruction of ground squirrels on the national forests.

The amendment was agreed to.

The next amendment was, on page 54, line 22, after the word "zones," to strike out "$15,000" and insert "$20,000," so as to read:

For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life and crop zones, $20,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 22, to insert:

For the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced

within the boundaries of the Sullys Hill National Park in the State of North Dakota, to be used as a permanent national range for elk, deer, and such other game animals and birds as may be placed therein, $10,000, to be available until expended, and the Secretary of Agriculture is authorized to inclose the said game preserve with a good and substantial fence, to construct thereon all necessary sheds, buildings, and corrals for the proper care and maintenance of the animals, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals placed therein.

The amendment was agreed to.

The next amendment was, on page 55, line 17, after the words "general expenses," to strike out "$121,000" and insert "$146,000," so as to read:

In all, for general expenses, $146,000.

The amendment was agreed to.

The next amendment was, on page 55, line 18, after the words "Biological Survey," to strike out "$150,740" and insert "$176,190," so as to read:

Total for Bureau of Biological Survey, $176,190.

The amendment was agreed to.

The next amendment was, under the head of "Division of Accounts and Disbursements," on page 55, line 21, after the word "Disbursements," to strike out "one" and insert "There shall be one chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000"; in line 24, before the word "assistant," to insert "one"; on page 56, line 3, after the words "chief clerk," to strike out "$2,000" and insert "$2,250"; in line 6, before the word "clerk," where it occurs the first time, to strike out "eleven" and insert "twelve"; and in the same line, before the word "clerks," where it occurs the second time, to strike out "eighteen" and insert "seventeen," so as to read:

Salaries, Division of Accounts and Disbursements: There shall be 1 chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000; 1 assistant chief of division, $2,750; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 supervising auditor, $2,250; 1 auditor, $2,000; 1 cashier and chief clerk, $2,250; 1 deputy disbursing clerk, $2,000; 2 accountants and bookkeepers, at $2,000 each; 2 clerks, class 4; 12 clerks, class 3; 17 clerks, class 2; 9 clerks, class 1; 4 clerks, at $1,000 each; 5 clerks, at $900 each; 1 custodian of records and files, $1,400; 1 messenger, $720; 1 messenger or messenger boy, $600.

The amendment was agreed to.

The next amendment was, on page 56, line 11, after the word "Disbursements," to strike out "$104,170" and insert "104,370," so as to read:

Total for Division of Accounts and Disbursements, $104,370.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 56, line 15, before the word "editor," to strike out "one" and insert "there shall be one"; in line 18, before the word "each,' to strike out "$1,800" and insert "$2,000"; in line 18, before the word "each," where it occurs the second time, to strike out "$1,600" and insert "$1,800"; in line 19, after the words "assistant editor," to strike out "$1,500" and insert "$1,600"; in line 21, after the word "illustrations," to strike out "$2,000" and insert "$2,250"; and in line 22, after the word "photographer," to strike out "$1,500" and insert "$1,600," so as to read:

Salaries, Division of Publications: There shall be one editor, who shall be chief of division, $3,250; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,250; 1 draftsman or photographer, $1,600.

The amendment was agreed to.

The next amendment was in the item of appropriation for salaries, Division of Publications, on page 57, line 3, after "$1,500," to insert "one assistant foreman, miscellaneous distribution, $1,100; one foreman, Farmers' Bulletin distribution, $1,500"; in line 6, after "$1,400," insert "one forewoman, $1,200"; in line 7, after the word "three," to insert "three clerks, class 2"; in the same line, before the word "clerks," to strike out "seven" and insert "five"; in line 10, before the word "skilled," to strike out "nine" and insert "twenty"; in line 12, before the word "skilled," to strike out "sixteen" and insert "twenty-six"; in the same line, after "$1,000," to insert "one assistant chief folder, $960"; in line 13, before the word "folders," strike out "two" and insert "three"; in line 14, after "$1,100," to strike out "one skilled laborer, $1,000" and insert "two skilled laborers, at $1,000 each"; in line 16, before the word "messengers," strike out "two" and insert "four"; in line 20, after "$840," to insert "one laborer, $660"; and in line 22, after the words "in all," to strike out "$165,010" and insert "$190,280," so as to read:

One foreman, miscellaneous distribution, $1,500; 1 assistant foreman, miscellaneous distribution, $1,100; 1 foreman, Farmers' Bulletin distribution, $1,500; 1 forewoman, $1,400; 1 forewoman, $1,200; 1 clerk, class 3; 3 clerks, class 2; 5 clerks, class 1; 13 clerks, at $1,000 each; 41 clerks, at $900 each; 21 clerks, at $840 each; 1 skilled laborer, $900; 20 skilled laborers, at $840 each; 13 skilled laborers, at $780 each; 26 skilled laborers, at $720 each; 1 chief folder, $1,000; 1 assistant chief folder, $960; 3 folders, at $900 each; 1 skilled laborer, $1,100; 2 skilled laborers, at $1,000 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 1 laborer, $660; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all $190,280.

The amendment was agreed to.

The next amendment was, on page 58, line 3, after the word "machinery," to insert "for addressing and mailing documents," and in line 4, after the word "supplies," to strike out "$1,500" and insert "$3,000," so as to read:

For labor-saving machinery for addressing and mailing documents, including necessary supplies, $3,000.

The amendment was agreed to.

The next amendment was, on page 58, line 5, after the word "materials," to strike out "$6,000" and insert "$11,500," so as to read:

For envelopes, stationery, and materials, $11,500.

The amendment was agreed to.

The next amendment was, on page 58, line 12, after the word "same," to strike out "$500" and insert "$1,000," so as to read:

For wagons, bicycles, horses, harness, and maintenance of the same, $1,000.

The amendment was agreed to.

The next amendment was, on page 58, line 16, after the words "general expenses," to strike out "$18,250" and insert "$25,750," so as to read:

In all, for general expenses, $25,750.

The amendment was agreed to.

The next amendment was, on page 58, line 17, after the words "Division of Publications," to strike out "$183,260" and insert "$225,030," so as to read:

Total for Division of Publications, $225,030.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Statistics," on page 58, line 21, before the words "assistant statistician," to strike out "One" and insert "There shall be one statistician, who shall be chief of bureau, $4,000; one," so as to read:

Salaries, Bureau of Statistics: There shall be one statistician, who shall be chief of bureau, $4,000; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300 each; 17 clerks, class 1; 17 clerks, at $1,000 each; 21 clerks, at $900 each; 2 messengers, at $840 each; 2 messengers or laborers, at $720 each; 2 messengers, messenger boys, or laborers, at $660 each; 1 messenger or messenger boy, $480; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $115,380.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

That hereafter there shall be in the Bureau of Statistics, in the Department of Agriculture, a division to be known as the Division of Markets. The chief of said division shall receive a salary of $4,000 per annum, and the assistant chief a salary of $2,500 per annum. There shall also be in said division such special agents, clerks, and other employees as may be necessary to fulfill the duties thereof in or out of the District of Columbia.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from New Hampshire to the fact that this amendment is printed in sections, and the section number and the word "That" should be stricken out in each case.

Mr. BURNHAM. Yes.

The SECRETARY. It is proposed to strike out the section number and the word "That" at the beginning of each paragraph of the amendment.

The amendment to the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 60, after line 4, to insert the following:

The Chief of the Bureau of Statistics shall have power and authority to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation as to the systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States and in foreign countries, and shall collect data in reference thereto. The information and data thus collected shall be distributed to farmers, farmers' organizations, and societies of consumers throughout the various agricultural sections of the country and made available for the use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of said bureau. It shall also be the duty of said Chief of the Bureau of Statistics to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation of demands for farm products in various trade centers and the current movement of such products, giving specific data as to the supply, normal demand, and price thereof, with the view of

furnishing information as to the best available markets, which information shall be distributed under the direction of the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert the following:

It shall be the duty of the Chief of the Bureau of Statistics to collect, through the said Division of Markets, by any expeditious method, as by telegraph, telephone, mail, or otherwise, compile, and report to farmers, farmers' organizations, and societies of consumers daily bulletins or telegraphic reports of such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at a minimum cost: *Provided*, That when such reports or statistics are requested to be furnished by telegraph or telephone, or methods other than the United States mail, the person or association making such request must advance the fee for the cost of transmission, which shall be deposited to the appropriation for the maintenance of the said Division of Markets. It shall be the duty of the Secretary of Agriculture to make an annual report to Congress regarding the work of the said Division of Markets, with any recommendations that may enable Congress to enact any additional necessary legislation.

The amendment was agreed to.

The next amendment was, on page 61, after line 20, to insert the following:

The Secretary of Agriculture shall make all necessary arrangements for offices and supplies for the use of said Division of Markets, including office equipment, rent in or out of the District of Columbia, stationery, telegraphing, and all other necessary expenses. The compensation of clerks and employees not otherwise specifically provided for in this act shall be fixed by the Secretary of Agriculture subject to the restrictions of existing law.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert the following:

The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of such division, to be available during the fiscal year ending June 30, 1914.

The amendment was agreed to.

Mr. BURNHAM. Mr. President, I understand the word "section," as it occurs in four places, has been stricken out?

The PRESIDENT pro tempore. It has been stricken out.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 62, line 8, after the words "Bureau of Statistics," to strike out "$243,680" and insert "$293,680," so as to read:

Total for Bureau of Statistics, $293,680.

The amendment was agreed to.

The next amendment was, under the head of "Library, Department of Agriculture," on page 62, line 11, before the word "clerk," to strike out "One" and insert "There shall be one librarian, $2,000; one," so as to read:

Salaries, library, Department of Agriculture: There shall be 1 librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 2 clerks, class 1, 1 of whom shall be a translator; 6 clerks, at $1,000 each; 5 clerks, at $900 each; 1 clerk, $840; 2 cataloguers, at $1,200 each; 3 cataloguers, at $1,000 each; 1 messenger, $720; 2 messengers or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 1 charwoman, $480; in all, $27,020.

The amendment was agreed to.

The next amendment was, on page 62, line 24, after the word "materials," to strike out "$15,500" and insert "$16,500," so as to read:

General expenses, library: For books of reference, technical and scientific books, papers and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and other material, $16,500.

The amendment was agreed to.

The next amendment was, on page 62, line 26, after the word "library," to strike out "$42,520" and insert "$43,520," so as to read:

Total for library, $43,520.

The amendment was agreed to.

The next amendment was, under the head of "Contingent expenses," on page 63, line 17, after "$106,066," to insert "*Provided*, That of this amount not exceeding $1,000 may be used for the purchase of an oil painting of Hon. James Wilson, former Secretary of the Department of Agriculture, which portrait shall not be accepted until it shall have been approved by the Commission of Fine Arts," so as to read:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $106,066: *Provided*, That of this amount not exceeding $1,000 may be used for the purchase of an oil painting of Hon. James Wilson, former Secretary of the Department of Agriculture, which portrait shall not be accepted until it shall have been approved by the Commission of Fine Arts.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from New Hampshire to the word "former," in line 19, page 63.

Mr. BURNHAM. Of course, this law will not take effect until a time when that will be the correct description.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Rent in the District of Columbia," on page 64, line 3, after the word "Industry," to strike out "$2,940" and insert "$2,220," so as to read:

For Bureau of Animal Industry, $2,220.

The amendment was agreed to.

The next amendment was, on page 64, line 10, before the word "of," to strike out "Office" and insert "Bureau," so as to read:

For Bureau of Experiment Stations, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "of," to strike out "Office" and insert "Bureau," so as to read:

For Bureau of Public Roads, $3,500.

The amendment was agreed to.

The next amendment was, on page 64, line 13, after the word "department," to strike out "$7,608" and insert "$11,328," so as to read:

For additional rent in cases of emergency for any bureau, division, or office of the department, $11,328.

The amendment was agreed to.

The next amendment was, on page 64, line 14, after the words "In all," to strike out "$95,329" and insert "$98,329," so as to read:

In all, $98,329.

The amendment was agreed to.

The next amendment was, on page 64, line 15, before the word "of," to strike out "Office" and insert "Bureau," so as to make the headline read:

Bureau of Experiment Stations.

The amendment was agreed to.

The next amendment was, on page 64, line 16, before the word "of," to strike out "Office" and insert "Bureau"; in the same line, after the word "Experiment," to strike out "Station" and insert "Stations"; in line 17, before the word "director," to strike out "one" and insert "there shall be one"; in line 18, after the word "draftsman," to strike out "$1,800" and insert "$2,000"; in line 22, after "$900," to insert "one clerk, class 4," and on page 65, line 4, after the words "in all," to strike out "$64,240" and insert "$66,240," so as to read:

Salaries, Bureau of Experiment Stations: There shall be 1 director, $4,500; 1 chief clerk, $2,000; 1 computer, $2,000; 1 draftsman, $2,000; 1 clerk and proof reader, $1,800; 1 editorial clerk, $1,600; 1 editorial clerk, $1,400; 1 editorial clerk, $1,200; 1 draftsman, $1,200; 1 clerk or draftsman, $900; 1 clerk, class 4; 2 clerks, class 3; 1 clerk, $1,500; 4 clerks, class 2; 7 clerks, class 1; 8 clerks, at $1,000 each; 12 clerks, at $900 each; 1 messenger, $840; 3 messengers, messenger boys, or laborers, at $600 each; 4 messengers, messenger boys, or laborers, at $480 each; 1 skilled laborer, $900; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $240 each; in all, $66,240.

The amendment was agreed to.

The next amendment was, on page 65, line 5, before the word "of," to strike out "Office" and insert "Bureau," so as to read:

General expenses, Bureau of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apportioned to the several States and Territories to be paid quarterly in advance, $720,000.

The amendment was agreed to.

The next amendment was, on page 66, line 4, after the words "District of Columbia," to strike out "$38,400" and insert "$42,500," so as to read:

To enable the Secretary of Agriculture to enforce the provisions of the above acts, relative to their administration, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, $42,500; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, and make report thereon to Congress.

The amendment was agreed to.

The next amendment was, on page 66, line 14, after the word "expenses," to strike out "$105,000" and insert "$110,000"; in line 15, after the word "Alaska," to strike out "$30,000" and insert "$35,000, of which sum $5,000 shall be immediately available"; in line 17, after "$15,000," to insert "including not to exceed $2,000 for the purchase of land"; and in line 22, after the word "Guam," to insert "and to apply the money received from the sale of such products to the maintenance of said stations," so as to read:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $110,000, as follows: Alaska, $35,000, of which sum $5,000 shall be immediately available; Hawaii, $30,000; Porto Rico, $30,000; and Guam, $15,000, including not to exceed $2,000 for the purchase of land; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

The amendment was agreed to.

The next amendment was, on page 67, line 12, after the word "expenses," to strike out "$1,606,400" and insert "$1,615,500," so as to read:

In all, for general expenses, $1,615,500.

The amendment was agreed to.

The next amendment was, on page 67, line 20, after the word "elsewhere," to insert "supplies," and in line 21, after the word "expenses," strike out "$16,000" and insert "$19,000," so as to read:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $19,000.

The amendment was agreed to.

The next amendment was, on page 68, line 1, after the word "water," to insert "at home and abroad"; in line 8, after the words "District of Columbia," to insert "supplies"; and in line 9, after the word "expenses," to strike out "$108,000" and insert "$116,250," so as to read:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation water at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, supplies, and all necessary expenses, $116,250.

The amendment was agreed to.

The next amendment was, on page 68, line 17, after the words "District of Columbia," to insert "supplies," so as to read:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, supplies, and all necessary expenses, $97,600.

The amendment was agreed to.

The next amendment was, on page 68, line 21, before the word "of," to strike out "Office" and insert "Bureau," and in the same line, after the word "Stations," to strike out "$1,892,240" and insert "$1,914,590," so as to read:

Total for Bureau of Experiment Stations, $1,914,590.

The amendment was agreed to.

The next amendment was, on page 68, line 21, before the word "of," to strike out "Office" and insert "Bureau," so as to make the headline read:

Bureau of Public Roads.

The amendment was agreed to.

The next amendment was, on page 68, line 22, before the word "of," to strike out "Office" and insert "Bureau"; in line 23, before the word "director," to strike out "One" and insert "There shall be one"; in line 25, before the words "class four," to strike out "one clerk" and insert "two clerks"; on page 69, line 1, after the word "three," to strike out "one clerk" and insert "two clerks, at $1,500 each"; in line 2, after "$1,440," to strike out "one clerk" and insert "two clerks, at $1,380 each"; in line 3, before the word "clerks," to strike out "two" and insert "three"; and in line 13, after the words "in all," to strike out "$47,400" and insert "$53,400," so as to read:

Salaries, Bureau of Public Roads: There shall be 1 director, who shall be a scientist and have charge of all scientific and technical work, $4,000; 1 chief clerk, $1,900; 2 clerks, class 4; 2 clerks, class 3; 2 clerks, at $1,500 each; 1 clerk, $1,440; 1 clerk or instrument maker, $1,440; 2 clerks, at $1,380 each; 3 clerks, at $1,320 each; 4 clerks, at $1,260 each; 3 clerks, class 1; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 1 clerk, $1,080; 1 clerk, $1,020; 4 clerks, at $1,000 each; 1 clerk, $900; 1 clerk or instrument maker, $1,200; 1 messenger or laboratory helper, $840; 2 messengers, laborers, or laboratory helpers, at $720 each; 1 messenger or laborer, $660; 4 messengers, laborers, or messenger boys, at $600 each; 2 messenger boys, at $480 each; 2 charwomen, at $240 each; in all, $53,400.

The amendment was agreed to.

The next amendment was, on page 69, line 15, before the word "of," to strike out "Office" and insert "Bureau," and in line 18, after the word "expenses," to insert "for membership and participation in the permanent International Association of Road Congresses," so as to read:

General expenses, Bureau of Public Roads: For salaries and the employment of labor in the city of Washington and elsewhere, supplies, office fixtures, apparatus, traveling and all other necessary expenses, for membership and participation in the permanent International Association of Road Congresses, for conducting investigations and experiments, and for collating, reporting, and illustrating the results of same, and for preparing, publishing, and distributing bulletins and reports, as follows: *Provided*, That no part of these appropriations shall be expended for the rent or purchase of road-making machinery, except such as may be necessary for field experimental work as hereinafter provided for.

The amendment was agreed to.

The next amendment was, on page 70, line 8, after the word "maintenance," to strike out "$100,000" and insert "$125,000," so as to read:

For investigations of the best methods of road making and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $125,000.

The amendment was agreed to.

The next amendment was, on page 70, line 11, after the word "materials," to strike out "$30,000" and insert "$35,580," so as to read:

For investigations of the chemical and physical character of road materials, $35,580.

The amendment was agreed to.

The next amendment was, on page 70, line 20, after the words "fiscal year," to strike out "$45,000" and insert "$50,000," so as to read:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $50,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 20, to insert:

For membership and participation of the United States in the permanent International Association of Road Congresses, and for such expenses as may be incident thereto, $3,000, which shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 71, line 2, after the word "experiments," to strike out "$12,000" and insert "$15,000," so as to read:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $15,100.

The amendment was agreed to.

The next amendment was, on page 71, line 4, after the word "expenses," to strike out "$227,000" and insert "$268,680," so as to read:

In all, for general expenses, $268,680.

The amendment was agreed to.

Mr. OVERMAN. What page are we on?

The PRESIDENT pro tempore. Page 71, line 5.

Mr. OVERMAN. I should like to go back to page 41. I have been absent.

In lines 16 to 20, page 41, I see a lump-sum appropriation. I am opposed to these lump-sum appropriations, and I am opposing them on all bills. I want to give an example of what occurred here the other day on the Indian appropriation bill. I am on the Appropriations Committee, and we there provide for all the officers, with their salaries. We have ascertained the fact that these lump-sum appropriations slip into appropriation bills, and the departments create their own officers and pay them big salaries, when we have thoroughly investigated every department and have said what officers are needed, and have fixed their salaries. After we have done that, other appropriations of lump sums are made, and additional officers and additional salaries are created.

I am opposed to these lump-sum appropriations. We have kept them out of nearly every appropriation bill since we have ascertained these facts. We all know, here in the Senate, how this evil has grown up. I should like to inquire of the chairman of the committee how this $83,728 is expended.

Mr. BURNHAM. Mr. President, I do not think the Senator from North Carolina was present when we began the reading of the bill. It is now being read for the purpose of considering amendments, the committee amendments being first considered. This is not a committee amendment.

Mr. OVERMAN. If I am not in order, I will call the matter up again at a later time.

The PRESIDENT pro tempore. The committee amendments are first in order. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 71, line 5, before the word "of," to strike out "Office" and insert "Bureau," and, in the same line, after the word "Roads," to strike out "$274,400" and insert "$322,080," so as to read:

Total for Bureau of Public Roads, $322,080.

The amendment was agreed to.

The next amendment was, on page 71, line 17, after the word "work," to strike out "$17,103,275" and insert "$17,796,580," so as to read:

Total, Department of Agriculture, for routine and ordinary work, $17,796,580.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 73, line 20, after "$40,000," to insert "of which sum $10,000 shall be immediately available: *Provided*, That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 7 of the plant quarantine act approved August 20, 1912 (37 Stat., p. 315), may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the Secretary of Agriculture may prescribe," so as to read:

Enforcement of the plant quarantine act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of August 20, 1912, entitled "An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes," in the city of Washington and elsewhere, including official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $40,000, of which sum $10,000 shall be immediately available: *Provided*, That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 7 of the plant quarantine act approved August 20, 1912 (37 Stats., p. 315), may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe.

The amendment was agreed to.

The next amendment was, on page 74, after line 13, to strike out:

To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 19, to insert:

That nothing contained in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be so construed as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to insert:

That hereafter section 7 of the act approved August 26, 1912 (37 Stats., p. 626), shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary.

The amendment was agreed to.

The next amendment was, on page 75, after line 16, to insert:

That on and after July 1, 1913, all publications issued by the Department of Agriculture shall be distributed under the direction and supervision of the Secretary of Agriculture, and the salaries or compensations of persons engaged in addressing, wrapping, mailing, or otherwise dispatching such publications, and necessary expenses for materials and supplies to be used in the work, shall be paid out of the appropriations for the Department of Agriculture. And the Public Printer shall return to the Department of Agriculture the machines, equipment, and unused materials, if any, transferred to the Government Printing Office in compliance with section 8 of the act of August 23, 1912 (37 Stat., p. 414).

Mr. SMOOT. Mr. President, I should like to ask the Senator in charge of the bill the object of this provision and why it is inserted.

Mr. BURNHAM. It was strongly recommended by the department. The committee understood that it was greatly for the convenience of those who are seeking bulletins and other information from the department; in other words, that the department could carry on the correspondence—the very large correspondence, extending into millions of letters, I understand—better than a department not familiar with the work of the Agricultural Department.

Mr. SMOOT. We have been in the past trying to consolidate this class of work, and this now seems to be distributing it. I have not had time to look up the question, and I am not going to object to the amendment now, but I thought it was a rather strange procedure.

The amendment was agreed to.

The next amendment was, on page 76, after line 5, to insert:

And hereafter every officer or employee whose rate of compensation is specified herein shall receive compensation at that rate or such other rate as may be fixed from time to time by law.

The amendment was agreed to.

The next amendment was, on page 76, after line 9, to insert:

To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Tulsa, Okla., during the fiscal year ending June 30, 1914, illustrative of the investigations, products, and processes relating to farming in the subhumid region of the United States, including labor and all expenses in the city of Washington and elsewhere, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 76, after line 18, to insert:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary, to be expended in the discretion of the President of the United States for all expenses of a National Institute of Agriculture, to consist of not less than five and not more than ten members, in addition to the Secretary of Agriculture, to be appointed by the President of the United States, who shall perform such duties and make such investigations and reports as he may direct.

The amendment was agreed to.

The next amendment was, on page 77, after line 2, to insert:

For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams, under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $200,000, to be available until the end of the fiscal year 1915: *Provided*, That any and all unusued balance of the sum of $200,000 heretofore appropriated by the act of March 1, 1911, to enable the Secretary of Agriculture to carry out the purposes mentioned in said section 2, remainng unexpended July 1, 1913, shall continue available until the end of the fiscal year 1915 for the purpose for which it was appropriated.

The amendment was agreed to.

The next amendment was, on page 77, after line 20, to insert:

That section 9 of the act of March 1, 1911 (36 Stat., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," be amended to read as follows:

"That such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of the act: *Provided*, That such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed."

The amendment was agreed to.

The next amendment was, on page 78, after line 20, to insert:

To enable the Secretary of Agriculture to demonstrate the practicability of suppressing and eradicating the swine disease commonly called hog cholera, and for this purpose to invite the cooperation of the several States, through such means and agencies as may be found practicable by the department and such States, to suppress and eradicate said disease; and for this purpose there is appropriated the sum of $50,000, including labor and all expenses in the city of Washington and elsewhere.

Mr. POMERENE. I call the attention of the Senator in charge of the bill to the amendment with reference to the suppression of hog cholera. An appropriation is provided for amounting to $50,000. I move to increase it to $100,000.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 79, line 2, strike out "$50,000" and insert "$100,000," so as to read:

And for this purpose there is appropriated the sum of $100,000, including labor and all expenses in the city of Washington and elsewhere.

Mr. POMERENE. My reason for offering the amendment is because the sum proposed to be appropriated is wholly inadequate for the purpose. In the State of Iowa alone I am advised the loss by hog cholera last year was $15,000,000. In my State the loss was more than $2,000,000. I have these figures from the secretary of the board of agriculture of my State.

In my State in 1911 we appropriated the sum of $75,000 for the purpose of purchasing a farm and adopting methods for the manufacture of serum for the eradication of this disease. Under the guidance of Dr. Paul Fisher, State veterinarian, they have made wonderful progress toward perfecting a serum, but we have been handicapped by the want of proper financial aid.

This is not a matter that one State alone is interested in, but every State which is engaged in swine breeding. I do not think we could expend $100,000 of the people's money to better advantage than in helping to encourage ways and means of checking this disease. I hope the amendment will be adopted.

Mr. BURNHAM. Mr. President, I desire to say to the Senator from Ohio that the committee took into very careful consideration this matter. They were aware of the very great danger and the great loss by the disease. Yet, relying largely upon what the Secretary of Agriculture said, the committee put the amount at $50,000. The Secretary said, in answer to a question:

I think $50,000 will be a comfortable sum to go in with and make the demonstration.

Mr. POMERENE. With all due respect to the Secretary's judgment, and I have a very high regard for it, I know what our own experience has been in our State. We appropriated in 1911 $75,000, and our State veterinarian was very much handicapped because of the lack of funds.

There are two things to be considered—first, the remedy; and, second, the method of its administration. It is necessary to educate veterinarians throughout the country in the proper use of this remedy. I have been informed that 50 per cent of the efficacy of the remedy depends on the administration.

It seems to me that $50,000 is a very small sum, considering the extent of this industry and its importance to the American people. I feel that this appropriation of $100,000 could be spent economically and to the advantage of the American people. I hope the amendment will be carried.

Mr. SMITH of Maryland. Mr. President, I do not pretend to know what amount is necessary for this purpose, but I do want to say that I think there will be no question about appropriating a sufficient amount in regard to this matter. It comes home to me from my own State.

In my State we lost hundreds of thousands of dollars last year by cholera, and I do think that the money could be appropriated in a manner, and should be appropriated in a manner, that would help the people, and appropriated in a sum that would be sufficient to eradicate the disease as far as possible.

I hope if the chairman feels that this is not a sufficient amount (and it does look to me that it is a very small amount), he will agree to this extra appropriation, because it is a matter of very great value to the people throughout the country.

Mr. SMITH of South Carolina. Mr. President, precisely the same condition exists in my State. The Secretary of Agriculture happened to visit Columbia, the capital of the State, dur- the National Corn Exposition, and when addressing a body of farmers, the very first question addressed to him was that which the Senator from Ohio and the Senator from Maryland propounded to the chairman of the Committee on Agriculture. His reply as to how much was needed was that they had ample facilities for supplying the veterinarians in the different States with information as to the source of supply of this antitoxin, and the method of administering it to the herd, but that the difficulty had been in getting the veterinarian and those in the several communities interested to apply to the proper source—that is, the Agriculture Department—for the information and to use it when the herd was diseased.

The showing before us was to the effect that $50,000 was ample to gather all the information and the sources of the supply of the antitoxin, and that all that then was necessary was for the State and the community to buy it; that the Government would furnish the instructors as to the method of administering it. That is the way it was explained by the Secretary of Agriculture in my State and by the Secretary of Agriculture to the committee; that it is not a question of more money; that it is a question of the community understanding the source of the supply and the method of administering it; and that $50,000 would be sufficient—all that he could use, in fact.

Mr. KENYON. Mr. President, I make bold to state that in this country in the last year there was a loss of at least $50,000,000 to the farmers as a result of the ravages of hog cholera. In my own State I suppose the loss was at least $10,000,000. I know that in Illinois it has been as much; and in North Dakota, South Dakota, Nebraska, and Missouri the loss has been large. The great prevalence of this disease among hogs has been such as to stimulate the manufacture and sale of a great many bogus hog-cholera serums that have been about as fatal a remedy as the disease itself.

I heartily indorse everything the Senator from Ohio [Mr. POMERENE] has said. It is necessary to have more money for the investigation and experiments and to have some intelligent information that will lead to an intelligent handling of the situation. It does seem to me that the Senator from Ohio is exactly right and that $50,000 is not enough for this important matter. The amount he suggests in his amendment is probably not sufficient, either.

Mr. SMITH of South Carolina. I believe that $100,000 will do no more than $50,000 unless the Government shall not only provide the information as to the sources of this antitoxin but shall also provide the antitoxin. To attempt to do that, as well as to provide for administering it, would cost more than the Government could afford to put into it. As the Senator from Georgia [Mr. SMITH] suggests to me, it would fall somewhat into the class of feeding the hog.

I understand the Secretary of Agriculture has all the information needed as to the kind of antitoxin necessary and the methods of administering it, and it is then at the option of the several communities affected whether they will avail themselves of the information of the Agricultural Department as to the proper antitoxin and the method of administering it, and get from the department an expert who will show the local veterinarians or other individuals how to administer it. It is simply a question of availing themselves of what is now available. The Secretary says that $50,000 is as much as he can use advantageously at this time.

Mr. POMERENE. Mr. President, I was constrained, when this matter was first called to my attention, to ask that this appropriation be increased to $1,000,000. I think we have expended many millions of dollars within the last few days here that will serve a less purpose than the money that we can expend in this behalf. I did not offer that amendment because I appreciated the fact that our appropriations were growing extravagant, and I felt that perhaps there would be some opposition to it. But think of the situation to-day, with the millions of dollars invested in swine in every State of the Union, with the knowledge before us that in nearly every one of the States hogs are dying off by the thousands, and the farmers are losing the money that is invested in them. Yet we attempt to contract this appropriation so that we are giving but a little more than a thousand dollars for each State. It does seem to me that this is about as parsimonious a proposition as could well be presented to the Senate, considering the enormous interests which are involved. I hope that this amendment will carry.

Mr. GRONNA. Mr. President, this is an item that was inserted in the bill at the request of the junior Senator from Iowa [Mr. KENYON]. He offered an amendment appropriating $100,000 for this purpose. The Secretary of Agriculture appeared before our committee and this matter was fully discussed. I was one of those who sympathized with the amendment which was offered by the Senator from Iowa, but the Secretary of Agriculture said we can not hope that the Government will undertake to treat each individual case, going to the farms and treating the diseased hog. That is a matter for the States themselves. All that we should ask the Government to do is to send an expert and take in four or five or more counties to make a demonstration, and show the people how to use this serum and show them how to eradicate this disease.

When the question was asked if $100,000 would be required, the Secretary seemed to think that $50,000 would be sufficient for the coming year. Personally I was very much in favor of making a larger appropriation; I was in favor of making it $100,000; but the committee acted upon the judgment of the Secretary of Agriculture.

Mr. CURTIS. Mr. President, I hope the amendment offered by the Senator from Ohio [Mr. POMERENE] will be adopted. This is a work in which the Department of Agriculture should help. They have experts; they have studied the subject; and their information would be of great service to the farmers of the country, as has been said by the Senator from Ohio and the Senator from Iowa [Mr. KENYON]. Every year in the farming States thousands of hogs die, and perhaps with information from the department they might be saved. I repeat, I hope the amendment will be agreed to.

Mr. SMOOT. Mr. President, I have not yet heard any Senator answer the statement of the Senator from South Carolina [Mr. SMITH]. He has stated that the appropriation is all that can be used; that all information necessary has been collected by the department; but that what is lacking is interest in the matter to be taken by the people of the States.

If that be true, if the $50,000 is all that is necessary to collect the information required for this very necessary service—which I grant is a very necessary one—then, it seems to me, there is no necessity of appropriating more.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. KENYON. Mr. President, I am glad to see this evidence of economy upon the part of the Senator from Utah with reference to this particular matter.

Mr. SMOOT. I have not said a word about economy, and I am perfectly willing to appropriate $100,000 or $200,000, if it is necessary; but what I state is this: The Senator from South Carolina, a member of the committee, says that the Secretary of Agriculture states that $50,000 is all that is necessary; that that will collect all the information required; that the difficulty is not on the part of the Government of the United States or the amount appropriated, but that it lies in the fact that the information is not asked for by the people in the States where it is needed.

Mr. KENYON. In view of the suggestion of the Senator from North Dakota [Mr. GRONNA] as to the statement of the Secretary before the committee—I am not a member of the committee and did not hear it—relative to the experiments which were necessary to be carried out in the different counties or in groups of counties throughout the country, does the Senator imagine that $50,000 will do even that, to say nothing of an investigation?

Mr. SMOOT. I do not know. The Secretary of Agriculture says that $50,000 is all that is required, but if the Senator from South Carolina, who has studied this question, says that $100,000 or $200,000 can be used I am perfectly willing to vote for an appropriation of $100,000 or for $200,000.

Mr. SMITH of South Carolina. Will the Senator from Utah allow me merely to make a statement?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. SMITH of South Carolina. I would like to state to the junior Senator from Iowa [Mr. KENYON] and to the Senator from Ohio [Mr. POMERENE] that they are laboring under a wrong impression. I want to take this occasion to set myself right. If a million dollars were needed for the purpose of protecting the hog industry of this country, I do not believe that there is a Senator on this floor but who would vote for the appropriation of a million dollars; but the proposition is this: Is the Department of Agriculture to go into the work of furnishing the serum and administering it for each and every owner of a herd, or is the department simply required to gather the data, to furnish the information as to trustworthy antitoxin, then furnish a demonstrator in the community, and teach the owners how to administer the proper remedy?

The department officials came before us and said that they had ample facilities for teaching the farmers or a community how to administer this remedy, but the farmers will not avail themselves of it. Those officials say they stand ready to send men where necessary and that this $50,000 is ample to provide for their expenses in going to the several communities where the disease now exists. The proposition before us is, Are we going to require the department not only to furnish the remedy but to administer it wherever the disease is, or is the department simply to be required to furnish the farmers information as to the proper remedy and the proper method of administering it?

Mr. SMOOT. Mr. President, so that there may be no misunderstanding about my position, I will say that if it will take $200,000 or $300,000 of $400,000 for the Government to give to the different States the information necessary on this subject, then I shall have no objection to voting to appropriate that amount. I simply made my statement upon the statement that was made by the Senator from South Carolina. It seems to me that if that is correct, and if $50,000 is all that can be used by the Secretary of Agriculture, it would be nonsense to give more, although, as I said before, I do not know as to that, my only knowledge being gained from the statement made by the Senator from South Carolina.

Mr. POMERENE. Mr. President, as I said——

Mr. GRONNA. I should like to read from the hearings, if the Senator will permit me.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. Yes; I will yield.

Mr. GRONNA. I prefer to take the floor in my own right, Mr. President.

Mr. POMERENE. In view of the course this discussion has taken, I feel justified in giving my connection with the matter. This was called to my attention by Hon. A. P. Sandles, the secretary of agriculture of my State; and I want to say he is one of the best secretaries of agriculture that Ohio or any other State ever had or ever will have, and the President elect could do no better than to place him in his Cabinet. After this matter was called to my attention I wrote to Secretary Wilson. I received, under date of February 4, 1913, a letter from him, which I will ask the Secretary to read.

The PRESIDENT pro tempore. Without objection, the letter will be read as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 4, 1913.

Hon. ATLEE POMERENE,
United States Senate.

MY DEAR SENATOR: I have your letter of February 3. This department, after 10 years of research, found a serum that would prevent hog cholera. The States have not been active in using it. It is proposed by the House Committee on Agriculture to appropriate money to have the Bureau of Animal Industry make demonstrations in certain of the hog-raising States and show the people how to use this serum practically. I think that is likely to go through the House. This department is taking all the interest in it that you would desire.

Very truly, yours,

JAMES WILSON, *Secretary.*

Mr. POMERENE. Mr. President, at the time I wrote to the Secretary of Agriculture on that subject, I received from Secretary Sandles some resolutions adopted by the Department of Agriculture of the State of Ohio. I send those resolutions to the desk and ask that they may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF OHIO,
DEPARTMENT OF AGRICULTURE,
Columbus, February 1, 1913.

Resolutions.

The Ohio State Board of Agriculture, at its meeting January 31, 1913, Columbus, adopted the following resolutions:

"Whereas in the Middle West corn-belt zone hog cholera is prevalent to such degree as to seriously menace swine breeding and swine feeding; and

"Whereas the loss incurred by farmers on account of the ravages of this swine plague annually totals millions of dollars; and

"Whereas the blighting of the swine industry decreases the profits of corn growing, cattle feeding, and general farming to such an extent as to discourage in many instances the continuance of agricultural pursuits; and

"Whereas the decline in production of a meat supply incident to a continuance of the swine plague will materially affect the cost of living and general welfare; and

"Whereas the liability of diseased animals being slaughtered and unknowingly placed upon the market is an important factor affecting the public health: Therefore be it

"*Resolved by the Ohio State Board of Agriculture*, That Ohio Senators and Representatives in Congress be requested to urge such legislation, appropriation of funds, and cooperation by the Federal Government that will enable the States in the swine-plague zone to reduce to a minimum, and, if possible, eradicate the dangers and losses from hog cholera."

Respectfully,

A. P. SANDLES, *Secretary.*

Mr. POMERENE. Mr. President——

Mr. SMOOT. Mr. President, will the Senator yield to me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I yield to the Senator.

Mr. SMOOT. If the amount is increased to $100,000, I should like to ask the Senator whether he would accept an amendment to his amendment inserting, after the amount "$100,000," the words "or so much thereof as may be necessary"? Then if the work requires $100,000 the money will be available.

Mr. POMERENE. I accept that.

Mr. SMOOT. With that modification I have no objection to the amendment at all.

Mr. POMERENE. Mr. President, further, in view of the statement which has been made by the Secretary of Agriculture that everything is being done which can be done, I beg to say that if anything has been done by the Federal Government Ohio does not know of it, and in corroboration I beg to say that I sent a copy of the letter of the Secretary of Agriculture to Secretary Sandles, of the Ohio State Board of Agriculture, and in reply to that letter I received an answer, which I send to the Secretary's desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read, in the absence of objection.

The Secretary read as follows:

STATE OF OHIO,
DEPARTMENT OF AGRICULTURE,
Columbus, February 13, 1913.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Received yours of recent date advising reference appropriation for hog cholera that $30,000 may be inserted in the agricultural appropriation, also copy of Secretary Wilson's letter.

The statement of the Secretary that the department is taking all the interest in hog cholera that you would desire is a very extraordinary one. His department is almost indifferent toward the needs of the Middle West in this matter. The losses are tremendous, running into many million dollars.

The Iowa officials advise me that the loss in that State alone is over $15,000,000 annually.

Any Senator or Congressman who can secure a half million dollar appropriation for the purpose of affording relief from the terrible loss from the swine plague will be called blessed. Ohio has done more in the manufacture and use of the serum than any other State in the Union, and has done much more than the Federal Government has done, but one State can not control this swine plague.

This question is of such importance as to be worthy the attention of the Government. The indifference of Secretary Wilson will not bring relief to the thousands and tens of thousands of swine owners.

Respectfully,

A. P. SANDLES, *Secretary.*

Mr. POMERENE. I desire to add that Secretary Sandles is one of the men who usually knows whereof he speaks.

Mr. SIMMONS. Mr. President, I am very much interested in what the Senator from Ohio has said about the use of this antitoxin in his State. I have heard of this antitoxin, but I have been a little incredulous about its being an effective remedy for hog cholera. I live in a section of the country where hogs are raised. I can say, from personal knowledge, that in certain counties in the eastern part of my State during the past year at least 20 per cent of all the hogs were destroyed by cholera. If the United States Government, through the Agricultural Department, has any effective remedy for this disease, it has not made it known to the hog raisers of our section of the country. As I understood the Senator from Ohio a little while ago, he said that for about 10 years this remedy had been known and that a great deal had been done in his State toward eradicating this disease. I should like to have the Senator state whether it has been demonstrated there that this antitoxin is an effective remedy for hog cholera.

Mr. POMERENE. Mr. President, the Senator's statement is in part correct and in part not correct. I said, perhaps before the Senator came in on the floor, that in 1911 the General Assembly of the State of Ohio appropriated $75,000 for the purpose of purchasing a farm and preparing this remedy, and Dr. Paul Fischer, who is the State veterinarian, has discovered what he believes is a cure. His experiments have been eminently satisfactory. He considers his cure absolutely perfect. I understand that if the hog is inoculated within a reasonable time after it has contracted the disease, Dr. Fischer can cure it; but if it is left until the disease has passed a certain stage the hog is incurable. Our department has been handicapped because we do not have sufficient funds.

Mr. SIMMONS. To what extent has the application of that remedy suppressed this fatal disease in the Senator's State?

Mr. POMERENE. Mr. President, I have personal knowledge of one instance in which there was a small herd of probably 15 or 20 hogs. At the time the veterinarian was called all of them, save 3, were pronounced past recovery. The other 3 were inoculated and recovered. The feeling prevails in Ohio that with this remedy properly administered we can very greatly reduce, if not entirely control, hog cholera. I think that this appropriation, instead of being $100,000, ought to be a half million dollars.

Mr. SIMMONS. I entirely agree with the Senator from Ohio——

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. SIMMONS. I yield.

Mr. CHAMBERLAIN. The testimony before the committee tended to show that the so-called remedy, the serum, that is used is not a curative at all but a preventive; in other words, the difficulty the Secretary of Agriculture has had is with the farmers themselves. They are in exactly the same frame of mind as is the Senator to whom I am now addressing my remarks—they are incredulous about it; they do not believe that this serum is a preventive at all. The Secretary says that to undertake to eradicate this disease would be a physical impossibility for the Government. It rests upon the people themselves—the farmers who have hogs to use this serum as a preventive—and the Secretary says it will prevent the disease every time, but it will not cure it.

Mr. SIMMONS. Mr. President, I gather from what has been said that experimentation with this serum has been going on now for about 10 years in some of the States. I assume that if the remedy is an effective one the Federal Government has known of it through its officials for the last 10 years; and yet, Mr. President, there is no evidence in my section of the State, where this disease has been very disastrous, that the Federal Government has exercised itself in the slightest degree to help the farmer. I have personal knowledge that farmers raising hogs in my State whose animals have suffered from this disease have applied to the Agricultural Department for information as to how they might suppress the disease, and I have been advised that they have succeeded in getting no valuable assistance or advice from the Agricultural Department.

I want to say that if there has been discovered any remedy, and if the Agricultural Department can, provided we give them ample funds for that purpose, help the farmers in overcoming this great handicap in connection with agriculture, I myself should hesitate at voting no sum that the department might think necessary for that purpose; but it occurs to me that this matter is still in an experimental stage and that the Agricultural Department itself wants to experiment and see whether it can be demonstrated that the remedy is effective in reaching the disease, and therefore it asks for this more as a fund for experimenting than otherwise.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield further to the Senator from Oregon?

Mr. SIMMONS. I yield to the Senator.

Mr. CHAMBERLAIN. Mr. President, the Secretary of Agriculture says it is not experimental at all. He says they have absolutely demonstrated its efficacy.

Mr. SIMMONS. Will the Senator tell me why he has delayed applying so long, if it is not experimental?

Mr. CHAMBERLAIN. He has not had the money to use for that purpose. All the Secretary of Agriculture could do, if money were furnished him in the greatest abundance, would be to educate the people to use the serum before the disease broke out among the hogs. If the Government itself undertook to absolutely eradicate the disease it would have to go and inoculate herds that were perfectly well. The administration of the serum after the disease has attacked a herd is absolutely useless. It does not do any good. It is incurable—at least, so the Secretary says, and he depends upon that particular branch of his service to inform him.

Mr. SIMMONS. The Senator misunderstands me. I am not insisting that the department can do or should do anything more than to teach. I am not insisting that the Government should undertake to go down and cure this disease or do anything except to furnish the information and probably point out the remedy to the farmer. That is all I am insisting upon; and what I was trying to find out was whether it had been demonstrated yet that this remedy was at all effective.

Mr. CUMMINS. Mr. President, I rise to a point of order. Senators on this side of the Chamber are unable to hear what is being said, on account of the disorder in the Chamber. I am deeply interested in this amendment, and I should like to hear what is being said about it.

The PRESIDENT pro tempore. The Chair has appealed to the Senate several times this morning to preserve order. It is impossible for the Chair to enforce his suggestion, and he again appeals to Senators to refrain from loud conversation in the Chamber.

Mr. SMITH of South Carolina. Mr. President, in reply to the interrogation that the Senator from North Carolina has made, the Secretary of Agriculture, speaking in my State while the cholera was raging over the entire State, was asked by a farmer, a hog raiser, sitting in an audience of perhaps 300 or 400, the direct question, "Have you any suggestion to make as to what we may do in case of hog cholera?" He replied: "We have a remedy that is a preventive that will render absolutely immune the animal inoculated. We are ready to give the information, but the trouble is you do not ask for the information or for the demonstrator to teach you to administer it." He went on to say: "We are ready and willing and anxious to

demonstrate the fact that this remedy is efficacious; it will prevent it, but," as has been said here before, "it will not cure." He added that, so far as stamping out cholera was concerned, that would be practically impossible, but that you can render immune an individual herd.

He stated these facts emphatically. I see no reason why the Secretary of Agriculture should attempt to deceive the public. If he has this information in the form of bulletins and has men to demonstrate the work, and a community affected sends for relief, I do not see why he should withhold it when he challenged a crowd of 300 or 400 farmers whose hogs were suffering with the disease by saying: "We have the remedy and can teach you how to apply it. Whenever you get ready to call on us, or let us know where to go, we will furnish you the information and the demonstration."

Mr. CUMMINS. Mr. President, I introduced the amendment for the appropriation of $100,000. I thought at the time that it was not adequate, but I believed it was better for the present year to limit the appropriation to $100,000.

There is a misapprehension with regard to the opinion of the Secretary of Agriculture respecting the matter. I desire to read his statement before the Committee on Agriculture and Forestry:

Senator GRONNA. Do you believe that $100,000 is more than is required for this purpose?

Secretary WILSON. I had thought it might take $100,000; about that.

Senator SMITH of Georgia. $50,000 would enable you to give demonstrations around in the different parts of the State as to the value of the serum?

Secretary WILSON. Yes, sir.

Senator SMITH of Georgia. But $100,000 would not furnish the serum needed. It would take a vast sum of money if you went into the business of furnishing all the serum that was required?

Secretary WILSON. We can not think of that. That is utterly impracticable.

Senator SMITH of Georgia. But $50,000 would enable you to make a demonstration?

Secretary WILSON. I think $50,000 would be a comfortable sum to go in with and make the demonstration.

The Secretary did not mean, of course, to be understood as saying that under the terms of my amendment he could not use $100,000 profitably for the farmers of this country. Of course the Federal Government has not undertaken, and can not undertake, to furnish the serum necessary for a State like my own. As my colleague has said, we lost last year hogs to the value of more than $15,000,000 on account of the ravages of this disease; and the serum that would have been necessary to prevent this plague would have cost the State of Iowa alone, I venture to say, more than $500,000.

That is not the purpose of this amendment. The purpose of the amendment is to secure the cooperation of the Secretary of Agriculture, not only to demonstrate that the serum will accomplish the purpose for which it is made, but to induce the farmers to so associate themselves that it may be effectually applied. If the serum is used in the beginning, if there is segregation of these animals, the spread of the disease can be prevented. That is the cooperation we want. That is the demonstration we want. One hundred thousand dollars, in my opinion, is a very inadequate sum to enable the Secretary of Agriculture to make that demonstration and to insure the cooperation that is necessary for the welfare of the farmers of the United States.

Moreover, one of the chief troubles at the present time is the use of not only worthless serum, but poisonous serum, in the sense of failing to accomplish the remedy. I want the Secretary of Agriculture to make a demonstration that will prevent, in the end, the shipment from State to State of serum that ought not to be administered at all. It is one of the most valuable things he can do for the people of the country. We have suffered, I was about to say, beyond description, because the farmers have been led to use a so-called remedy manufactured in other parts of the country that is worse than useless, that really does a vast amount of harm instead of doing any good whatsoever.

I can not believe that the Senate will fail to appreciate the immense importance of giving to the Secretary of Agriculture every opportunity that he can embrace to limit the destruction among the swine caused by this disease.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I should like right at this point to state that, so far as I am concerned, I am not advocating the $50,000 appropriation. I am simply stating the position taken by the Secretary of Agriculture in a speech in my State and in the statement that he made before the committee.

I am willing to join hands with the Senator from Iowa and those interested in hog culture throughout the United States and vote for any amount of money that this body, in its wisdom, thinks can be advantageously used for the suppression, and if possible the eradication, of this disease. I am ready to join the Senators from the hog-raising States, who have practical knowledge of the condition that exists there more than it does in my State, in voting for any amount that they believe can be used to the best advantage. I want to be understood in regard to that.

Mr. CUMMINS. I am sure the Senator from South Carolina has the interests of the farmers of this country just as much at heart as I have, and is willing to do every practicable thing. In the end we must, in my judgment, pass a law that will apply to serum, as it is transported from State to State, the same rigid inspection that we now apply to meat in order to preserve the health of the people. One of the purposes of this appropriation is to enable the Secretary of Agriculture to take those preliminary steps and to make that preliminary examination that will lead to legislation of the kind I have suggested.

I suggest that there be added, after increasing the appropriation to $100,000, the words "or so much thereof as may be necessary." I am entirely willing to trust the Secretary of Agriculture in the expenditure of this fund. I know that even if he had $100,000 unqualifiedly, he would not expend it unless he believed it to be necessary.

Mr. BURNHAM. I desire to call the attention of the Senator from Iowa to an amendment beginning on page 12 and running along through several pages, in which it appears that $25,000 is appropriated for the prevention of the importation and sale of injurious serums.

Mr. CUMMINS. I know that; but I desire to suggest to the chairman of the committee that the appropriation of $25,000, of course, will not establish the inspectors that are necessary to carry out that purpose, and we will have to wait for that until some other time.

Mr. BURNHAM. Mr. President, in behalf of the committee, I only wish to present here the facts upon which the committee based its opinion. In view of the statements that are made, and in view of the fact that the amendment proposes to appropriate $100,000, or so much thereof as may be necessary, I feel, so far as I have any authority to do so, that I will accept that amendment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Ohio [Mr. POMERENE] to the amendment of the committee will be stated.

The SECRETARY. On page 79, line 2, it is proposed to strike out "$50,000" and insert "$100,000, or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of South Carolina. I will call the attention of the Senator from Iowa to a paragraph on page 12. I want to see if it does not cover the very point to which he called attention as being so necessary. I refer to the paragraph beginning on line 7 and going down to and including line 12. The last part of the paragraph is—

And the necessary expenses for investigations of tuberculin serums, antitoxins, and analogous products, $78,680.

Mr. CUMMINS. In my opinion that covers the question of investigation, but it does not cover the establishment of inspectors to examine and to condemn serum that is not made in accordance with the approved methods.

Mr. SMITH of South Carolina. I heartily agree with what the Senator says; and I would suggest to him that it might be well if he would prepare an amendment to the paragraph to which I have called his attention, giving the Secretary power to inspect and to condemn serum other than that recommended by the department.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 79, after line 4, to insert:

To enable the Secretary of Agriculture to investigate the cultivation, acclimating of potatoes, and the development of improved and disease-resistant types, and for the investigation of leaf roll, dry rot, or other new diseases, and the investigation of causes leading to their decay, $20,000, of which the sum of $5,000 shall be immediately available; and the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals, and to pay all necessary expenses for the employment of investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent in the District of Columbia and elsewhere, as may be required.

The amendment was agreed to.

The next amendment was, on page 79, after line 18, to insert:

To enable the Secretary of Agriculture to continue explorations in the steppe regions of western Siberia for specimens and seeds of yellow-flowered hardy alfalfa for use in experimental tests in semiarid regions in the Northwest, including labor and all expenses in the city of Washington and elsewhere, $5,000.

Mr. JONES. I desire to ask the chairman of the committee as to the character of these explorations. How are they made?

Mr. BURNHAM. Mr. President, I think the Senator from South Dakota [Mr. CRAWFORD] is familiar with this particular item. I understand explorations have been made, and a very valuable forage crop of alfalfa has been found, particularly what is known as the yellow-flowered hardy alfalfa. This is to pay the expenses, and so forth, of further tests in order to produce a drought-resistant forage plant.

Mr. JONES. Will any of this $5,000 be used in the purchase of these seeds?

Mr. BURNHAM. The Senator from South Dakota is fully informed as to that matter.

Mr. CRAWFORD. Prof. Hansen, of the South Dakota Agricultural College, acting under the direction of the department, has made four trips of exploration upon the steppes of western Siberia and has procured seeds from hardy specimens of what is called the blue-flowered alfalfa. The climate in that region is dry, the region itself is at an elevation, and the winters there are cold, making the climate very similar to that of portions of the Northwest, including some sections of my State.

Mr. JONES. I do not wish the Senator to understand that I am opposing this item. What I think is that there ought to be a larger appropriation.

Mr. CRAWFORD. I will explain the matter a little further, and then I think the Senator will see that it would not be necessary in this particular case.

Mr. JONES. That is what I wanted to get at.

Mr. CRAWFORD. Prof. Hansen has secured these seeds, rather small in quantity in the very nature of things, and when he comes to distribute what he has over a large section of the country there is not enough to go very far. The experiments which have been made have been eminently successful. He has made four such trips, and this is a projected fifth trip.

The legislature of my State has made some appropriations for the purpose of cooperating in paying his expenses for this trip, and he has asked in his correspondence for aid only to the extent of $5,000. The Secretary of Agriculture said at the hearing that they were making, in addition to this, some additional explorations out of other appropriations, but he knows Prof. Hansen and what he has done and his familiarity with the situation there, and he approves of this appropriation.

Mr. JONES. Does the professor absolutely think he can accomplish something with this appropriation of $5,000?

Mr. CRAWFORD. He does. His correspondence is in the report. He thinks it can be done by having it used in cooperation with the Legislature of South Dakota.

Mr. JONES. I wish to say to the Senator I do not think we can make a better expenditure of money for seeds than for something of this sort.

Mr. CRAWFORD. There is no question about that. But this it not the only provision in the bill that will enable that work to be performed.

Mr. JONES. I know there is another provision in the bill, but I like to see the money taken for purposes of this kind and expended for the free distribution of such seeds.

Mr. CRAWFORD. So would I, but I do not think it is practicable to change the proposition now.

Mr. JONES. It is a very small amount to accomplish anything.

Mr. CRAWFORD. It would be except for the fact that he is cooperating with an association of people, a voluntary association, who are contributing money toward the work, and the legislature of my State is cooperating with them, I understand.

Mr. JONES. I wish to say in this connection that I get, very frequently, requests for alfalfa seed and seed adapted to the arid or semiarid sections, and almost uniformly those requests, when sent down to the department, are refused because they have not the seed. If there is anything we need in the way of seed that will be of benefit, it is seed that is adapted to agriculture in the arid and semiarid sections of the country, and if there is any money we can expend of benefit to people in connection with experiments of this kind, it should be money spent for the purpose of finding out what seeds are adapted to the arid and semiarid sections. That is the reason why I asked about this appropriation. It seemed to me that the appropriation was too small to accomplish anything and that it would be practically a waste, but it appears that it is a special appropriation in reference to a special treatment of the subject.

Mr. CRAWFORD. I will read from Prof. Hansen's letter to me under date of February 11, 1913. He says:

> The Conservation and Development Congress was a great success at Pierre, January 28, 29, and 30. The people, especially in the western part of the State, kept me very busy answering questions on alfalfa. The Siberian varieties have done so wonderfully well the past two extremely dry years that the people want more of them. An appropriation of $10,000 has been asked for, and the bill has been introduced to the house at Pierre, for sending me to Siberia again to gather seed. One trouble in gathering seed for the United States Department of Agriculture is that the seed must be delivered at Washington and is sent out over so many States instead of it all coming to South Dakota. But a small additional appropriation from the National Government will be very helpful, as there would be other things besides alfalfa which I could just as well get at the same time.

He has practically suggested the helpfulness of this appropriation, and the Secretary concurred in it, and it was upon that basis that we proceeded.

Mr. JONES. Are there any other sections outside of the Senator's own State interested in this matter?

Mr. CRAWFORD. There are large sections, but Prof. Hansen is connected with our State Agricultural College and his work has come very closely in touch with them, and they have been taking the initiative.

Mr. JONES. I am glad of the information. I shall not ask to have the appropriation increased.

Mr. CRAWFORD. I have no reason to believe that Prof. Hansen will object if the amount is made ten thousand dollars instead of five.

Mr. JONES. I have the information that I desired.

Mr. McCUMBER. Mr. President, I should like further information from the Senator from South Dakota as to what amount has been appropriated for the purchase of alfalfa seed to be distributed to the farmers for matters of test and investigation. I wish to state that in our State we send out very little packages and the demand for those packages for experimental purposes is at least ten times as great as the supply. We ought to have a supply next year to cover the demand that there is for experimental purposes throughout the Northwest. I hope there will be inserted in this bill an amount that shall be specifically used for that purpose, and which the Committee on Agriculture will say is sufficient, considering the demand that has been made and is being made to-day for those samples.

Mr. CRAWFORD. Mr. President, I am unable to answer the question of the Senator from North Dakota. My experience is the same as his. The pressure of demand for alfalfa seed in the Northwest is growing constantly. It is the one legume that is securing to those people their future. I am not informed. I have not been able to give the time to the work of the Agriculture Committee that I should like to have done. Perhaps the chairman may be able to give some information in regard to this matter; I can not.

Mr. McCUMBER. I think the chairman heard my statement and my request for the information. I would be very glad to receive it from him with a view, if it is not in the bill, of offering an amendment by which we will have at least $50,000 or $100,000 to be invested for those seeds alone.

Mr. BURNHAM. Mr. President, I have no means of stating the amount of alfalfa allowed except as it appears here in the bill.

Mr. McCUMBER. I would defer to some one who is on the Committee on Agriculture like my colleague, who perhaps would know exactly whether the amendment should be made, but I should like some amendment which would provide for a sufficient amount to supply that reasonable and just demand, because every bushel of seed that is sent out for that purpose will actually be used for agricultural purposes and in testing the feasibility of raising that kind of alfalfa throughout the semiarid sections of the Northwest.

Mr. GRONNA. Mr. President, I am very glad that my colleague has called attention to this particular item. I can not state exactly how much money is used for the purchase of alfalfa seed, but the fact of the matter is that such seeds as we are speaking of now can not be bought at any price. The Secretary told us that it took $14,000 to get 70 pounds of the Siberian quality.

Mr. McCUMBER. Let me ask the Senator, Can it not be obtained in Siberia? I know, of course, it can not be obtained in the United States; but if it is a product that has been tried out in Siberia and has been found successful and is raised over a considerable area in that section of the country, it certainly seems to me that we ought to be able to get the seed from that section.

Mr. GRONNA. No; the fact of the matter is that this clover was found in the steppes in northern Siberia; they are wild-grown seeds and they have been introduced in this country by Prof. Hansen. They have to be propagated. They are purely a breeding seed. There is no quantity of the seed anywhere in the world, so far as I know.

Mr. CRAWFORD. Will the Senator from North Dakota permit me?

Mr. GRONNA. I yield to the Senator.

Mr. CRAWFORD. I wish to say to the Senator from North Dakota that I have talked many times with Prof. Hansen, who

is a most interesting man, and I learn from him that he gets a caravan and goes very long distances from railways away in the steppes in Turkestan, where the hardships are almost those of Stanley's Darkest Africa. He can not bring the seeds in large bulk. The results so far as quantity is concerned are necessarily quite limited. It takes time of course after raising from the seed to have it multiplied so as to get an appreciable quantity of the seed.

Mr. McCUMBER. If my colleague will yield to me, I understand from the Senator from South Dakota that we have brought the seeds here sufficiently to justify the assumption that they will be a great success in the northwestern part of the country.

Mr. CRAWFORD. That is correct, as testified to by farmers whose letters I have given in the report and by Prof. Hansen himself, and also by the Secretary of Agriculture.

Mr. McCUMBER. Knowing now the importance of this subject in the northwestern section of the country, does not the Senator believe that the Government of the United States would be justified in rendering more assistance to Prof. Hansen than $5,000 would give, or assistance to anyone else in securing those seeds which are so difficult to obtain and whose efforts should be supplemented by the efforts of a sufficient force to bring to our shores the quantity that ought to be used here and for which there is a certain demand?

Mr. CRAWFORD. The Senator from North Dakota is evidently laboring under the impression that the only efforts that are being made to get these alfalfa plants and seeds from Siberia are those made by Prof. Hansen. That is not correct. Prof. Hansen has made four trips there. He was the pioneer in the work. He got the first seeds; he made the exploration; and we want him to go again. But as the exploration work developed it was enlarged, and there is another corps maintained there; there is an appropriation available, and it is being used.

The Secretary of Agriculture, in the first place, said to the committee that the appropriation for Prof. Hansen was not necessary; and it was only because of the fact that Prof. Hansen was so peculiarly well equipped for the work, having been there four times previously, and was cooperating with this association in South Dakota and with the legislature of that State, that it was thought wise to give him this $5,000 assistance.

Mr. GRONNA. Mr. President, I think I should state further that when Secretary Wilson appeared before our committee he said:

> The Russian Government—

He is speaking of where these seeds were obtained—

> The Russian Government used to give him—

That is, Prof. Hansen—

> The Russian Government used to give him a couple of soldiers to go with him, and he would pay their expenses, of course. He got within two days' travel of Mount Ararat, where everybody is sure he can trace his pedigree back to Noah. The last time I saw him I said, "Hansen, have you got all the legumes you want out of that country?" He said, "There is one up there in the foothills of Ararat that I want yet." I never would oppose anything that Hansen wanted—never. I know the great good that the man has done, and our people are sending men who have known of his genius up there to gather the fruits of his observation, and they tell me they have a hundred pounds. When he went first and was gone two or three years he brought back about 70 pounds that cost us $14,000. But if you are going to get a panacea for the reclamation of that whole empire of dry land, what is $14,000?

Mr. President, I only read that to show that it would be absolutely impossible to obtain any great quantity of this particular seed. I believe, however, that my colleague [Mr. McCUMBER] is right. We should distribute more alfalfa seeds. I can not now say what kind of alfalfa seeds should be distributed, but I would be very much in favor of adopting the suggestion of my colleague and specify that a certain amount should be appropriated for the purpose of purchasing alfalfa seed to be distributed over the United States, and especially over the semiarid regions of the West.

Mr. JONES. Mr. President, I suggest to the Senator from South Dakota that on page 27 of the bill there is a provision like this:

> *Provided further*, That $39,000 of which sum—

Referring to the fund with reference to congressional seeds for distribution—

> or so much thereof as the Secretary of Agriculture shall direct, may be used for the purchase and distribution of drought-resistant field seeds through the Great Plains area and other dry-land sections of the United States.

I take it it is under that provision the Secretary secures alfalfa seeds, and so forth?

Mr. GRONNA. It is.

Mr. JONES. I want to suggest right here to the Senator from South Dakota that I think it would be a good idea to increase that amount from $39,000 to $150,000 and take this out of the free congressional distribution seed farce.

Mr. CRAWFORD. This is the kind of free congressional distribution of seed that I do not want to see abolished.

Mr. JONES. I know it. I want to see the appropriation increased. I want to increase it from $39,000 to $150,000.

Mr. GORE. Mr. President, I should like to suggest to the Senator from Washington and the two Senators from North Dakota that this bill carries an appropriation of $250,000 for the purchase and distribution of seed upon the requisition of Members of the two Houses of Congress. Each Member of the Senate or the House can commute his entire pro rata share of that appropriation into alfalfa seed instead of distributing garden seed by filing a requisition with the Secretary of Agriculture. He can have his entire portion converted into alfalfa seed.

Mr. JONES. The Senator is certainly mistaken in that.

Mr. McCUMBER. The Senator is mistaken.

Mr. CRAWFORD. The department have not the seed.

Mr. JONES. They have not the seed.

The PRESIDENT pro tempore. The Senator from Oklahoma has the floor. Senators must not interrupt without first addressing the Chair and getting permission.

Mr. GORE. No appropriation that we can make can conjure this particular kind of alfalfa seed into existence. I am not mistaken as to the ability of any Member of either House to file his requisition and obtain whatever kind of seed he desires, because I took this matter up with the Secretary of Agriculture last year and he gave me that assurance.

The PRESIDENT pro tempore. The question is on the amendment of the committee to insert the paragraph from line 19 to line 25, inclusive, on page 79.

The amendment was agreed to.

The next amendment was, on page 79, after line 24, to insert:

> That the President of the United States is hereby authorized to appoint a commission to investigate the operations of cooperative land-mortgage banks and of cooperative rural credit unions in other countries, and to fix the compensation of the members of the commission. Said commission is hereby authorized to employ such clerks, stenographers, and other assistants as may be necessary in the city of Washington and elsewhere, which employees shall be paid such compensation as the commission may deem just and reasonable, upon a certificate to be issued by the chairman of the commission. For the purposes of its investigations the commission shall be authorized to incur, and have paid upon the certificate of its chairman, such expenses as the commission shall deem necessary: *Provided, however*, That the total expenses authorized or incurred for compensation, employees, and otherwise shall not exceed the sum of $30,000. Said commission shall submit a report as early as practicable to Congress, embodying therein recommendations as to how the systems of such land-mortgage banks and rural credit unions may best be adapted to the needs and requirements of the people of the United States.

Mr. BURNHAM. I wish to make some additional amendments. On page 79, in line 26, after the word "commission," I move to insert the following:

> As a part of and to cooperate with the American commissioners assembled under the auspices of the Southern Commercial Congress.

The amendment to the amendment was agreed to.

Mr. BURNHAM. On page 80, line 17, after the word "unions," I move to insert the following:

> And other institutions for the purpose of increasing agricultural credit facilities.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. There is one more amendment, which will be stated.

The next amendment was, on page 79, line 22, after the words "Department of Agriculture," to strike out "$17,593,275" and insert "$18,566,580," so as to make the clause read:

> Total carried by this bill for the Department of Agriculture, $18,566,580.

The amendment was agreed to.

The PRESIDENT pro tempore. The totals will be corrected by the clerks.

Mr. McLEAN. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read:

The SECRETARY. On page 55, after line 19, insert:

> All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.
>
> The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds

within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than 90 days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions the sum of $10,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BURNHAM. I would inquire of the Senator from Connecticut whether the insertion should not be made after line 16, before "general expenses"?

Mr. McLEAN. I have no objection to that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BRYAN. Mr. President, I raise a point of order on the amendment upon the ground that it is general legislation on an appropriation bill.

The PRESIDENT pro tempore. Does the Senator from Connecticut desire to be heard on the point of order?

Mr. McLEAN. It is very evident that there are half a dozen provisions in the bill standing on precisely similar ground. In regard to the claim that it is general legislation, I do not care to discuss it.

Mr. GRONNA. Mr. President, I hope that the Senator from Florida will withdraw his point of order on the amendment that has been submitted by the Senator from Connecticut. The Senator from Florida well knows that a similar bill passed the Senate unanimously, and the only way that this bill can become a law at the present session is to put it upon some appropriation bill. The bill which the Senator from Connecticut introduced passed the Senate unanimously, and it would seem to me that having formerly passed the Senate it is not really subject to a point of order.

The PRESIDENT pro tempore. Inasmuch as the bill has passed the Senate without objection the Chair will submit the question to the Senate: Is the amendment in order on the pending bill?

Mr. BURNHAM. In view of the action of the Senate, the Senate having passed the bill, and its present standing in the House, as I understand it, I wish to say that I have no objection to the amendment, and I accept it, so far as I have any authority to do so.

The PRESIDENT pro tempore. Senators who are of the opinion that the amendment is in order on the pending bill will say "aye." [Putting the question.] The ayes have it, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. I desire to offer an amendment. On page 17, line 13, after the word "clerk," strike out "$2,500" and insert "$2,750."

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. On page 17, line 13, in the items for the Bureau of Plant Industry, after the words "one chief clerk," strike out "$2,500" and insert "$2,750."

Mr. SIMMONS. I hope the Senator in charge of the bill will accept that amendment.

Mr. BURNHAM. I have no objection to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 7, line 11, insert the following words:

Hereafter officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by existing laws applicable to said bureau notwithstanding any changes in appointments that may be required by such transfers.

The amendment was agreed to.

Mr. SMITH of Maryland. Mr. President, with the approval of the chairman of the committee, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. On page 78, after line 20, it is proposed to insert the following paragraph:

That the National Forest Reservation Commission is hereby authorized and directed to investigate and report to Congress at as early a date as practicable upon the feasibility and cost of acquiring land for a national forest for experimental and administration purposes on the watershed of the Potomac River and its tributaries, and upon the watersheds of the streams flowing into Chesapeake Bay situated within 40 miles of the District of Columbia, and said commission is hereby authorized to expend for said purposes any funds appropriated in section 14 of the act of March 1, 1911 (36 Stat., 961), entitled "An act to enable any State to cooperate wth any other State or States or with the United States for the protection of waersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams."

Mr. BURNHAM. Mr. President, I believe that that amendment is necessary and important, and, so far as I can, I will accept it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland.

Mr. BORAH. Mr. President, I want to ask a question in regard to the amendment. How much expenditure will it involve?

Mr. SMITH of Maryland. I will say to the Senator from Idaho that it will involve not one dollar of additional expenditure. So far as the Forestry Commission is concerned, they are only authorized to perform this service. The money has already been heretofore appropriated for the expenses, and the amendment will not require any appropriation whatever.

Mr. BORAH. Does it enlarge or increase in any way the authority or power of the so-called Forestry Commission?

Mr. SMITH of Maryland. They are only to investigate and report so far as this proposed park is concerned; that is all.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. SMITH of South Carolina. Mr. President, I again rise to a point of order. It is absolutely impossible to intelligently follow what is going on in connection with the pending bill on account of the talking and confusion in the Chamber.

The PRESIDENT pro tempore. The point of order is well taken. The Chair will once more appeal to Senators to preserve order. The business of the Senate will hereafter be suspended when there is such disorder in the Chamber as has frequently occurred this morning.

Mr. OVERMAN. I move, on page 41, to strike out the clause from line 16 to line 20, inclusive.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. On page 41, beginning in line 16, it is proposed to strike out:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $83,728.

Mr. OVERMAN. Mr. President, as I stated earlier in the day, I am opposed to these lump-sum appropriations; but, in addition to that lump sum, I find other lump sums for the same purpose, among them the following:

For investigations of method for wood distillation and for the preservative treatment of timber, * * * $170,000.

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting, etc., $165,640.

Then, we come down to this provision, on page 41, which I have moved to strike out:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $83,728.

Out of this lump sum there has been expended the enormous amount of $10,000 to print 1,000 copies of a pamphlet to be distributed around through the colleges for the purpose of securing increase of salaries and creating additional offices. I am glad to see the committee has fixed the salaries and the offices here in this bill; but they have a dendrologist here, and they have a silviculturist. I want to know why they did not specifically provide for his salary as they have provided for other salaries, but have instead appropriated a lump sum in order that the Secretary might fix a salary or create an office.

Mr. BURNHAM. In replying to the Senator, I wish to say that this item has appeared before in substantially its present form; and while the objections of the Senator may have some force in a way, we have here the exact items that go to make up that $83,000 appropriation. The committee had before it the exact items and were fully satisfied that the amount was correct.

So far as the "lump-sum" practice is concerned, I should be glad to have the Senator from Wyoming [Mr. WARREN], who

has had longer experience on the committee than have I, make a statement regarding it.

Mr. OVERMAN. Mr. President, the Senator from Wyoming agrees with me that this system has been abused. Not longer than two days ago there was put into the Indian appropriation bill a lump-sum appropriation, which was stricken out on a point of order, because it provided for salaries which were contained in the legislative appropriation bill. That is the way salaries have been increased. After the Committee on Appropriations have fixed the salaries we find lump sums appropriated in other appropriation bills. We found it in the Indian appropriation bill, where the committee had inserted a lump-sum appropriation of $100,000 after the Committee on Appropriations had fixed the salaries for the offices. I ask the Senator from Wyoming if that is not true?

Mr. WARREN. Mr. President, I agree with my colleague on the Appropriations Committee [Mr. OVERMAN] that so far as practicable we ought to avoid these lump-sum appropriations. I think we are traveling in that direction all the time. It is more difficult, however, in this particular department, much of whose work is of an experimental nature. Nearly all of its investigations are more or less experimental; and we have not yet arrived at a place where I feel that we could cut out all these sums. I am inclined to think if the Senator will examine the list of expenditures—I have not examined it closely myself—that he will not ask to have these sums cut out at this time.

Mr. OVERMAN. I should like to hear the statement to which I have referred read.

Mr. WARREN. It might be well for the Senator to ask that there should be an estimate for next year, if he prefers to do so.

Mr. OVERMAN. I hope hereafter the department will send an estimate of the number of men to be employed and their salaries, so that we shall be fully informed as to what we ought to do.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from North Carolina.

Mr. OVERMAN. I want to hear the information, Mr. President.

Mr. BURNHAM. I should be glad to have the Senator examine it.

Mr. OVERMAN. I want to know if I have stated the truth. The department spent $10,000 to publish a pamphlet, and they are going to publish another to cost another $10,000. They have four volumes, in which appear most expensive pictures of leaves and tree tracings. I had one of the volumes on my desk and I am sorry that it has been misplaced, for I should like to show Senators for what purposes they are spending the people's money. One pamphlet, as I have said, has cost $10,000. If that is not so, let us see what the cost is. That, however, is my information.

Mr. BURNHAM. The information the Senator desires may be this:

> This appropriation provides for investigations in scientific forestry and for cooperation with States and private owners in forestry practice. It supports, in whole or part, seven experiment stations in the West where trained investigators are studying the problems encountered in the technical administration of the national forests.

Mr. OVERMAN. What I want to know is what that money is to be spent for?

Mr. BURNHAM. There are some figures given. They have a dendrologist at $2,500, although his salary is not fixed in the bill.

Mr. OVERMAN. They have also a silviculturalist.

Mr. BURNHAM. Does the Senator desire to have this matter read by the Secretary?

Mr. OVERMAN. The Senator can give me information as to how many will be employed and how much money has been spent. The fact that such appropriations have been carried for years and years on this and other appropriation bills is no reason why we should not now cut them out. If my recollection is correct about this particular item, it ought to have been cut out long ago. I want to know how the money is to be spent and for what it is to be spent. That is the information I am trying to get.

Mr. BACON. Mr. President, I suggest to the Senator that, as the committee is not prepared to give the information and as this is a House provision, it might be well for the Senate to strike it out, and then, if the House can show to the conference committee that there is a proper use for the expenditure, it can be restored. We certainly ought not to pass it unless they can show that it is a proper expenditure.

Mr. OVERMAN. Mr. President, I introduced a resolution to investigate this very department, but it was objected to, as if some one did not want an investigation of that particular department. I had the book to which I have referred on my desk to show to Senators. I hope the Senator will let the item go to conference, and when it goes into conference if the conferees agree that it is all right, I will be satisfied; but I know that great extravgance has followed lump-sum appropriations.

Mr. BURNHAM. Mr. President, so far as I am concerned, I have no objection, I will say to the Senator from North Carolina.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. BURNHAM. On behalf of the committee I offer an amendment to the amendment of the committee on line 23, page 20.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 23, in lieu of the proviso inserted at that point by the committee, it is proposed to insert:

> That of the sum appropriated, $10,000 is to be used for testing the waste, tensile strength, and bleaching qualities of the different grades of cotton as standardized by the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURNHAM. On page 57, line 8, I move to strike out "thirteen" and insert "fourteen," so as to read "fourteen clerks, at $1,000 each."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURNHAM. On page 57, line 8, I move to strike out "forty-one" and insert in lieu thereof "forty," so as to read "forty clerks, at $900 each."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURNHAM. While I am on my feet I desire to make the suggestion that the Secretary be authorized to correct all totals.

The PRESIDENT pro tempore. That will be done.

Mr. JONES. On page 23, line 11, after the word "handling," I move to insert the word "marketing." I know we have a provision in the bill for a Division of Markets, but that may not be accepted. Of course if it is accepted, this will not be retained; but if it is not accepted, then I should like to have this amendment put in.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, line 11, after the word "handling," it is proposed to insert "marketing."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, I desire to call the attention of the chairman of the committee to the fact that I offered an amendment which was referred to the committee, reinstating a provision that was put in the bill by the senior Senator from Minnesota [Mr. NELSON] at the last session, with reference to the disposal of dead and down timber to homesteaders. I offered the amendment with the word "hereafter" in it to make it a continuing proposition. Am I correct in understanding that the department holds that the provision in the last bill to continuing law, and that therefore it is not necessary to have it inserted in this bill?

Mr. BURNHAM. It has been stated by the officials of that department that they so hold, and that they will act upon that theory.

Mr. OVERMAN. Mr. President, I want to call the attention of the Senate and I also want to print in the RECORD and I want the conference committee to take notice of a brief extract to show how this department estimates and the way this money is spent. I read:

Eastern forest studies	$24,000
Western forest studies	40,378
State cooperation	3,000
Forest management in the East	4,600
Dendrology	11,750
Total	83,728

I suppose that the item of $11,750 is to provide for the book to which I have referred. That is the only light on this $83,728 appropriation.

Mr. BURNHAM. Mr. President, if the Senator will turn over a little further, he will find the details.

Mr. OVERMAN. Ah, we have been paying two salaries. I am glad the Senator has called my attention to it. We have

provided for offices and fixed salaries, and now they come in and ask for a lump sum—I knew that was being done—of $83,728. What is that for? Not for offices created by Congress, with salaries fixed by Congress, but they take the lump sum and appoint a chief at $2,500, an assistant chief at $2,200, a forester assistant, and so on. A long list of offices is created by the chief of the department under the lump-sum appropriation, offices which Congress has refused to create, and for which it has never fixed salaries. That is what I am complaining about in connection with these lump sums. If I had time to go through these estimates—$170,000 for this and $85,000 for that, and so forth—you would find the same thing; you would find them creating offices in the department that Congress would not create if they had the matter before them and full information upon it. That has been done not only under this appropriation, but under others.

I am not complaining of the chairman of the Agricultural Committee, but I am complaining of these appropriation bills; and so long as I stay here these lump sums will have to go out, if the Senate will sustain me, as they have gone out at my instance in several cases. The lump-sum provisions have been abused. The money of the people has been spent in this way in creating offices, and lump sums, designed for the purpose of carrying on some investigation, have been made to fool Congress, while offices with large salaries attached have been created.

Mr. KENYON. Mr. President, I offered an amendment, which was printed some time ago, but I find the copy of the bill I had was not a correct print; so I shall offer the amendment now. After line 1, on page 25, I move to strike out all of page 25, all of page 26, and all of page 27 down to line 23. I do not know whether it is necessary to read all those lines proposed to be stricken out. I can explain the amendment in just a word.

Mr. SMITH of South Carolina. Will the Senator please state where he proposes his amendment shall begin and end? There was such confusion that I could not hear.

Mr. KENYON. Commencing after line 1, on page 25, striking out everything on pages 25 and 26, down to line 23 on page 27.

Mr. SMOOT. The Senator will also have to move to strike out lines 23 and 24 on page 27, will he not, because that is the appropriation.

Mr. KENYON. That is the appropriation for the whole Bureau of Plant Industry, while the amendment I have offered only affects the portion of the provision relating to the free distribution of seeds.

Mr. SMOOT. Then the Senator can afterwards change the appropriation if he shall so desire.

The PRESIDENT pro tempore. The Senator can move to amend further if his amendment is adopted.

Mr. KENYON. That can be done if the amendment is adopted, which I do not think will likely happen, but shall be gratified if it does.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. KENYON. I yield to the Senator.

Mr. CRAWFORD. I merely desire to ask the Senator a question. I have not examined the full scope of the Senator's suggestion. It appears that his amendment goes much further than I thought he really intended it to go. I agree with him with reference to a lot of this little nonsense in the way of sending out garden seeds and flower seeds; but I want to know if the Senator seriously means to contend that the provision for securing and distributing seeds adapted to the production, for instance, of drought-resistant plants in semiarid regions should be eliminated, and that the Department of Agriculture should cease its endeavors in that direction?

Mr. KENYON. Oh, no; not at all. I am very much in favor of that.

Mr. CRAWFORD. But part of the provision which the Senator is seeking to strike out appears to be devoted to that very purpose.

Mr. KENYON. That may be true as to the item of $39,000 for the purchase of drought-resistant field seeds.

Mr. CRAWFORD. We were discussing a moment ago the matter with reference to the securing of legumes from the steppes of Siberia and taking them out into the semiarid regions of the West.

Mr. KENYON. The Senator is correct as to that.

Mr. CRAWFORD. The advantage of that outweighs the abuses of a few cabbage and garden seeds and flower seeds, which I think ought to be cut out.

Mr. KENYON. I have no objection, of course, to the provision to which the Senator refers, and possibly the amendment may be modified so that those items to which he has referred may remain in the bill or a provision placed in it afterwards, if my present amendment should be adopted.

Mr. President, what I am striking at is the wasteful and indefensible expenditure of public money in sending garden seeds and flower seeds all over the United States. I am going to make this protest this year—I do not think it will do any good. Probably one might just as well protest against a river and harbor bill or a public buildings bill, but I am going to make the protest at the next session and to keep on with this protest until it may arouse some sentiment in its favor, because, of all the expenditures of public funds, this has grown to be the most defenseless and the most nonsensical.

The Postmaster General in his report informs us of a deficit—a heavy loss of revenue in 1912—due to the extraordinary amount of franked matter mailed in the political primaries, which made a temporary deficit, but states that since the close of the fiscal year the income of the department has again outstripped the expenditures.

The franking of seeds is but a part of the extravagance of the franking system. I remember, when I was a boy, of my father receiving a large envelope containing some seed packages with the name of a Representative in Congress in the corner. It occupied a very conspicuous place in our affections, and we felt quite delighted to think we were in such close contact with a distinguished Member of Congress. I have been disillusioned since. I asked the Secretary of Agriculture, through a resolution, to furnish the Senate the items of expense of purchasing and preparing for the mails the seeds which are distributed principally in congressional campaigns, and that report has just been printed.

Mr. WARREN. Mr. President, does the Senator allude——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. I do.

Mr. WARREN. The Senator speaks of distributing seed in congressional campaigns. We distribute vegetable and flower seeds every year. The political seed that goes out in the way of documents, which undoubtedly occasions the greatest amount of the deficit, of course goes out every two years; but the seeds proper go out every year in the same quantity without reference to elections.

Mr. KENYON. It is all political seed, I think, which goes out.

Mr. WARREN. Hardly so, I think.

Mr. KENYON. Last year in the purchasing of vegetable and flower seeds the Government spent over $122,000, and for the packeting and mailing $101,000. For the last four years the Government has spent approximately a million dollars for vegetable and flower seeds, few of which, I think, have ever been known to grow. The number of packages mailed during that time was over 48,000,000. So that this expense is not one alone of purchasing the seeds and preparing the seeds for mailing, but likewise an expense to the postal department for transporting. This constitutes an element in the deficit of the Post Office Department.

Mr. President, I am not objecting to any distribution of valuable seeds. This custom came down to us from the old colonial days. In the early days of the Republic Benjamin Franklin sent from the Old World many valuable plants and seeds, and Thomas Jefferson did the same thing from France. That was a valuable idea, and I will vote for sums of money, as the Senator from South Dakota [Mr. CRAWFORD] suggests, for valuable seeds and plants which may develop our waste places and assist in anything that contributes to the breakfast table of the world.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to his colleague?

Mr. KENYON. Certainly.

Mr. CUMMINS. I desire to call the attention of my colleague to a possible change in the amendment that he has proposed. If he were to begin the process of elimination in line 5, page 26, with the words "an equal proportion," and so on, and strike out down to and including the word "department," in line 8, on page 27, would he not cover the point that he has in view?

Mr. KENYON. Will the Senator state again at what point he suggests that the amendment should commence or the exclusion commence?

Mr. CUMMINS. The exclusion commences after the period in line 5, on page 26, and continues down to and including the word "department," in line 8, on page 27.

Mr. FALL. Mr. President, I suggest to the Senator from Iowa that also the words "*And provided also*" should be stricken out to the word "That," in line 17, page 27.

Mr. CUMMINS. That is true.

Mr. KENYON. The words "*And provided also,*" on page 26?

Mr. FALL. On page 27.

Mr. CUMMINS. I believe that would provide for what might be called the valuable work of the Department of Agriculture in the way of experimentation, and would take away from the Members of Congress the large collection of seeds which is annually being distributed.

Mr. KENYON. Will the Senator offer that as a substitute?

Mr. CUMMINS. No; I simply suggest that to my colleague to see if it meets his approval.

Mr. KENYON. I am very agreeable to it.

Mr. FALL. Upon further consideration, I think the original suggestion of the Senator from Iowa is correct, as I notice there is a proviso left in this clause.

Mr. KENYON. Mr. President, I desire to withdraw the amendment I offered, and will offer a new one instead.

The PRESIDENT pro tempore. The Senator from Iowa withdraws his amendment.

Mr. KENYON. I now move to amend, by striking out, on page 25, except the first line thereof; page 26, lines 1, 2, 3, 4, and 5 up to and including the name "United States," and also, on page 26, the words in line 22, commencing at "*Provided also,*" the remainder of page 26; and page 27 down to line 8, including the word "department" in that line.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 25, beginning with line 3, it is proposed to strike out that line and all down to and including the name "United States," in line 5, on page 26; also on page 26, line 22, beginning with the words "*Provided also,*" to strike out the remainder of line 22 and all of the language down to and including the word "department," in line 8, on page 27.

Mr. BORAH. Mr. President, if this amendment is meant to be in the form in which it is moved——

Mr. KENYON. Just a moment; I misunderstood the situation, and I want to state it once more. It was not stated as I understood it. I want to withdraw that amendment and get it stated right this time. It is, to strike out, on page 26, from the word "an," on line 5, all of the balance of said page; and all of page 27 down to the word "department," on line 8.

Mr. POMERENE. May I ask what page the Senator is referring to?

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 26, on line 5, beginning with the words "an equal proportion of five-sixths of all seeds," it is proposed to strike out all down to and including the word "department," on line 8, page 27.

Mr. KENYON. Mr. President, I do not care to take any more time on this matter, but I desire to insert, as a part of my remarks, extracts from letters from two farmers in my State, which I will read.

Mr. DU PONT. I should like to make an inquiry. Do I understand that the amendment strikes out anything on page 25?

Mr. KENYON. No; it does not.

I have received some interesting communications from farmers in my State on this seed proposition, and I make bold to read extracts from two thereof.

One writes me as follows:

> Five of we farmers were in the store here the other day and each had received some packages of seeds from his Congressman. We drew lots to see who should have the seeds, and the man who got them took them over and put them into the stove. We then all went out and each one cranked up his six-cylinder car and went out to his farm. This seed business is an absolute farce, and it is time Congressmen quit thinking they were fooling the voters by sending them seeds.

Another is as follows:

> I wish you would send a package of seeds to Mr. ———

The name need not be mentioned.

> He is one of my enemies in this community. I can know of no way to punish him any more than to have him plant these seeds and try and get anything from them. My wife received some nasturtium seeds last year, planted them in the front yard, and we had quite a crop of cucumbers therefrom. Most of the neighbors here, when they get packages of seeds, laugh about it and wonder if the Congressman thinks that will get him another vote. It is time the Government went out of this kind of business.

I have only this to say: The distribution of seeds, as now carried on, is a farce, and every man knows it; and it ought to stop; it is a wasteful expenditure of public money.

Mr. BORAH. Mr. President, if this amendment should be adopted, would it not leave the law in such shape that parties desiring seed may write to the Agricultural Department and get anything they desire?

Mr. KENYON. I assume that is true.

Mr. BORAH. If it is not true, I am not in favor of this amendment.

Mr. SMITH of Georgia. It is impossible for us to hear on this side what Senators are saying.

Mr. LODGE. Mr. President——

Mr. BORAH. Perhaps the Senator from Massachusetts can tell me.

Mr. LODGE. As I understand the amendment, it leaves that portion which provides for the distribution of valuable plants and bulbs, which is the foundation of the whole thing.

Mr. KENYON. Yes; it does. There is no question about that.

Mr. LODGE. It leaves those untouched, for distribution to persons who apply, and who are anxious to use them for the purposes for which the appropriation was really intended. I take it that the object of the Senator from Iowa, as it has been my object in years past, is to get rid of the wholesale distribution of common seeds, purchased by contract from seedsmen, and which are sent broadcast through the country, which are neither valuable nor rare, and which do not help in the development of agriculture or horticulture or anything of the kind. They are purely political seeds, and it is a mere waste of the public money.

I have made this protest a great many times, and I am glad to know that somebody else has come into the Senate who is ready to make the same protest.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. SMITH of South Carolina. I simply wanted to ask the Senator from Massachusetts if he means by his remarks that he wants to destroy all political seed in America?

Mr. LODGE. That can be confined to printed seeds, the seeds of truth that go out in speeches.

Mr. BORAH. Does not the Senator from Iowa, then, want to turn back to page 25 and strike out—

> of which amount not less than $256,100 shall be allotted for congressional distribution.

Mr. LODGE. That is the key of the position. That is the real thing. The rest can be left. We struck out the senatorial and congressional allotments before. If we leave out the money it will stop.

Mr. BORAH. Mr. President, I think that ought to go out to be in harmony with the other amendment.

Mr. McCUMBER. Mr. President, if the Senator takes that out he takes out the portion which is used for the purchase of the alfalfa of which we have been talking, and other seeds that are to be used in the territory mentioned, because it is out of the $256,100 that the $39,000 is to be taken.

Mr. BRISTOW. Mr. President, the sum of $39,000 can be deducted from the $256,100 and reduce the $256,100 by $39,000. That will accomplish the purpose.

Mr. SMITH of Georgia. Mr. President, it is impossible to hear what the Senators are saying on the other side.

The PRESIDENT pro tempore. Complaint is made that Senators speaking are not heard on the opposite side of the Chamber. They will kindly speak more distinctly.

Mr. SMITH of Georgia. Before the amendment is put and before it is read, I wish to say that if an amendment can be adopted which simply strikes out the seeds that are distributed by Senators and Congressmen I am thoroughly in favor of it. I do believe, however, that there should be seed distribution from the Agricultural Department. I think the plan of that distribution should be to place into localities seeds determined upon by the department which it believes are needed to begin the production of seeds for some particular class of culture which, in the opinion of the department, will advance the agricultural interests of the particular section involved. I should regret exceedingly to have the bill so changed as not to leave money for that purpose. I should be exceedingly pleased if the appropriation now made for seed could be all devoted, and if the department could be required to devote it all, to the selection, propagation, and distribution solely of seeds which, in the opinion of the department, are needed for special localities to begin the culture of something desirable for the locality, but not already known by the locality.

Mr. LODGE. Mr. President, I think we all desire to preserve the distribution desired by the Senator from Georgia. That is the wording of the bill—

> For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants.

That is what we want to preserve. But there is tacked on to that appropriation this great sum of money which is expended

merely in buying seeds from seedsmen by contract. They are not valuable. They are of no use for the purpose of propagation, testing, or distribution. They are merely sent out—well, to gratify those who send them, I suppose.

Mr. SMITH of Georgia. It is proposed, as I understand, to leave the appropriation for valuable seeds?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. And to strike out the appropriation for common seeds?

Mr. LODGE. It should be arranged so as to get rid of the ordinary seedsman's seeds which do not correspond to this description. Of course, in such cases as the Senator from North Dakota suggested, those are just the ones we want to have distributed and have preserved; but what I should like to see gotten rid of is this wholesale distribution of seeds that are of no value and that can be bought at any seedsman's store.

Mr. GORE. I should like to ask the Senator from Massachusetts, and also the junior Senator from Iowa, if it would not accomplish the end they have in view merely to strike out the words "for congressional distribution"? That would give the Secretary of Agriculture this appropriation with which to purchase and distribute valuable and rare seeds.

Mr. BORAH. Mr. President, it seems to me that if we should offer a separate amendment, to strike out, in line 12, page 25, the words "of which amount not less than $256,100 shall be allotted for congressional distribution," that would cure the entire evil.

Mr. LODGE. Mr. President, if the Senator will allow me one moment before he takes his seat, the amount expended for congressional seeds is $256,000. The amount expended for valuable seeds is, in round numbers, $40,000. I suggest that we take out the congressional seeds, say a quarter of a million dollars, and continue the distribution of valuable seeds.

Mr. DU PONT. Mr. President, I suggest, as a practical solution of the problem raised by the various suggestions which have been made, that in lines 12 and 13 the words "of which amount not less than $256,100 shall be allotted for congressional distribution," be stricken out, and the words "or as much thereof as may be necessary" inserted in line 12. That will leave the authority for the distribution and they can expend all that is necessary for the distribution of valuable seeds, such as alfalfa, which has been referred to here several times.

Mr. WORKS. Mr. President, I am very anxious to do anything I can to further the movement to rid ourselves of this system of distributing seeds. I think it is one of the greatest humbugs that was ever palmed off on an unsuspecting people. The misfortune about it is that Members of Congress willingly make themselves parties to the distribution of these seeds, and then come in and propose to change the law that they can very easily change themselves by refusing to be a party to it and renouncing any right or desire to accept and send out the seeds.

It seems to me we might put an end to this system by simply abolishing it ourselves. There is no reason why that should not be done.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Idaho?

Mr. WORKS. I yield.

Mr. BORAH. Congressmen should not be tempted any more than anybody else, and the best way to get rid of it is to strike out the provision wholly. It can not be done then, and in that event it will not be expected to be done on the part of any of them.

Mr. WORKS. I am perfectly willing to support an amendment of that kind, but it certainly is an evidence of weakness on our part if we allow ourselves to be tempted in this way.

Mr. JONES. Mr. President——

Mr. WORKS. I yield to the Senator from Washington.

Mr. JONES. I want to suggest to the Senator that we have a provision in here that those seeds which are not used or distributed by Senators and Representatives by a certain time shall be disposed of by the department. The result of it would be that the allotment of those who would not take them would then be distributed to those who wanted them.

Mr. WORKS. I recognize that weakness in the law, and had it not been for that I should have refused to accept the seeds myself; but I knew the consequence would be that they would be distributed, anyhow. I am in entire sympathy with the effort to eliminate this provision entirely from the law.

Mr. KENYON. The Senator from Oklahoma asked a question of me, I think, and I do not know whether it has been answered or not. I have not answered it.

If the amount reserved for congressional distribution were stricken from the bill, which is the purpose of my amendment, the amount of $295,100 would remain, which would be used under the care of the Secretary of Agriculture for the proper expenditure. That would include also the $39,000 to which the Senator from North Dakota has referred. So if this amendment that I have proposed is adopted, it should be followed also by one striking out the portion of lines 12 and 13 which relates to the amount reserved for congressional distribution.

Mr. DU PONT. Should not the words "or as much thereof as may be necessary" be inserted?

Mr. KENYON. In place of that?

Mr. DU PONT. On lines 12 and 13, in place of what you strike out.

Mr. KENYON. I do not catch the Senator's point.

Mr. DU PONT. I suggest inserting the words "or as much thereof as shall be found necessary."

Mr. KENYON. As much of what and for what?

Mr. DU PONT. Of the $295,100.

Mr. KENYON. Oh, yes; there will be no trouble about that.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Iowa a question. The proposition was made by the Senator from Oklahoma to strike out "of which amount not less than $256,100 shall be allotted for congressional distribution." Does the Senator from Iowa understand that the $256,100 includes the expense of distribution as well as the cost of acquiring the seeds and putting them into proper form for distribution? If the proposition of the Senator from Oklahoma obtains—by striking out "of which amount not less than $256,100 shall be allotted for congressional distribution"—that will leave the original amount of $295,100 to be used by the Secretary of Agriculture in purchasing such seed as is contemplated in the first three lines at the top of page 25, and will also leave the right of the individual to apply for these seeds as he may desire. Does not the Senator think that taking the amendment proposed by the Senator from Oklahoma would meet the very object that the Senator from Iowa has in view?

Mr. KENYON. I did not hear the amendment proposed by the Senator from Oklahoma. My attention was diverted at the time. What was it?

Mr. SMITH of South Carolina. The amendment proposed by the Senator from Oklahoma was, on line 12, page 25, after "$295,100," to strike out:

Of which amount not less than $256,100 shall be allotted for congressional distribution.

He proposes just to strike out the two lines, instead of the $295,100.

Mr. KENYON. Of course the difficulty with that is this: I notice in reading the section that it would be rather incongruous, because the Secretary is instructed under another section to go ahead and secure these competitive bids.

Mr. SMITH of Georgia. If the Senator will allow me, I should like to suggest that if we should strike out, in lines 12 and 13, after "$295,100," the words down to "and," in line 13—that is to say, strike out the words:

Of which amount not less than $256,100 shall be allotted for congressional distribution—

And then go down to line 19, and, beginning with the last two words in that line, "and in," strike out the balance of that page, all of page 26, and all of page 27 down to:

Provided further, That $39,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used for the purchase and distribution of drought-resistant field seeds through the Great Plains—

And so forth.

We will leave the Secretary of Agriculture with the appropriation and charged with the duty of using the money to investigate seed problems and distribute himself such seeds as in the opinion of the department might be valuable, and we will eliminate altogether the congressional distribution.

Mr. KENYON. I think the Senator's suggestion is valuable if we are prepared to appropriate that much money for that particular purpose. Does the Senator feel that the amount of $295,100 is necessary or desirable?

Mr. SMITH of Georgia. I would add to the prior language:

Or so much thereof as may be necessary.

Mr. DU PONT. That is what I have already suggested.

Mr. KENYON. I am inclined to think that is a good suggestion.

Mr. SMITH of Georgia. It will be changed, then, to distribution by the department, the department being charged with distribution for the advancement of agriculture and for the benefits that can be derived from such a distribution.

Mr. JONES. Mr. President, I desire to ask the Senator from Iowa, and also the Senator from Georgia, why it would not be satisfactory to do this: If you want to leave in the amount, strike out all of the paragraph after the amount "$296,000,"

in line 11, down to the proviso on page 27; strike out all the remaining part. That will allow the Secretary of Agriculture to purchase, propagate, test, and distribute valuable seeds, bulbs, trees, and so forth.

Mr. SMITH of Georgia. It would then be limited to propagation and distribution.

Mr. JONES. Testing would be included, also.

Mr. SMITH of Georgia. Testing, propagation, and distribution; but he might deem it necessary to make some purchases for distribution.

Mr. JONES. He is allowed to purchase. It begins, "For purchase."

Mr. SMITH of Georgia. Oh, yes; those are the first words. I do not think we need any of that language, then.

Mr. JONES. I suggest striking out all after the amount "$296,000," down to the proviso on page 27. I suggest that amendment.

Mr. DU PONT. I again suggest to the junior Senator from Iowa to insert the words "or so much thereof as may be necessary."

Mr. KENYON. I have had so many suggestions that I am a little confused, but I think I have it straightened out now. In order to clear the record, I am going to offer the amendment which I will state.

The PRESIDENT pro tempore. Does the Senator withdraw the amendment he has already offered?

Mr. KENYON. I withdraw my other amendment, and offer the one I am about to state.

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa is withdrawn. The Senator from Iowa now offers the amendment which will be stated.

Mr. KENYON. I move to insert on page 25, line 11, after "$296,000," the following:

Or so much thereof as may, in his judgment, be deemed necessary.

The PRESIDENT pro tempore. The Senator's bill does not seem to correspond to the one in the hands of the Secretary as to the numbering of the lines.

The SECRETARY. On line 12, after "$295,100," is is proposed to insert:

Or so much thereof as may be necessary.

Mr. GRONNA. Will the Senator from Iowa yield to me for a suggestion?

Mr. KENYON. I should like to get this straightened out.

Mr. JONES. I desire to suggest to the Senator from Iowa that the words "$296,000" have been struck out of the bill.

Mr. KENYON. Please let me get this straight. I move, after the figures "$295,100," in line 12, page 25, to insert "or so much thereof as may be necessary."

And I move to strike out all the balance of pages 25, 26 and 27, down to the words "*Provided further*," in line 17, page 27.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 25, line 12, after the numerals "$295,100," and after the comma, it is proposed to insert "or so much thereof as may be necessary."

And beginning with the words in line 12, "of which amount," it is proposed to strike out the remainder of the page, all of page 26, and all of page 27, down to and including the words "and plants," in line 17.

Mr. GRONNA. Mr. President, I want to be heard for just a moment before this is voted on. I want to say to the Senator from Iowa that the amount should be amended. I do not see any necessity for appropriating $295,100 for the purchase of seed if you are going to do away with the amount that is allotted to Members of Congress. I was simply going to suggest to the Senator to strike out the $295,100 and insert $50,000, and then put in the proviso. The ten or eleven thousand dollars could then be used for the purchase, propagation, testing, and distribution of these rare seeds.

Mr. KENYON. I will suggest to the Senator from North Dakota that the matter is left in the discretion and the wisdom of the Secretary of Agriculture. Assuming that he wants to make an experiment along the line that the Senator himself suggested, as to alfalfa, he has a fund at his command. He is not compelled, of course, to use it all. I have confidence that the present Secretary of Agriculture would not in any way abuse that privilege. Certainly the incoming Secretary will not do so. It leaves the fund at his disposal, to investigate and use in a proper way.

Mr. GRONNA. My impression is that if we are to do away with the congressional distribution of seeds we should really reduce the amount that should be appropriated.

Mr. KENYON. I should have no objection to that; in fact, favor it; but I think probably other Senators might.

Mr. GRONNA. We might limit the amount, say, to $100,000.

Mr. SMITH of Georgia. Mr. President, it is impossible for me to hear the Senators.

The PRESIDENT pro tempore. Complaint is made that it is impossible for Senators to be heard. If Senators would address the Chair and face the Chair in conversing with each other, there would be less difficulty.

Mr. GRONNA. I was simply saying that if we do away with the distribution of seeds by Congress the total should be reduced. Instead of appropriating $295,100, we ought to reduce the total amount to about $100,000, and then say how much of it should be used for drought-resisting plants.

Mr. DU PONT. Mr. President, will the Senator yield to me?

Mr. GRONNA. Yes.

Mr. DU PONT. I would suggest that the difficulty is that we have no exact figures; and as this is a committee amendment I suggest that the whole subject should be reviewed in conference. It can be better adjusted there than it possibly can be done here in the Senate.

Mr. FALL. Mr. President, the amendment proposed by the Senator, now pending, would strike out the provision of this act which requires a report to be made by the Secretary of the seeds purchased, and so forth, and would also strike out the only provision at all for the distribution of seeds. Senators will notice that in line 8, page 27, there is the only provision for such report and for the distribution of such seed. That is in line 8 and following, down to and including a portion of line 13. That is the only provision for a report from the Secretary and the only provision whatsoever for the distribution of the seeds, except that theretofore contained in the paragraph providing for the distribution by Congress. How these seeds, if the amendment is to be adopted as suggested, would be distributed the Secretary can inform us.

Mr. KENYON. I assume that if there were no direction to the Secretary to distribute, it would not interfere with his right.

Mr. FALL. If the Senator would confine his amendment to striking out all on page 27 down to the words "*And provided also*," in line 8, but leave the amount to which they are entitled, and provide for a report by the Secretary as to the method of distribution; that is, on the application of people who actually want the seeds, this, Mr. President, would be an amendment to the amendment now pending. I move that the matter stricken out end with the word "department," in line 8 on page 27, leaving the balance of the paragraph on page 27 to stand.

Mr. KENYON. If it is proper, I will accept that amendment to the amendment.

The PRESIDENT pro tempore. The amendment as modified will now be stated.

The SECRETARY. On page 25, line 12, after the numerals "$295,100" and after the comma, insert the words "or so much thereof as may be necessary," and, beginning on line 12, strike out all of the bill down to and including the word "department," in line 8, on page 27.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I think the amount for drought-resisting seed should be increased somewhat, and on page 27, line 18, I move to strike out the amount "$39,000" and insert "$75,000."

Mr. SMITH of Georgia. The Secretary would have the right to use any part he saw fit now, under the bill.

Mr. JONES. I think that is probably true.

Mr. SMITH of Georgia. I really do not think the provision at the close of page 27 is required at all, but I thought probably we had best not strike it out. He might say he must put them out in that way. But the whole matter for the first year will be left to the Secretary of Agriculture.

We are simply saying to him we are not cutting down the money to be spent for seeds, but we are going to quit distributing them politically, and we are going to see for one year what you will do with it, and when we get the report we will either reduce it or govern ourselves by the result of our experience. I know we are improving on what is going on now.

Mr. JONES. I agree with the Senator, but I was afraid if we left the provision in the Secretary would think it was a direction to use not more than $39,000 for these seeds. I know the supply is short because I have had many requests refused. So it seems to me by leaving the amount we have standing it will not do any harm.

Mr. SMITH of Georgia. Suppose we just provided that so much thereof as the Secretary of Agriculture shall think necessary may be used for the purchase and distribution of drought-resisting seeds, striking out the appropriation of $30,000.

Mr. JONES. That would be agreeable to me.

Mr. SMITH of South Carolina. I should like to ask the chairman of the committee if the Secretary did not state to the committee that $39,000 would be sufficient under the conditions now existing for the purchase and distribution of these drought-resisting seeds?

Mr. SMITH of Georgia. We will be leaving it entirely to the Secretary of Agriculture. We strike out the words "thirty-nine thousand dollars" and leave it broadly for the first year to see what he can do with it. We may feel sure that he will not do worse than it was before.

Mr. JONES. And not specify any amount at all?

Mr. SMITH of Georgia. Strike out the amount.

Mr. JONES. I accept that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, line 18, strike out "$39,000 of which sum or," so as to read:

Provided further, That so much thereof as the Secretary of Agriculture shall direct may be used, etc.

Mr. McCUMBER. Mr. President, I hope the amendment will not carry. I want the next Secretary of Agriculture, whoever he may be, to be bound to consider this alfalfa question. I do not want to leave it entirely in his discretion as to how much he can use for that purpose. I want every dollar's worth of seed that can possibly be purchased from abroad to be brought into this country next year for distribution in the country. The Secretary evidently seems to think he can use at least $39,100. My own belief is that he can find seeds enough to amount to at least $50,000.

It was my intention to move to increase the appropriation to $50,000, so as not to leave it discretionary with the Secretary of Agriculture to select what he himself felt that he would like to give. Having determined ourselves that these seeds are very valuable, we ought to determine at least that the Secretary shall spend so much for them. I do not want to leave it in his discretion, but to compel the purchase of every pound and every bushel that can be purchased for distribution until we equal the demand in this country.

Therefore, I hope the amendment to strike out "$39,000," leaving it in the discretion of the Secretary of Agriculture, will not be adopted.

Mr. FALL. Does the Senator think that the Secretary of Agriculture understands, if we use the term "drought resisting," that it covers the "cold-resisting" seeds in which the Senator is interested? For instance, the Siberian alfalfa which has been under discussion here is a cold-resisting plant——

Mr. McCUMBER. As well as a drought-resisting plant.

Mr. FALL. And not solely a drought-resisting plant. As I understand the object of the Senator from North Dakota, it is to secure seeds which are suitable for that climate, and I think that is perfectly proper, just as it is the object of Senators from the Southwest to secure seeds which are suitable for our region.

Mr. McCUMBER. I do not think that it is necessary, however, to insert the words "cold resisting."

Mr. FALL. If the Senator is satisfied, I am.

Mr. CRAWFORD. I do not think any change is necessary, because the region where it is cold is also afflicted with drought in almost all cases.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SMITH of Georgia. What is the amendment now?

The PRESIDENT pro tempore. It will be again stated.

The SECRETARY. On page 37, line 18, strike out "$39,000 of which sum, or."

The amendment was rejected.

Mr. McCUMBER. I move to strike out the figures "$39,000" and insert in lieu thereof "$50,000," so that it will read "$50,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct," and so forth.

Mr. SMITH of Georgia. At first, Mr. President, I was disposed to insist that it was hardly fair to undertake to press for the distribution of this particular class of seed in this way. We have a vastly larger product—that of lint cotton. I might well ask that $200,000, in the same proportion, be devoted to the selection of boll-weevil resisting seed and certain other diseases of the cotton plant. But this experimentation in the dry section is new in its nature, and the immediate use of more for that section is probably a pressing necessity. While I am opposed to the idea of our undertaking to classify the distribution, I am going to vote for the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SMITH of Georgia. Mr. President, I wish the attention of the Senate for a brief time before the passage of the Agriculture appropriation bill. I regard the agricultural appropriations as the most useful made by Congress. I believe we can be more absolutely sure that each dollar spent through this bill brings more than a dollar's worth of return to the general public than we can of any other appropriation.

We can not overestimate the importance to all the people of the successful management of farms in our country. Over one-third of our population are actively engaged upon farms. Not only is this true, but the balance of the people must depend upon the successful culture of the soil for their food supply, for most of the raw material that enters into our industries, for the chief part of our export trade that brings yearly balances in our international settlements, and also for a class of splendid men, strong mentally, morally, and physically, the result in part of the privilege of rural life.

Mr. President, I am gratified we can justly claim that during the past two years we have done something more substantial than before for farm life. We have established a parcel post, which, with its cost varying according to the length of distance packages are to be carried, will enable the farmer to send his small products readily to market, carrying them directly to consumers, and also get back to his farm easily the smaller commodities which he wishes to buy.

We have pending a measure which will carry all the knowledge which has been acquired during the past 25 years in the colleges of agriculture and experiment stations to the farmer on his farm. This measure may not pass at the present session, but it has been fully discussed and its value has been presented to Congress and to the country. It will certainly become a law in the near future.

We have in this bill a provision presented by the Senator from North Dakota [Mr. GRONNA] by which the National Government is to aid in the study of farm loans. We have also in this bill a provision with reference to a market division to be established in the Department of Agriculture.

I desire, Mr. President, to present a few facts with reference to the proposed market division.

Twelve months ago we passed the same measure through the Senate; it went to the House, and the House conferees, instead of passing it, gave us an appropriation to investigate the value of such work. When the report as a result of that appropriation was completed, a splendid showing was presented of what might be accomplished by the proposed division of markets.

The Senate then passed the original bill and sent it to the House independent of the appropriation bill; it went to the Committee on Agriculture and a unanimous report from the Committee on Agriculture was made in favor of it, and it is now pending in the House. So when we send this measure to the House on the Agricultural appropriation bill now, it is after a most thorough investigation both in the House and in the Senate.

Since the passage of this bill at the last session of Congress the necessity for furnishing information upon the subject of marketing crops both in the interest of farmers and consumers has been commended by numerous agricultural publications and by the press generally. It has also been made the subject of investigation and discussion by men who devote time to the study of economic problems, and I am yet to see an unfavorable expression with reference to it. I believed in it when we considered it before; I am impressed with its necessity now.

Farmers are scattered throughout the country, and to a great extent isolated. The facility for the acquirement of accurate information about how to market their products is limited. Among few of them is their cooperation in the all-important problem of obtaining money for what their labors produce.

The waste which takes place between the producer and the consumer is startling.

Mr. B. F. Yoakum has recently contributed a most interesting article upon the "High cost of selling," and in this connection has urged the tremendous saving that can be made by concerted action on the part of producer and consumer if the Government will gather the information needed and point out to the farmers and to the consumers of farm products how savings can be made.

He estimates that the sale of the crops of 1912 yielded to the farmers $6,000,000,000, and that these same crops when they reached the consumers cost the enormous sum of $13,000,000,000; or, in other words, that the consumers paid $7,000,000,000 more for the crops than the farmers received. He estimates that of this $7,000,000,000, less than $500,000,000 were received by the railroads for transportation, leaving $6,500,000 of loss between the producer and the consumer in excess of the cost of transportation. Allowing to the dealers and retailers $3,745,000,000, he still leaves

$2,760,000,000 paid by the consumers in excess of what the farmers and the railroads received and the retailers' profits. His conclusion is that an enormous waste takes place between the producer and the consumer, which, properly studied by a department of the Government equipped for the work, can be saved and which, divided between producer and consumer, would average $200 per annum per family.

The Saturday Evening Post gave, not long ago, some interesting figures, the result of a careful investigation as to what the farmers received and the consumers of the city of New York paid for the following articles of food:

	Paid to farmer.	Paid by consumer.
Eggs	$17,238,000	$28,730,000
Cabbage	1,825,000	9,125,000
Onions	821,000	8,212,000
Milk	22,912,000	48,880,000
Potatoes	8,437,000	60,000,000

Mr. SMITH of Georgia. A report published by authority of the city of New York last year showed the annual total food supply at the city terminals of New York City cost $350,000,000. This included freight charges, yet the consumers in New York City paid $500,000,000 for the same food. It was estimated that the difference in this cost was largely in handling it, and only a small part went in profits to the dealers.

Dr. Holmes, of the Agricultural Department, after making a careful investigation of the difference between what the producer receives and the consumer pays, has reached the conclusion that the consumer pays for his vegetables, fruits, poultry, and dairy products on an average twice as much as the farmer receives.

Secretary Wilson has expressed the same opinion when he said:

> The consumer pays $1 for food; the farmer gets less than 50 cents for it. Who gets the balance?

We may not hope that this vast sum reaching into the billions can be saved either to the farmers or to the families in the cities, but we can not doubt that immense waste takes place which a better system of selling and a more intelligent system of buying will largely overcome. It is to the study of these problems that the market division in the Agricultural Department must be devoted.

For a number of years the Government has been seeking to test out truths which will enable the farmer to increase the productiveness of his soil while he lessens the cost of production. This work is of much importance, and I hope for far greater results from it in the future.

All knowledge which can facilitate the productiveness of our agricultural resources is essential to our national prosperity and to the prosperity and independence of the individual farmer, but the farmer is entitled to more than a mere increase of crop yield. To bring that prosperity on the farm, which those who till the soil are entitled to have, farmers must sell their products at prices which will give them profit in money. To accomplish this the Government must take up the subject of marketing farm products with the same energy that it devotes to the production of farm products.

While the farmer is shown how to vary his products and to increase them, he should be given the necessary information which will enable him to sell these products in the best markets at the best prices, and how to avoid the waste which frequently falls upon the farmer from not knowing how to find a profitable market.

The present appropriation proposes to begin the work of the market division in only a small way, but I have no doubt in a few years half a million dollars a year can be spent with immense advantage to our people as individuals and to the Nation as a whole in this work.

It is proposed, through the division of markets, to investigate systems of marketing farm products, cooperative and otherwise, in practice in the various sections of the United States and foreign countries and collect data with reference thereto. The information and data thus collected is to be distributed to farmers, farmers' organizations, and societies of consumers throughout the various sections of the country and be made available for the use of individuals and organizations, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of the Agricultural Department.

It is to be made the duty of the head of this bureau to investigate the demand for farm products in various trade centers and give specific data as to supply, normal demand, and prices, with a view of furnishing information as to the best available markets. It is to be the work of this division of markets, by telegraph, telephone, mail, or otherwise, to report to farmers and farmers' organizations and societies of consumers such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at the least cost and greatest advantage.

The farmer has only done half of his work when he makes his crop; the other half is selling it. Properly managed, in a few years the market division in the Agricultural Department, for which this bill provides, will immensely aid the farmer in that part of his work which is to make his crop bring him a just price.

When we realize that the final consumer pays twice as much for what the farmer raises as the farmer himself receives, it is evident that by better modes of selling and better modes of buying the farmer can increase his prices. I see in this work a great service to all engaged in agricultural pursuits, while at the same time it can lessen the cost of living to the balance of our citizens.

I wish to add an extract from the report of Dr. Holmes on this subject which was contained in the report of the Agricultural Committee of the House. I ask to have it printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The extract is as follows:

RECOMMENDATIONS BY DR. HOLMES—OUTLINE OF SERVICE OF MARKET DIVISION.

1. A survey of the systems of marketing farm products clearly discovers what the farmers can best do to their advantage. They must associate themselves together for the purpose of assembling their individual contributions of products, of shipping in carload lots, of obtaining market news at places to which it is practicable to send their products, to sell in a considerable number of markets if not in many markets, and to secure the various other economic gains of associative selling. But farmers need some help in establishing associations. They always need a leader for such purpose, and there may be no leader.

A division of markets could perform excellent service in helping farmers to help themselves to organize marketing associations. These associations could either handle their products until sold in various markets or could ship their products to a noncooperative marketing agency which would take charge of the entire business of distribution from a central receiving point. It seems not always to be feasible to market products cooperatively, or, at any rate, the producers are not always disposed to do so. However that may be, there are many noncooperative marketing agencies in this country that are performing excellent service for farmers, and some of them are doing a business of immense proportions. A division of markets, equipped with a corps of competent field agents, could get into touch with farmers for the purpose of promoting the organization of marketing associations wherever the farmers request assistance or information; the agent could meet the assembled farmers and practically organize them if they desired.

It can hardly be doubted that this service can be successfully performed and, eventually, with results greatly beneficial to farmers.

The traveling field agents also could perform good service in examining into the affairs of weak and unsuccessful marketing associations and advise changes for their improvement.

2. Farmers may organize well for selling their products, and they may receive daily from their markets all that could be desired in information relating to prices and to existing market conditions, but this is not all that they need for the businesslike marketing of their products. They should know what the production of the crop is to be, and this information is equally important to consumers.

For many years the Department of Agriculture has estimated the production of principal crops after harvest, and during the last year or so has been indicating the prospective production of some of the principal crops a short time before harvest. A knowledge of what the crop is to be is most essential in marketing. As soon as the farmer begins to harvest he should have in mind a fairly definite idea of the volume of the crop throughout the country in order that he may occupy a place in the market that is fair to himself, or, as the case may be, a place in the market that is fair to the consumer.

The crop-reporting service of the Department of Agriculture has never included in its quantitative estimates the vegetable, fruit, and berry crops. Trustworthy estimates of the production of these crops require a system different from that in use for estimating the production of the cereal crops, for instance, and estimates for these crops can not be made without the expenditure of much money.

If a division of markets is established, it should be equipped for ascertaining, in connection with the other crop-reporting service of the department, the prospective quantitative production of all vegetable, fruit, berry, and other crops that are of considerable commercial account, the production of which is not now estimated quantitatively by this department. For this purpose local correspondents could be employed, and in addition to these it would be necessary to employ, under salary, local agents and traveling field agents.

3. Marketing associations have at least fairly well worked out the problems of grading and packing products, but the independent producer is poorly equipped with knowledge concerning this subject, and even the associations do not agree in practice where it would be better for them and for the consumer if they did.

It is desirable, therefore, that a division of markets, if established, should be authorized to investigate the subjects of the grading and packing of products, and also the subject of the character of the package or container, the questions of weights and measures, and the peculiar problems of market preferences. Uniformity in practice in grading and packing may not be everywhere feasible throughout as large a country as the United States, but undoubtedly it should be greatly promoted. The same remark applies to weights and measures and the size and character of packages and containers.

4. General market news service is not recommended. If such service were derived from telegraphic reports, the expense would be enormous. If derived from reports of local agents sent by mail, the expense would

be large and the service would not be prompt. Whatever this service might practically be, it would not be useful to marketing associations and agencies, for the reason that they would already know the facts from their own sources of information before the department's report could reach them.

There may be a telegraphic service, however, outside of news at markets, which would be new and serviceable, consisting of prompt reports of the time of the beginning of shipments from places of chief production, the time of the ending of shipments from such places, and, perhaps, reports of the quantities of shipments, actual and prospective, from the principal shipping places. The expense of such undertakings, however, would be large.

5. As previously indicated, if a division of markets is established it should be provided with a corps of traveling field agents and a large corps of local agents and correspondents. The various utilities of these agents and correspondents may be partly itemized as follows:

To help producers to organize for marketing cooperatively or through a noncooperative agency; the examination of local difficulties; to help producers to find markets; to report the current descriptive condition of crops in addition to the work already done by the department's crop-reporting service; to estimate the probable production of crops a short time before harvest; to report the beginning and ending of the shipping season; to report the crop movement from producing points through "gateways" to principal markets.

6. A division of markets must naturally be concerned with problems of transportation. It should be empowered to ascertain the facts with regard to the routes, methods, time, and costs of transportation by all kinds of carriers from chief producing to chief marketing points and for such minor points as will provide information that will be required by the public.

7. Storage has become an important feature in the distribution of farm products, and a division of markets should be able to investigate public storage rates and accommodations at all points, and also the subject of storage in transit, and to compile data comparing the gains or losses due to selling just after harvest with those due to selling after a period of storage. The storage may be either on the farm or elsewhere.

8. The business of a commission merchant is of such high importance in the distribution of farm products that his business should be a subject for investigation by a division of markets. If a list of trustworthy, honest, honorable commission merchants could be established and published, it would be of service to farmers. A list of commission merchants in a city for which the board of trade or chamber of commerce will stand as sponsor might be published by the department.

9. It is a matter of some importance that the costs of the distribution of all farm products from producer to consumer should be investigated. These costs should be itemized, and their total should be compared with prices at the farm and with consumers' prices.

10. A description of principal markets should be prepared and published. Among the items of the information to be covered in such description would be the hour of opening market places; the local fancies of consumers; how products are handled; the relative supply, by months, throughout the year; the course of prices; methods of sale, as through the commission merchant or wholesale dealer, at auction, etc.; imports from foreign markets.

11. A description of chief producing regions would have some utility. It might well be devoted to the characteristics of the products, the methods of marketing, the places where products are marketed, producers' prices, competition with other producing regions, etc.

12. Notwithstanding the decline of exports of some important farm products, the export trade is still of enormous amount, and probably will be so for an indefinite time. There are many agricultural producers to whom information with regard to foreign markets might be useful, who are not now exporting and are not likely to export unless provided with information. For some products, such as fresh apples, other fruits, some of the vegetables, and other products with minor exports, information might well be published concerning the method of reaching foreign markets, methods of selling in them, prices, gross and net, costs of exporting, the best time to export, and difficulties, if any, in connection with the tariff, etc.

13. To make, keep, and publish an elaborate record of prices of farm products would be a useful service that could be performed by a division of markets. Among the classes of prices that might well be compiled are producers' prices at the farm, wholesale prices, and retail prices.

14. It would be important that a division of markets should make, maintain, and publish a list of associations for marketing farm products and of agencies for marketing for associations of farmers and a list of buying associations and agencies of associations of consumers. In addition to these, annual statistics should be collected and published concerning the business done by marketing associations.

15. The experience of marketing associations in foreign countries for possible utilization by producers in this country should be ascertained and made known to them, and for this purpose a division of markets should investigate the systems of marketing farm products in other countries and publish the results, especial attention being given to those features which it may be presumed might be adopted beneficially in this country.

16. For much of the work of a division of markets dependence would need to be placed on publications, including periodicals, and it should be authorized to expend a large amount in the beginning and a liberal amount annually for the purpose of establishing and maintaining a library.

17. A division of markets must necessarily publish bulletins, circulars, and information in other forms. The results of its investigations of the facts pertaining to particular topics and problems must continually present themselves for publication, and provision should be made therefor.

18. A cheapening of farmer's costs of marketing will naturally result in gain to the producer rather than to the consumer. If the consumer is to gain by changes in the cost of distribution, it seems probable that he must do so through cheapening or eliminating costs at his end of the chain of distribution. Consumers can cheapen the costs of farm products by cooperative buying and by reducing the expenses of retail and other local distribution. The consumers' aspect of the problems of the distribution of farm products is a conspicuous one at the present time, and problems in distribution that are concerning the consumer rather than the producer may well be included within the service of a division of markets. The foregoing recommendations are repeated for service in behalf of consumers as far as applicable.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER obtained the floor.

Mr. DU PONT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Delaware suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	La Follette	Sheppard
Bankhead	Culberson	Lea	Simmons
Bourne	Cullom	Lippitt	Smith, Ga.
Bradley	Cummins	Lodge	Smith, S. C.
Brandegee	Curtis	McCumber	Smoot
Bristow	Dillingham	Martin, Va.	Stephenson
Brown	du Pont	Martine, N. J.	Sutherland
Bryan	Fall	Nelson	Thornton
Burnham	Fletcher	Newlands	Tillman
Burton	Gallinger	Oliver	Townsend
Catron	Gardner	Owen	Warren
Chilton	Gronna	Page	Webb
Clapp	Guggenheim	Perkins	Wetmore
Clark, Wyo.	Kavanaugh	Richardson	Williams
Crane	Kenyon	Root	Works

The PRESIDENT pro tempore. On the call of the roll 60 Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the Senate omnibus pension bills on the calendar.

Mr. WEBB. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. WEBB. For just a moment. I wish to ask the present consideration of a bill.

Mr. McCUMBER. I understand the Senator from Tennessee, who will only be with us a very few days, has a matter in charge which he desires to get before the Senate, and I feel that I ought to yield to him especially for that purpose.

PREVENTION OF DESECRATION OF FLAG.

Mr. WEBB. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 8487) to prevent the desecration of the flag of the United States and to provide punishment therefor. It carries no appropriation. It passed the Senate in the Fifty-eighth and Sixtieth Congresses. I should like to have present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the consideration of a bill, which will be read.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that whoever shall place or cause to be placed any word, figure, mark, picture, or design upon any flag, standard, or ensign of the United States, or who shall expose or cause to be exposed to public view any such flag, standard, or ensign upon which shall have been placed any word figure, mark, picture, or design, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, or design or any advertisement of any nature, or who shall expose to public view, manufacture, sell or expose for sale, give away, or have in possession for sale or to give away, or for use for any purpose, any article of merchandise, or anything for carrying or transporting merchandise, upon which shall have been placed a representation of any such flag, standard, or ensign, to advertise, call attention to, decorate, mark, or distinguish, for the purpose of sale, barter, or trade, the article or thing upon which so placed, or who shall publicly or privately mutilate, deface, defile or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, or ensign, shall be fined not more than $500 or be imprisoned not more than six months, or both.

Section 2 provides that the words "flag," "standard," or "ensign" as used in this act shall include any picture or representation thereof, made of or represented on any substance and of any size, evidently purporting to be of said flag, standard, or ensign, and any representation of any such flag, standard, or ensign, or any part thereof, upon which shall be shown the colors, the stars, or the stripes, or any combination thereof, of any such flag, standard, or ensign, which the person seeing the same, without deliberation, may believe to represent such flag, standard, or ensign, or part thereof.

Section 3 provides that this act shall not apply to any newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, commission or appointment to office, ornamental picture, badges, or stationery, for use in correspondence, on any of which shall be printed, painted, or placed any such flag, ensign, or standard, disconnected from any advertisement for the purpose of sale, barter, or trade; nor shall it apply to any

act permitted by the Army or Navy regulations of the United States; nor shall it apply to any flag, standard, or ensign belonging to a Grand Army post, a camp of the Legion of Spanish War Veterans, or which is the property or is used in the service of the United States or of any State or Territory, upon which shall be placed the names of battles or the name and number of any organization lawfully entitled to the use thereof; nor shall it apply to any patriotic organization or society; nor shall it apply to any patriotic demonstration or decorations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I now ask unanimous consent that the Senate proceed to the consideration of the Senate omnibus pension bills upon the Calendar.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I would rather not yield now.

Mr. WARREN. I wish to say——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Wyoming?

Mr. McCUMBER. I would rather get up the bills first.

The PRESIDENT pro tempore. The Senator from North Dakota declines to yield.

Mr. WARREN. The Senator from North Dakota has asked for unanimous consent, and I wish to be heard.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent. Is there objection to the request?

Mr. WARREN. I wish to give my acquiescence conditionally. I wish to say that if these bills lead to any extended discussion I shall feel it necessary to object to their consideration.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota?

Mr. BRYAN. I desire to ask a question of the Chair. Can not the chairman of the Committee on Pensions indicate the bills by number that we are to take up?

Mr. McCUMBER. I can. They are Order of Business 1063; Order of Business 1064, which contains but 13 names; Order of Business 1109, which contains 15 names; Order of Business 1110; and Order of Business 1150, which contains but 7 names. The bills for which I ask consideration are Senate pension bills which I desire to have disposed of so as to get them over to the other House.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I do.

Mr. POMERENE. I have no desire to enter an objection, but I have two bills for the consideration of which I should like unanimous consent later; one is a local bill and the other a general bill touching the subject of executions, which I think is of very great importance to the public generally. I do not believe there will be any discussion about it.

Mr. McCUMBER. If I yielded to the Senator from Ohio to do so, there are other Senators here who would object to any unanimous-consent agreement. So I can not yield.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota for the consideration of the pension bills referred to by him? The Chair hears none, and the bills will be considered in their order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8400) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates per month stated:

Charles J. Esty, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mary A. Price, widow of Francis H. Price, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Margaret Staton, widow of Reuben Staton, late of Company C, Tenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ernest M. Staton, helpless and dependent child of said Reuben Staton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Staton the name of the said Ernest M. Staton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaret Staton.

Mary M. Hoxie, widow of John W. Hoxie, late of Company H, Fourth Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Bates, widow of Caleb F. Bates, late of Company C, Sixty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Andrew Jackson, late of Company B, Third Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Cordelia R. Bragg, widow of William A. Bragg, late of Batteries A and B, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Catherine F. Edsall, former widow of William H. Edsall, late of Company E, Eleventh Regiment Missouri Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Manuel Jay, late of Company A, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary E. Harris, widow of Benjamin E. Harris, late of Company E, Eighty-ninth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha Summerhayes, widow of John W. Summerhayes, late captain Company F, Twentieth Regiment Massachusetts Volunteer Infantry, and major and quartermaster, United States Army, $24 per month in lieu of that she is now receiving.

Hannah M. Dukes, widow of Henry Dukes, late of Company I, Thirty-eighth Regiment Illinois Volunteer Infantry, $12 per month.

Francis E. Stevens, late of Company M, First Regiment Rhode Island Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

William Lawson, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Israel Dunlap, late of Company C, Thirteenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Hattie A. Vaughan, widow of Arthur P. Vaughan, late second lieutenant Company F, Fifty-second Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Loomis Near, late of Company C, First Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Patie A. Downing, widow of George H. Downing, late second-class fireman United States ship Colorado, United States Navy, $20 per month in lieu of that she is now receiving.

Matilda Kidney, widow of George W. Kidney, late of Company H, Fifteenth Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Thomas Burk, late of Company F, Seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James M. P. Brookins, late of Company C, Thirteenth Regiment Pennsylvania Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Henry Thomas, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Oliver, late of Company G, Fourth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Chambers, late of Company C, Second Battalion, Pennsylvania Volunteer Infantry, and Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe E. Brittell, former widow of Erwin L. Brittell, late of Company A, Fifth Regiment New York Volunteer Cavalry, $12 per month.

John A. Barnhouse, late of Company F, Ninth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Emalina Chapin, widow of Cyrus K. Chapin, late of Company H, Fourth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Sarah C. Burdick, widow of John Burdick, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Roscoe Burdick and Oscar G. Burdick, helpless and dependent children of the said John Burdick, the additional pension herein granted shall cease and determine.

William Spotts, late of Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and Company

K, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Elvira J. Morton, widow of Richard Morton, late of Company K, One hundred and forty-ninth Regiment Ohio National Guard Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth M. Lowe, widow of John W. Lowe, late of Company B, Thirteenth Regiment United States Infantry, and captain Company G, Forty-fourth Regiment United States Colored Volunteer Infantry, $12 per month, such pension to cease upon proof that the soldier is still living.

William D. Martin, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and Company G, Tenth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert Schroeder, late of Company F, Fiftieth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Maria C. Faulkner, widow of William M. Faulkner, late of Company K, Eighty-eighth Regiment Ohio Volunteer Infantry, and former widow of John N. Legard, late of Company G, Seventh Regiment Illinois Volunteer Cavalry, $12 per month.

William M. Whittaker, late musician, band, Fifth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hiram F. Stover, late of Company C, Third Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Horace A. Hitchcock, late of Company C, Forty-eighth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary C. Brown, widow of Charles N. Brown, late of Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Enoch Medsker, late of Company A, Second Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Hardy H. Hickman, late of Company D, Twenty-fifth Regiment, and Company G, Twenty-eighth Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abraham Miller, late second lieutenant Company G, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Martha J. Curry, former widow of Charles W. Wilcox, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, $12 per month.

Adam Ross, late of Company D, One hundred and forty-ninth Regiment Ohio National Guard Infantry, $21 per month.

William White, late of Twenty-sixth Independent Battery, Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Louisa J. Jackson, widow of Silas N. Jackson, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Fisher, widow of Samuel C. Fisher, late captain Company H, One hundred and sixteenth Regiment Indiana Volunteer Infantry, $12 per month.

Solomon Riddell, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Bailey, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Philander B. Sargent, late of Company F, Twelfth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William L. McCormick, late first lieutenant Company E, One hundred and thirty-ninth Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Ivory Phillips, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ann E. Newport, widow of Edward C. Newport, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Catharine T. Williams, widow of George M. Williams, late first lieutenant Company D, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Martha E. S. Blodgett, widow of Martin Blodgett, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Benjamin F. Jay, late of Company A, Forty-fifth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary J. Thomas, widow of George S. Thomas, late of Company E, Fifty-second Regiment Ohio Volunteer Infantry, $12 per month.

Michael Kearns, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin Wentworth, late of the Fifth Battery, First Battalion Maine Volunteer Light Artillery, $12 per month.

George W. Doan, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Nathaniel J. Smith, late of Company L, Second Regiment United States Cavalry, $50 per month in lieu of that he is now receiving.

George W. Vincent, late of Company H, Eighteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Martha Benner, widow of George Benner, late of Company E, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, $12 per month.

Edward Hearin, late of Company G, Twentieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Minnie A. Piety, widow of Austin H. Piety, late captain Company G, Seventh Regiment Indiana Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Anna M. Thomas, widow of Edward S. Thomas, late of Company F, Fifth Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen Maher, widow of David Maher, late of Company F, Twenty-sixth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James W. New, late of Company G, Sixth Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

William H. Sumption, late first lieutenant Company E, Eleventh Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Ida E. Carter, widow of Thomas Carter, late of Company A, Seventeenth Regiment Massachusetts Volunteer Infantry, $12 per month.

Lavina G. Clark, widow of Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen Beam, widow of Martin Beam, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, $12 per month.

Judson P. Adams, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, $40 per month.

Emily C. Thompson, widow of William P. Thompson, late of Topeka Battery, Second Regiment Kansas Volunteer State Militia, $12 per month.

Emelia Branner, widow of John S. Branner, late of Topeka Battery, Second Regiment Kansas Volunteer State Militia, $12 per month.

Charles Shattuck, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Mary E. Spraberry, widow of Jerry D. Spraberry, late of Company B, Tenth Regiment, and Company G, Second Regiment, Missouri Volunteer Cavalry, $12 per month.

Mr. DU PONT. Mr. President, I move to insert a new paragraph in the bill, as follows:

The name of Anne G. Hawkins, widow of Hamilton S. Hawkins, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. McCUMBER. I ask the Senator to defer that amendment and to move it upon the next bill, because this bill refers only to the Regular Army.

Mr. DU PONT. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates per month stated:

Charles M. Gregory, late of Company C, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Leonard C. Wiswell, late of Company E, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, $30 per month.

Frank Lytle, late of Troop E, Sixth Regiment United States Cavalry, $12 per month in lieu of that he is now receiving.

Margaret R. Birchfield, widow of James C. Birchfield, late of Company I, First Regiment West Virginia Volunteer Infantry, War with Spain, $12 per month and $2 per month additional on account of each of the minor children of the said James C. Birchfield until they reach the age of 16 years.

Amanda Woodcock, widow of Robert Woodcock, late unassigned recruit, Fourth Regiment Kentucky Volunteer Infantry, War with Mexico, $20 per month in lieu of that she is now receiving.

Luther Thompson, late of the Hospital Corps, United States Army, War with Spain, $12 per month in lieu of that he is now receiving.

Fred F. Harris, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $24 per month in lieu of that he is now receiving.

August T. Lillich, late of Company G, Thirtieth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Charles F. Miller, late of Company G, Seventeenth Regiment United States Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Hale, late of Company B, First Regiment United States Infantry, War with Mexico, $30 per month in lieu of that he is now receiving.

Frank A. Hill, late of Troop G, First Regiment United States Volunteer Cavalry, War with Spain, $17 per month.

George S. Pauer, late of Company D, Thirteenth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

Gilbert J. Jackson, late of Company H, Fourth Regiment United States Cavalry, $8 per month.

Mr. McCUMBER. On page 3, line 18, after the words "rate of," I move to strike out "$20" and in lieu thereof to insert "$12."

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 3, line 18, after the words "rate of," it is proposed to strike out "$20" and to insert "$12," so as to read:

The name of George S. Pauer, late of Company D, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. DU PONT. I now offer the amendment which I send to the desk, to be inserted as a new paragraph at the end of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Delaware will be stated.

The SECRETARY. On page 3, after line 22, it is proposed to insert:

The name of Anne G. Hawkins, widow of Hamilton S. Hawkins, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. LA FOLLETTE. I move to add to the pending bill the following amendment:

The name of Mary MacArthur, widow of Arthur MacArthur, late lieutenant general, United States Army, and pay her a pension at the rate of $100 per month.

The PRESIDENT pro tempore. Without objection, the amendments made as in Committee of the Whole will be concurred in. The Senator from Wisconsin proposes an amendment, which will be stated.

Mr. McCUMBER. Mr. President, at what amount was the bill which the Senator from Wisconsin offers as an amendment reported by the Senate committee?

Mr. LA FOLLETTE. At $75 per month.

Mr. McCUMBER. Then I move to amend the amendment of the Senator from Wisconsin by striking out "the sum of $100" and inserting in lieu thereof "the sum of $75," that being the amount for which the bill was reported by the Senate committee. I think that will keep it very much more in harmony with the allowances which have been made in other like cases.

Mr. LA FOLLETTE. Mr. President, the House passed this bill at $100, and I find in the House report the following precedents for making an allowance of $100 per month in the case of the widow of a soldier of this rank:

The widow of Gen. Corse was pensioned at $100 per month; the widow of Gen. Custer, the widow of Gen. Kilpatrick, the widow of Gen. Gibbon, the widow of Gen. Gresham, the widow of Gen. Hartranft, the widow of Gen. Mower, the widow of Admiral Schley, the widow of Gen. Shields, the widow of Gen. Wallen, the widow of Gen. Warren, and the widow of Gen. Whitaker.

Mr. President, Gen. MacArthur had a most exceptional record. I do not want to take up a moment's time—and it is suggested to me that it is needless to offer any suggestions in support of my motion—but I do want to see it adopted, because I think it will be an act of gross injustice not to do so. It appears from this report—and I feel that I must put this portion of it into the RECORD—that the widow of Gen. MacArthur, Mary Pinkney MacArthur, is now in destitute circumstances and very poor health. When application for this pension was made a verified statement was filed by the widow showing her circumstances, which, considering the high rank of her late husband and the distinguished services rendered by him to the country, would justify a pension rate far in excess of the rate of the House bill or of the pending amendment. Mrs. MacArthur's statement was as follows:

WASHINGTON, D. C., *January 9, 1913.*

I do herein declare that I have no income of any sort from any source. My only property consists of my household effects and about $1,500, and that my support literally went with the death of my husband, Lieut. Gen. Arthur MacArthur.

I am entirely dependent for support on the charity of my young son, who is a captain in the Army. I was born in Virginia May 22, 1852, and am, therefore, 61 years of age, May, 1913.

MARY PINKNEY MACARTHUR.

On the 13th of January the major of the Medical Staff of the United States Army, John A. Murtagh, made this certificate as to her condition:

Mrs. MacArthur has been a chronic invalid since December, 1910. From that date until September, 1912, she was confined to her bed. Since September she has been able to be up part of each day under favorable conditions of weather and climate.

She has been suffering for years from a state of faulty metabolism, which has resulted in a gradual poisoning of her system, producing a condition of acute neurasthenia, accompanied by nervous disorders of the heart. At her present advanced age and in her completely broken-down condition, the chances of a recovery of health, I regret to say, are very slight.

JOHN A. MURTAGH,
Major, Medical Corps, United States Army.

Arthur MacArthur entered the service in 1862, when he was but two months past 17 years of age. He was commissioned a second lieutenant, and because of his valor, courage, accurate judgment, and mastery of his profession was steadily advanced in rank. At the close of the Civil War he was mustered out as colonel of his regiment, the Twenty-fourth Wisconsin.

He entered the Regular Army in 1866 as a second lieutenant. The same qualities which won for him place and distinction in the volunteer service brought him recognition and promotion in the Army. Every promotion, every commendation received by him came as the result of conspicuously able service. He rose through all the grades until, after more than 47 years of service, he was appointed lieutenant general, the twelfth and last officer in the history of the Army of the United States to attain that rank.

In the Civil War he participated in all the important battles in which his regiment took part. The record of Arthur MacArthur as lieutenant, captain, major, and colonel, as revealed in the reports of the commanding officers in the field, is one not only of glory, of pride to his family, but of honor to his State and to his country. One short paragraph in the committee report upon this bill, which is in no sense an adequate description of the services of Gen. MacArthur at that period, will convey to the Senate an idea of the high esteem in which his services were held by the commanding officers and by the Congress, for he was honored by the conferring of the congressional medal of honor because of heroism. The report says:

Because of his heroism he was awarded the congressional medal of honor, "for coolness and conspicuous bravery in action" in saving the colors of his regiment at a critical moment and planting them on the captured works on the crest of Missionary Ridge, November 25, 1863, while serving as first lieutenant and adjutant, Twenty-fourth Wisconsin Volunteer Infantry. He was awarded the brevet rank of lieutenant colonel March 13, 1865, "for gallant and meritorious services in the Battles of Perryville, Ky., Stone River, Missionary Ridge, and Danbridge, Tenn." He was awarded the brevet rank of colonel March 13, 1865, for "gallant and meritorious services in the Battle of Franklin, Tenn., and the Atlanta campaign." He received numerous honorable mentions in orders and reports.

A list of the battles in which he fought discloses that he was always in the fighting. He participated in the following battles:

October 8, 1862, Battle of Perryville.
December 30, 1862, Battle of Stone River.
November 25, 1863, Battle of Missionary Ridge.
May 9, 1864, Battle of Danbridge.
May 14, 1864, Battle of Resaca.
May 17, 1864, Battle of Calhoun.
May 18, 1864, Battle of Adairsville.

May 25, 1864, Battle of Dallas.
June 16, 1864, Battle of Lost Mountain.
June 27, 1864, Battle of Kenesaw Mountain.
July 4, 1864, Battle of Nicajack Creek.
July 6–10, 1864, battles incident to forcing the crossing of the Chattahoochee River.
July 20, 1864, Battle of Peach Tree Creek.
July 22, 1864, Battle of Atlanta.
September 1, 1864, Battle of Jonesboro.
September 2, 1864, Battle of Lovejoy.
November 20, 1864, Battle of Spring Hill.
November 30, 1864, Battle of Franklin.

In January, 1864, he was promoted to the rank of major and from that time until the close of the war commanded his regiment in all the engagements and battles in which it participated. He was wounded in battle five times. Shot in the right breast and right wrist at Kenesaw Mountain, he refused to leave the field but continued to lead until the close of the engagement. At the Battle of Franklin, after his regiment had been greatly reduced, he led it in a fierce hand-to-hand encounter with the enemy. In this battle he received three severe wounds.

For 20 years after he entered the Regular Army in 1866 he served in the Indian campaigns in the West and Southwest. In the War with Spain he was commissioned a brigadier general of Volunteers and assigned to duty in the Philippines. He participated in the capture of Manila. For services in that battle he was made a major general of Volunteers and for two years he was in command of and successfully and with great ability prosecuted the campaign to suppress the Philippine insurrection.

Every Senator, I assume, is familiar with these latter services of Gen. MacArthur. His whole life was given to hazardous, trying service to our country.

He was a soldier. He was a patriot. History will accord to him high station among those who served in the war to preserve the Union and in the campaigns on the border and in the War with Spain.

Gen. MacArthur was in no sense a hoarder of the things highly prized by those who serve self instead of country.

The inventory of his estate contains no items showing the acquisition of profitable stocks or bonds or property of any kind. All that he had he gave his country. All he received was the salary of his position. This he devoted to the care of his family. A man of great and varied attainments, had he devoted even a part of the years he served the Government to some other vocation his widow would not be compelled to file the statement as to her circumstances which she made to the committee of the House of Representatives.

The amount of pension provided in the report of the Senate committee is, in my opinion, not at all commensurate with the service of this heroic soldier. The House passed a bill granting her a pension of $100 a month. As has been set forth in the report accompanying the bill, there are a number of precedents for the rate asked in that amendment and provided in the House bill. If it was at another time and there was no danger of defeating the bill, I should make an effort to secure a pension for Mrs. MacArthur at a higher rating. As it is the closing hours of a short session, and I feel that she should not be deprived longer of this money, there remains nothing to do but to accept the rate fixed by the House. I trust the Senate will agree to the amendment providing her with the inadequate sum of $100 a month.

Mr. McCUMBER. Inasmuch as this is a House bill and the report from which the Senator from Wisconsin has read is a House report——

Mr. LA FOLLETTE. It is.

Mr. McCUMBER. And inasmuch as the bill was introduced and reported as a separate proposition in the Senate, not having the facts before me at this time, I prefer to withdraw my amendment to the amendment and allow the matter to go to conference, where it can be considered more fully.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] will be agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8540) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates per month stated:

Eleanor P. Bigler, widow of Henry W. Bigler, late of Company B, Mormon Battalion, Iowa Volunteers, War with Mexico, $20 per month in lieu of that she is now receiving.

Arthur F. Shepherd, late of Company H, First Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, $50 per month in lieu of that she is now receiving.

La Salle Corbell Pickett, widow of George E. Pickett, late captain, Ninth Regiment United States Infantry, War with Mexico, $40 per month in lieu of that she is now receiving.

Petrona B. Freeman, dependent mother of Richard K. Freeman, late of Company B, First Regiment North Carolina Volunteer Infantry, War with Spain, $20 per month in lieu of that she is now receiving.

Emma Z. Gilman, widow of Samuel D. Gilman, late of Company A, First Regiment Idaho Volunteer Infantry, War with Spain, $12 per month.

Mary Bottino, dependent mother of Celestin Bottino, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, $12 per month.

Ellen Barrett, widow of Henry H. Barrett, late of Capt. R. L. Williams's company, Ninth Regiment Oregon Militia Volunteers, Oregon Indian war, $12 per month.

James Tiernan, late of Battery G, Fourth Regiment United States Artillery, and Forty-first Company, United States Coast Artillery, $20 per month in lieu of that he is now receiving.

John Partello, late of Company I, First Regiment United States Infantry, $12 per month.

James W. Ellis, late of Company H, Fifth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

John A. Lennon, late of Company E, Seventh Regiment United States Infantry, War with Spain, $12 per month.

Estelle H. Wholley, widow of John H. Wholley, late major, Second Regiment United States Infantry, $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said John H. Wholley until he reaches the age of 16 years.

Frances P. O'Reilly, widow of Robert M. O'Reilly, late major general and surgeon general, United States Army, $50 per month in lieu of that she is now receiving.

Lewis L. Daniel, late of Company K, Fifth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. On page 2, line 9, I move to strike out the name "La Salle," and to insert in lieu thereof the name "Sallie." That is to correct the Pension Office record.

The amendment was agreed to.

Mr. McCUMBER. On page 2 I move to strike out lines 22 to 25, inclusive, as follows:

The name of Mary Bottino, dependent mother of Celestin Bottino, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk, to follow line 6, on page 4.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. After line 6, on page 4, it is proposed to insert:

The name of Adolph Lochwitz, late general mounted service, United States Army, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. I also move to add as a new paragraph the following:

The name of Anne A. Yule, mother of Sherman A. Yule, late acting assistant surgeon, United States Army, War with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I desire to have two other bills passed, and I hope the Senator will allow me to get through with them. If it were merely a question of my own personal inclination I should be very glad to yield to the Senator, but there are other Senators who have appropriation bills in charge who desire me to hurry through.

The bill (S. 8541) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to

pension the following-named persons at the rates per month stated:

Margaret Liddle, widow of Samuel Liddle, late second lieutenant Company E, First Regiment Illinois Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Laura Adam, widow of George Gordon Adam, late of Company H, Ninth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary E. Smith, now Faught, former widow of James L. Smith, late captain Company M, Tenth Regiment Michigan Volunteer Cavalry, $12 per month.

Charles Hatfield, late of Company E, Eleventh Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Emily B. Smith, widow of Jared A. Smith, late brigadier general, United States Army, $30 per month in lieu of that she is now receiving.

Anna D. Pace, widow of Cadwalander C. Pace, late of Company H, Twenty-first Regiment Missouri Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George W. Crosley, late major, Third Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Elizabeth Lucken, widow of Olaus H. Lucken, late second lieutenant, Company G, Fifty-first Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha A. Shute, widow of George M. Shute, late of Company B, Second Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Demmie Inman, widow of Nelson Inman, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, $12 per month.

Charles Miller, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert B. Cauby, late of Company H, One hundred and twenty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Young S. Ingram, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Franklin A. Work, late of Company B, Fifty-third Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Annie B. Campbell, widow of John T. Campbell, late captain Company H, Twenty-first Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Drusilla Peters, widow of Joshua G. Peters, late of Battery E, West Virginia Volunteer Light Artillery, $12 per month.

Gertrude Brown, widow of Robert B. Brown, late second lieutenant Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Amos Spangler, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Josiah D. Hunt, late second lieutenant Company E, Fifth Regiment Rhode Island Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

James P. Burdett, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin F. Kent, late of Company A, Sixty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James M. Brown, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John V. G. Price, late of Company D, Twelth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jesse Sheets, late of Company F, One hundred and fifty-first Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Mark Clark, late of Company A, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James L. Stroup, late of Company D, Eighth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Brazil Van Deusen, late of Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas J. Morris, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Harper, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William T. Saylor, late of Company F, Two hundredth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frances A. Cox, widow of George W. Cox, late captain Company I, Eighth Regiment United States Colored Volunteer Heavy Artillery, and former widow of Thomas S. Sims, late of Company D, Fifteenth Regiment Kentucky Volunteer Infantry, $12 per month.

James W. Ruff, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John D. Thomas, late acting ensign, United States Navy, $30 per month in lieu of that he is now receiving.

Flora Annis, widow of James Annis, late of Company H, Tenth Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sophronia Roberts, widow of Stephen Roberts, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Henry A. Sheaff, late second lieutenant Company E, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Margaret Montgomery, widow of Samuel Montgomery, late captain Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, $12 per month.

Catharine Thomas, widow of Winston Thomas, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henry M. Lavo, late of Company M, Seventeenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John D. Kirkpatrick, late of Company D, Fifty-second Regiment, and Company C, Sixty-ninth Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Klise, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Francis M. Oldridge, late of Company H, Second Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sarah A. Winans, widow of George B. Winans, late of Company A, Second Regiment Kansas Volunteer Infantry, and Company A, Seventh Regiment Kansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said George B. Winans until he reaches the age of 16 years.

Charlotte B. Bentley, widow of William H. Bentley, late captain Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John M. Jarvis, late of Company G, Seventy-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Young Dougherty, late of Company E, Second Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William Worthington, late of Company G, Eighty-first Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Wines, late of Companies H and A, Seventy-fifth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Crimson, late of Captain Smith's company, Utah Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James W. Wachob, late first lieutenant Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

David G. S. Gochanaur, late of Company H, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, $24 per month in lieu of that he is now receiving.

Franklin S. Curry, late of Company F, Thirty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Robert C. Carr, late of Company C, Twelfth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Fanny Farley, widow of Joseph P. Farley, late brigadier general, United States Army, $40 per month in lieu of that she is now receiving.

Emily J. Walton, widow of Armstrong Walton, late of Company C, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Josephus Brown, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and Company K, First Regiment Ohio Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Barzilla B. Jones, late of Company K, Thirteenth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emma E. Myers, widow of William H. Myers, late of Company K, Thirty-third Regiment, and captain Company E, One hundred and ninety-eighth Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rachel B. Purdy, widow of George H. Purdy, late major Fourth Regiment Indiana Volunteer Cavalry, $24 per month in lieu of that she is now receiving.

Mary K. Munoz, widow of Julian Munoz, late aid-de-camp on staffs of Brig. Gens. Albin Schoepf and Speed S. Fry, $20 per month.

William H. Moore, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lucy L. Norton, widow of Elliott M. Norton, late of Company B, Sixth Regiment Michigan Volunteer Cavalry, and first lieutenant and adjutant, First Regiment Michigan Veteran Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

J. Jay Buck, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, and first lieutenant Company I, One hundred and first Regiment United States Colored Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Lafontaine, widow of Robert Lafontaine, late of Company I, Twelfth Regiment New York Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

George W. Stratton, late of Company B, One hundred and fourth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Allen Meskimen, late of Company I, Fifty-first Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William H. Wheeler, late of Company A, Corps of Engineers, United States Army, and second lieutenant, Nineteenth Regiment United States Infantry, $50 per month in lieu of that he is now receiving.

Jefferson Hurst, late of Company B, One hundred and fifty-third Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David A. Byers, late of U. S. S. *Glide*, *Gazelle*, and *Great Western*, United States Navy, $30 per month in lieu of that he is now receiving.

John N. Jones, late of Company E, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Ragsdale, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Maria L. Bishop, widow of John S. Bishop, late of Company A, Nineteenth Regiment Connecticut Volunteer Infantry (Second Heavy Artillery), $20 per month in lieu of that she is now receiving.

Imogene Crissey, widow of Julius Crissey, late of Company B, Fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry A. Kelsey, late of Company F, Twenty-seventh Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary McClure, widow of William M. McClure, late captain Isaac O. Foote, late of Company K, Fifteenth Regiment Conteer Infantry, $20 per month in lieu of that she is now receiving.

Isaac O. Foote, late of Company K, Fifteenth Regiment Connecticut Volunteer Infantry, and Tenth Band, United States Coast Artillery Corps, $30 per month in lieu of that he is now receiving.

Ellen M. Pember, widow of Joseph S. Pember, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Stephen B. Woodruff, late of Company F, Twentieth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mary E. Beach, widow of John W. Beach, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that she is now receiving.

John McCarthy, late of U. S. S. *Ohio* and *Cambridge*, United States Navy, $30 per month in lieu of that he is now receiving.

Anna Kennedy, widow of Howard F. Kennedy, late of Company K, Thirty-seventh Regiment New York National Guard Infantry, $12 per month.

Iselo Nicely, widow of Zachariah Nicely, late of Company D, Ninth Regiment West Virginia Volunteer Infantry, $12 per month.

Joseph M. Davis, late of Seventh Unassigned Company Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John M. Mower, late of Company A, First Regiment Maine Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James E. Bacon, late of Company K, Tenth Regiment Massachusetts Volunteer Infantry, and Company I, Second Regiment Massachusetts Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John F. Yarnell, late of Company A, Fifty-third Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Martha E. Tracy, widow of Victor Tracy, late of Company G, First Regiment Maryland Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William O. Steele, late of Company D, Second Regiment United States Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

Michael McDonald, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Johanna R. Busch, widow of August Busch, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lena Busch, helpless and dependent child of said August Busch, the additional pension herein granted shall cease and determine.

Morton A. Pratt, late second and first lieutenant Company A, Third Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mary R. Kendall, widow of Henry M. Kendall, late of Fifth Battery, Indiana Volunteer Light Artillery, captain Sixth Regiment United States Cavalry, and lieutenant colonel United States Army, retired, $40 per month in lieu of that she is now receiving.

James T. Mather, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Mary F. Nichols, widow of David Nichols, late of Company D, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha J. Strayer, widow of John W. Strayer, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George W. Brown, late of Smith's independent company, Maryland Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Carrie A. Miller, widow of Benjamin F. Miller, late second lieutenant Company C, Thirty-fifth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Leander Ledford, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Caleb E. Stewart, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert C. Jones, late of Company B, Second Regiment, and Company H, Sixth Regiment, Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Oliver, late of Company G, First Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Daniel Eaton, late of Company H, Third Regiment Maine Volunteer Infantry, Company D, Second Regiment United States Volunteer Sharpshooters; and Company C, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Mary E. Bennett, widow of Jesse F. Bennett, late of Company H, One hundred and eighteenth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Alice I. Simpson, widow of James F. Simpson, late captain Company K, Second Regiment United States Veteran Volunteer Infantry and Third Regiment United States Cavalry, $30 per month in lieu of that she is now receiving.

Asil N. Blanchard, late of Company F, First Regiment United States Volunteer Sharpshooters, $24 per month in lieu of that he is now receiving.

Thomas L. Collins, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Louisa M. Buchanan, widow of Charles H. Buchanan, late of Company K, Fourth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Viola L. Buchanan and Nora J. Buchanan, helpless and dependent children of the said Charles H. Buchanan, the additional pension herein granted shall cease and determine.

Otis Crawford, late of Company A, Ninth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah Ann Kelly, widow of Willam Kelly, late of Company I, Ninety-first Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Mary E. Dow, widow of Western W. Dow, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, $24 per month in lieu of that she is now receiving, and in the event of the death of Walter W. Dow, helpless and dependent child of said Western W. Dow, the additional pension herein granted shall cease and determine, and in the event of the death of Mary E. Dow the name of the said Walter W. Dow shall be placed on the pension roll at the rate of $12 per month from and after the date of death of said Mary E. Dow.

Jacob H. Gabbard, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George McPherson, helpless and dependent child of Alexander McPherson, late of Company A, Thirty-fourth Regiment Kentucky Volunteer Infantry, $12 per month.

Mary A. Limbach, widow of Peter Limbach, late of Sixth Battery, Indiana Volunteer Light Artillery, $12 per month.

William C. Jones, late of Company B, Forty-sixth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Cook, late of Company B, Second Battalion Seventeenth Regiment United States Infantry, $36 per month in lieu of that he is now receiving.

Kate Hoyberger, widow of Martin Hoyberger, late of Company G, Second Regiment United States Artillery, and General Service, United States Army, $20 per month in lieu of that she is now receiving.

Louisa Squires, former widow of Hiram H. Merritt, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, $12 per month.

Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that she is now receiving, and in the event of the death of William Young, helpless and dependent child of said David Young, the additional pension herein granted shall cease and determine, and in the event of the death of Emsey O. Young the name of said William Young shall be placed on the pension roll at $12 per month from and after the date of death of said Emsey O. Young.

Elisha L. Ashley, late of Company A, Forty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 8576) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in the Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

J. N. Culton, late of Company D, Third Regiment, and first lieutenant Company D, Seventh Regiment, Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Hiram Lay, late of Company B, National Guards East Tennessee, $30 per month in lieu of that he is now receiving.

William L. Brown, late of Company A, First Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Emanuel Sandusky, late of Company C, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, $40 per month in lieu of that he is now receiving.

Harvey Key, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

William F. Niederriter, late of Company A, Ninety-eighth Regiment Volunteer Infantry, $12 per month.

Mary J. Swift, widow of Thomas W. Swift, jr., late acting ensign, United States Navy, $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURE APPROPRIATION BILL.

Mr. OWEN. Mr. President, I wish to ask that the Senate reconsider the votes by which the agricultural appropriation bill (H. R. 28283) was passed for the purpose of considering an item which was omitted. I was absent from the Chamber at the time, and it is necessary, if it is to be reconsidered at all, that it shall be reconsidered now. I think the amendment will be agreed to by unanimous consent.

Mr. WARREN. Mr. President, if the chairman of the committee wishes to recall the bill for correction in the public interest, I feel constrained to yield to him.

The PRESIDENT pro tempore. Without objection, the votes whereby the bill was ordered to be engrossed, read a third time, and passed will be reconsidered. The bill is now before the Senate.

Mr. OWEN. I move that $20,000 be substituted in lieu of $10,000 for the Dry Farming Congress, on page 76, line 18.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 76, line 18, in the committee amendment agreed to at that point, it is proposed to strike out "$10,000" and insert in lieu thereof "$20,000."

Mr. BURNHAM. To that I make no objection.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill was read the third time and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I now move that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. POMERENE. Will the Senator yield to me to ask unanimous consent for the consideration of two bills which I think will involve no debate at all? One of them is a local matter. They will take only a moment.

Mr. WARREN. I should like to accommodate the Senator, if it did not entail yielding to a great many others. If the Senator will kindly defer his request until we can get along with the sundry civil bill, I will try to help him, but I can not yield now. I renew my motion.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and that order will be made.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," subhead "Public buildings," on page 26, after line 23, to insert:

Washington, D. C., building for Department of State: The land in the Government reservation between B Street N., Fourteenth Street NW., Fifteenth Street NW. extended, and the line established for the south front of the new National Museum Building, is selected and set apart as the site for a new building for the Department of State, whenever such building shall be authorized.

The amendment was agreed to.

The next amendment was, on page 29, line 7, after the word "building," to strike out "$650,000" and insert "$700,000," so as to read:

Repairs and preservation of public buildings: For repairs and preservation of all completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and for wire screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto; for repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding $100,000 may be used for marine hospitals and quarantine stations,

including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C.: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $700,000.

The amendment was agreed to.

The next amendment was, on page 34, line 6, after the words "officers' quarters," to strike out "$5,000" and insert "$8,000," so as to read:

Marine hospital, Wilmington, N. C.: Medical officers' quarters, $8,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

Marine hospital, Baltimore, Md.: Surgical dressing room, $2,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert:

Marine hospital, Detroit, Mich.: New coal shed, $1,000.

The amendment was agreed to.

Mr. BRANDEGEE. I inquire on what page the Secretary is reading.

The PRESIDENT pro tempore. Page 38.

Mr. BRANDEGEE. I offer an amendment, which I desire to come in on page 37.

The PRESIDENT pro tempore. The Chair will suggest that committee amendments are first being considered on the order of the Senate.

Mr. BRANDEGEE. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury Department," on page 42, line 16, after the word "mints," to strike out "$150,000" and insert "$144,000," so as to read:

Contingent expenses, Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, for transportation of notes, bonds, and other securities of the United States, for salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes of the United States, also including examinations of cash accounts at mints, $144,000.

The amendment was agreed to.

The next amendment was, on page 44, line 25, after the word "employed," to strike out "$2,540,000" and insert "$2,600,000," so as to read:

For operating force for public buildings: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, and of sites for public buildings, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employerd, $2,600,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 51, line 15, after "$126,000," to insert "*Provided*, That hereafter commissioned officers and pharmacists and those employees of the service devoting all their time to field work shall be entitled to hospital relief when taken sick or injured in line of duty," so as to read:

For medical examinations, care of seamen, care and treatment of all other persons entitled to relief, and miscellaneous expenses other than marine hospitals, which are not included under special heads, $126,000: *Provided*, That hereafter commissioned officers and pharmacists and those employees of the service devoting all their time to field work shall be entitled to hospital relief when taken sick or injured in line of duty.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the quarantine service, on page 52, line 23, after the word "action," to strike out "$155,000" and insert "$164,500," so as to read:

Quarantine system of the Hawaiian Islands, including the leprosy hospital; and the quarantine system of Porto Rico, and including not exceeding $500 for printing on account of the quarantine service at times when the exigencies of that service require immediate action, $164,500.

The amendment was agreed to.

The next amendment was, on page 53, line 2, before the word "trachoma," to strike out "or" and insert "and," and in line 8, after "$200,000," to insert "*Provided*, That the Surgeon General of the Public Health Service may establish, when deemed necessary, temporary dispensaries for the investigation, prevention, and treatment of pellagra and trachoma, the expenditures for same to not exceed $10,000, which is hereby authorized from this appropriation," so as to read:

Prevention of epidemics: To enable the President of the United States, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, and trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $200,000: *Provided*, That the Surgeon General of the Public Health Service may establish, when deemed necessary, temporary dispensaries for the investigation, prevention, and treatment of pellagra and trachoma, the expenditures for same to not exceed $10,000, which is hereby authorized from this appropriation: *Provided*, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress.

The amendment was agreed to.

Mr. FLETCHER. Do I understand that the bill is being read now for committee amendments?

The PRESIDENT pro tempore. The committee amendments are now in order.

Mr. FLETCHER. And other amendments are not in order?

The PRESIDENT pro tempore. They are not.

Mr. FLETCHER. I want to offer an amendment at that point.

The PRESIDENT pro tempore. The Chair will inquire of the Senator whether his is an amendment to a committee amendment?

Mr. FLETCHER. No; I desire to insert a separate provision.

The PRESIDENT pro tempore. The Senator will have an opportunity to offer it after the committee amendments have been disposed of.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Central heating and power plant," on page 56, line 15, after the word "employ," to insert "without reference to civil-service laws and regulations," so as to read:

The Secretary of the Treasury is further authorized and empowered to employ, without reference to the civil-service laws and regulations, on a salary basis in the Office of the Supervising Architect such technical services as may be deemed necessary in connection with the plans, specifications, and construction of the power plant herein provided for and to pay for such services at such price or rates of compensation as he may consider just and reasonable from the appropriation hereinbefore made.

Mr. BRADLEY. I desire to offer an amendment to the amendment of the committee on page 53.

Mr. WARREN. Mr. President, we have already passed that point, but I think the Senator's attention was diverted, and perhaps we should turn back to it. I am willing to do that if the Senator so wishes.

The PRESIDENT pro tempore. Without objection, the vote adopting the amendment will be reconsidered, and the Senator from Kentucky will submit his amendment to the amendment.

Mr. BRADLEY. I move to strike out "ten thousand," in line 10, and insert "twenty-five thousand."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 53, in the committee amendment, in line 10, it is proposed to strike out "ten thousand" and in lieu thereof insert "twenty-five thousand."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. LODGE. I suggest that the word "not" be transposed in line 10, so as to read "not to exceed."

The PRESIDENT pro tempore. In the absence of objection, that change will be made.

Mr. WARREN. Mr. President, I desire to say that the Secretary of the Treasury recommends $25,000; so that the amendment of the Senator from Kentucky is within the estimate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 56, line 15, after the word "employ," to insert "without reference to the civil-service laws and regulations."

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to insert:

DISTRICT OF COLUMBIA.

For beginning the construction of a modern fireproof hospital building for the treatment of diseases peculiar to women and a lying-in asylum, in accordance with the provisions of the act approved June 10, 1872 (17 Stats., p. 360), the said building to be erected on the site belonging to the United States, to replace the present building of the Columbia Hospital for Women and Lying-in Asylum, to cost not more than $300,000, including heating apparatus, elevators, lighting and ventilating apparatus, and approaches, $100,000, one half to be paid from the Treasury of the United States and the other half from the revenues of the District of Columbia.

Mr. WARREN. On behalf of the committee, I wish to offer an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of the committee amendment after "$100,000," in line 15, and in lieu thereof to insert the following:

The construction of said building and the expenditure of the appropriation herein to be under the direction and supervision of the Superintendent of the Capitol Building and Grounds.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 60, line 16, after the word "boundaries," to strike out "For acquiring" and insert "Authority is hereby given to acquire"; in line 20, after the words "from Cathedral Avenue to," to strike out "Klingle Road, $107,200, or such portion thereof as may be necessary" and insert "the south line of Macomb Street extended east to its intersection with Klingle Road"; on page 61, line 5, after the words "District of Columbia," to insert "and a sum sufficient to pay the cost of said condemnation proceedings herein authorized is hereby appropriated"; and in line 12, after the name "Martha G. Harney," to strike out "*And provided further*, That in determining the amounts to be assessed against the lots, pieces, or parcels of land in the neighborhood of the land to be condemned for the extension or enlargement of said park, the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land and the benefits and advantages they may severally receive from the extension or enlargement of said park by the adding thereto of said land to be condemned, and shall assess such benefits against said lots, pieces, or parcels of land and against any and all other lots, pieces, or parcels of land the jury may find benefited by the said extension or enlargement of said park, as aforesaid, as the jury may find said lots, pieces, or parcels of land will be benefited: *And provided further*, That as the several assessments authorized to be made are made by the jury they shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable as provided in subchapter 1 of chapter 15 of the Code of Law for the District of Columbia; such assessments, when collected, to be deposited in the Treasury of the United States to the credit of the United States"; so as to make the clause read:

Readjustment of boundaries: Authority is hereby given to acquire by condemnation all the lots, pieces, or parcels of land, other than the one hereinafter excepted, that lie between the present western boundary of the National Zoological Park and Connecticut Avenue, from Cathedral Avenue to the south line of Macomb Street extended east to its intersection with Klingle Road, said land when acquired, together with the included highways, to be added to and become a part of the National Zoological Park. The proceeding for the condemnation of said land shall be instituted by the Secretary of the Treasury under and in accordance with the terms and provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, and a sum sufficient to pay the cost of said condemnation proceedings herein authorized is hereby appropriated: *Provided*, That the tract of land hereinafter described, containing 5,820 square feet, shall be excepted from such condemnation, namely, parcel recorded on the books of the assessor of the District of Columbia as 44, and now assessed in the names of Thomas R. and Martha G. Harney.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 62, line 13, after the word "secretary," to strike out "$3,500" and insert "$5,000," so as to make the clause read:

For salary of secretary, $5,000.

The amendment was agreed to.

The next amendment was, on page 63, line 24, after the words "per day," to strike out "$210,000" and insert "$225,000," so as to make the clause read:

For the payment of all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary, and allowances in lieu of subsistence while away from official headquarters, to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $225,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Quartermaster Corps," on page 67, after line 10, to insert:

Out of the money appropriated by Senate joint resolution 129 (Public Resolution No. 49), providing for transportation for American citizens fleeing from threatened danger in the Republic of Mexico, there shall be paid by the Secretary of War to the Mexican Northwestern Railway Co. the sum of $7,245, in full settlement of the statement rendered to A. W. Ivins and E. E. Bowman, dated August 22, 1912, for the transportation of American refugees from points in Mexico to the American border: *Provided*, That the above payment shall be audited and approved by the Auditor for the War Department.

The amendment was agreed to.

The next amendment was, under the subhead "Under the Chief Signal Officer," on page 68, line 6, after the word "materials," to strike out "$120,000" and insert "$147,000," so as to make the clause read:

National cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents, pay of laborers and other employees, purchase of tools and materials, $147,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 74, line 24, after the word "improvements," to strike out "$100,000" and insert "$125,000, of which sum $75,000 shall be immediately available"; on page 75, line 1, after the word "exceed," to strike out "$4,500" and insert "$15,000"; and in line 3, after the word "exceeding," to strike out "$4,500" and insert "$5,000," so as to make the clause read:

Yellowstone National Park: For maintenance and repair of improvements, $125,000, of which sum $75,000 shall be immediately available, including not to exceed $15,000 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $5,000 for maintenance of the road in the forest reserves leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

The amendment was agreed to.

The next amendment was, on page 75, line 16, after the word "animal-drawn," to strike out "vehicles, $75,000" and insert "and motor-propelled vehicles, $100,000, of which sum $50,000 shall be immediately available," so as to make the clause read:

For widening and improving surface of roads, and for building bridges and culverts, from the belt-line road to the western border; from the Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $100,000, of which sum $50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 75, after line 18, to insert:

Crater Lake National Park, Oreg.: For continuation of the construction of a wagon road and the necessary bridges through Crater Lake National Park, Oreg., together with a system of tanks and water-supply pipes to provide for sprinkling, in accordance with the recommendations contained in the report of the War Department published as House Document No. 328, Sixty-second Congress, second session, to be expended under the direction of the Secretary of War, $150,000, to be available until expended.

The amendment was agreed to.

The next amendment was, on page 78, after line 14, to strike out:

For preparation of plans looking to the improvement of Meridian Hill Park, $2,500.

The amendment was agreed to.

The next amendment was, on page 78, after line 16, to insert:

For the improvement of Meridian Hill Park and for its care and maintenance, $25,000.

The amendment was agreed to.

The next amendment was, on page 83, line 6, after the words "to be," to strike out "available until expended" and insert "immediately available," so as to make the clause read:

Lincoln Memorial Commission: For commencing work for the erection of the Lincoln Memorial in accordance with the plans and design and on the location approved by Congress and for each and every purpose connected therewith, to be immediately available, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 7, after the word "maps," to strike out "$5,000" and insert "$7,500," so as to make the clause read:

Maps, War Department: For publication of engineer maps for use of the War Department, inclusive of war maps, $7,500.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 101, after line 15, to strike out:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 104, line 11, after the word "available," to strike out "$12,550" and insert "$25,000," so as to make the clause read:

For special repairs to the Patent Office Building, including new sewers, toilet rooms, and lavatories, or so much thereof as may be necessary, to be immediately available, $25,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 12, to insert:

For renewing the electric-light wiring and replacing windows in the entire Pension Office Building, to be immediately available, $18,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 15, to insert:

For labor, material, apparatus, hydrants or fire plugs, and other fire-protection appliances, including extending 8-inch water main from Fourth to Fifth Street through the park on the south side of the Pension Office Building, to be immediately available, $21,500.

The amendment was agreed to.

The next amendment was, on page 106, line 11, after "$83,500," to insert "to be immediately available," so as to make the clause read:

For resurfacing the terraces of the Capitol with waterproofing material and all work and materials incident thereto, $83,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after "$16,970," to insert "to be immediately available," so as to make the clause read:

For painting the Dome and central portion of the Capitol, $16,970, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 106, after line 13, to strike out:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 18, to insert:

Enlarging the Capitol Grounds: To complete the acquisition of squares Nos. 632, 680, 681, 682, 683, 684, 721, 722, 723, and all that part of square No. 633 lying east of Arthur Place, provided for by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," the sum necessary, in addition to sums already appropriated to pay the amounts awarded by court commission under the statute, $2,823,972.35.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 108, line 16, after the word "including," to insert "not exceeding $15,000 for clerical service in bringing up and making current the work of the General Land Office, and," so as to read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding $15,000 for clerical services in bringing up and making current the work of the General Land Office, and not exceeding $25,000 additional for expenses of hearings held by order of the Commissioner of the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $500,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 17, to insert:

Protection of national monuments: For the preservation, development, administration, and protection of the national monuments, to be expended under the direction of the Secretary of the Interior: *Provided*, That the salaries paid the custodians hereunder shall not exceed $900 each per annum, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 114, line 6, after "$350,000," to insert "one-half to be immediately available," so as to make the clause read:

For topographic surveys in various portions of the United States, $350,000, one-half to be immediately available.

The amendment was agreed to.

The next amendment was, on page 114, line 8, after "$300,000," to insert "one-half to be immediately available," so as to make the clause read:

For geologic surveys in the various portions of the United States, $300,000, one-half to be immediately available.

The amendment was agreed to.

The next amendment was, on page 114, line 10, after the word "Alaska," to strike out "$90,000" and insert "$100,000," so as to make the clause read:

For continuation of the investigation of the mineral resources of Alaska, $100,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 114, line 15, after the word "salts," to strike out "$40,000" and insert "$45,000," so as to make the clause read:

For chemical and physical researches relating to the geology of the United States, including researches with a view of determining geological conditions favorable to the presence of deposits of potash salts, $45,000.

The amendment was agreed to.

The next amendment was, on page 114, line 24, after "$150,000," to insert "one-half to be immediately available," so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000, one-half to be immediately available.

The amendment was agreed to.

Mr. BORAH. Mr. President, I desire, at the proper time—I do not know whether this is the proper time or not, under the rule under which we are proceeding—to offer an amendment in line 24, page 114.

Mr. WARREN. Is it to a committee amendment, in italics?

Mr. BORAH. No; it is not. That is, I take it the $150,000 there is not a committee amendment.

The PRESIDENT pro tempore. It is not.

Mr. WARREN. I do not know what the Senator alludes to. If it is a Senate amendment, now is the time to fix it. If not, and the Senator wishes to amend the House provision, he should wait until we complete the Senate amendments.

Mr. BORAH. I understand that the figures there are the House provision—$150,000.

The PRESIDENT pro tempore. The Senator is correct about that.

Mr. BORAH. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 115, line 8, after "$75,000," to insert "to be immediately available," so as to make the clause read:

For continuation of the topographic surveys of the public lands that have been or may hereafter be designated as national forests, $75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 115, line 9, after the words "United States Geological Survey," to strike out "$1,295,520" and insert "$1,310,520," so as to make the clause read:

In all, for the United States Geological Survey, $1,310,520.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 116, line 12, after the word "waste," to strike out "$100,000" and insert "$200,000," so as to make the clause read:

For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, $200,000: *Provided*, That no part thereof may be used for investigation in behalf of any private party, nor shall any part thereof be used for work authorized or required by law to be done by any other branch of the public service.

The amendment was agreed to.

The next amendment was, on page 117, line 8, after the words "Bureau of Mines," to strike out "$662,000" and insert "$762,000," so as to make the clause read:

In all, for the Bureau of Mines, $762,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 117, line 19, after the word "expenses," to strike out "$57,000" and insert "$60,000," so as to make the clause read:

Care and custody of the insane of Alaska: For the care and custody of persons legally adjudged insane in the District of Alaska, including transportation and other expenses, $60,000.

The amendment was agreed to.

The next amendment was, on page 118, after line 15, to insert:

All expenditures of money appropriated herein for school purposes in Alaska for schools other than those for the education of white children under the jurisdiction of the governor thereof, shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 119, after line 3, to insert:

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000.

The amendment was agreed to.

The next amendment was, on page 119, after line 23, to insert:

Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs, to care for storm waters from the mountains on the Hot Springs Reservation, $237,840, to be expended in accordance with the plans and specifications set forth in the communication of the Secretary of the Interior dated January 20, 1913.

The amendment was agreed to.

The next amendment was, on page 120, line 13, after the words "telephone lines," to strike out "$75,000" and insert "$150,000," so as to make the clause read:

Glacier National Park, Mont.: For administration and improvement, construction and repair of roads, bridges, and telephone lines, $150,000.

Mr. McCUMBER. I ask to amend the item of $150,000 by making it read "$188,000," to correspond with the report from the department and the estimate made. I hope the chairman of the committee will accept the amendment.

Mr. WARREN. One moment, Mr. President. If that is the estimate, of course the chairman will accept the amendment.

Mr. McCUMBER. That is the estimate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 13, page 120, it is proposed to strike out "$150,000" and insert in lieu thereof "$188,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 120, line 16, after the word "roads," to insert "*Provided, however*, That hereafter in the administration of the Yosemite National Park and in the expenditure of the appropriations herein and hereafter made for the administration and improvement thereof, the provisions of the act of June 4, 1906 (34 Stats., p. 207), relative to concessions in Yellowstone National Park, and the act of March 2, 1907 (34 Stats., p. 1219), amendatory thereof, are hereby extended and made applicable to the Yosemite National Park, and any part of section 2 of the act of October 1, 1890, concerning the Yosemite National Park, in conflict herewith, is hereby repealed," and on page 121, line 4, after the word "repealed," to strike out "$100,000" and insert "$150,000," so as to make the clause read:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads: *Provided, however*, That hereafter in the administration of the Yosemite National Park and in the expenditure of the appropriations herein and hereafter made for the administration and improvement thereof, the provisions of the act of June 4, 1906 (34 Stats., p. 207), relative to concessions in Yellowstone National Park, and the act of March 2, 1907 (34 Stats., p. 1219), amendatory thereof, are hereby extended and made applicable to the Yosemite National Park, and any part of section 2 of the act of October 1, 1890, concerning the Yosemite National Park, in conflict herewith, is hereby repealed, $150,000.

The amendment was agreed to.

The next amendment was, on page 121, line 15, after the word "roads," to strike out "$13,400" and insert "$63,400," so as to make the clause read:

Mount Rainier National Park, Wash.: For protection and improvement, construction of bridges, fences, and trails, and improvement of roads, $63,400.

Mr. JONES. Mr. President, the estimate there is $150,000. If the chairman does not object, I should like to offer an amendment to make the item carry that amount instead of the one that appears in the bill.

Mr. WARREN. Mr. President, in the case of those estimates on the parks we felt it necessary in committee to cut all of them. They are all below the estimates. It was a very serious matter a year ago to get what we did get, far below what we have put them at this year. It was the judgment of the committee that we had put in the bill about as much as the country could afford to spend this year, or as much as we could succeed in retaining. Of course I can not resist the offering of this amendment within the estimate. The Senate must say whether or not it wishes to increase the amount.

Mr. JONES. In view of the raising of the other amount to the estimate I offer that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed, on page 121, line 15, to strike out "$63,400," and insert in lieu thereof "$150,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 121, after line 15, to insert:

For a survey for the extension of the present road from its present terminus eastward to the eastern boundary line of the forest reserve surrounding the Mount Rainier National Park, and for the survey of the necessary trails in said park, $10,000.

Mr. JONES. I desire to offer an amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment it is proposed to strike out the words "its present terminus" and insert "a point at or above Longmire Springs."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 121, line 26, after the word "park," to strike out "$10,000" and insert "$16,000," so as to make the clause read:

Mesa Verde National Park, Colo.: For protection and improvement, including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $16,000.

The amendment was agreed to.

The next amendment was, on page 122, line 3, after the word "roads," to strike out "$3,000" and insert "$7,540," so as to make the clause read:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $7,540.

The amendment was agreed to.

The next amendment was, on page 122, after line 3, to insert:

Wind Cave National Park, S. Dak.: For improvement and protection, $2,500.

The amendment was agreed to.

The next amendment was, on page 122, after line 5, to strike out:

Platt National Park, Okla.: Pursuant to the authority conveyed in section 64 of the act approved July 1, 1902 (Stat. L., vol. 32, p. 656), all of the land comprising the Platt National Park in the State of Oklahoma is transferred and title thereto vested in the State of Oklahoma.

The amendment was agreed to.

The next amendment was, under the subhead "Government Hospital for the Insane," on page 123, after line 10, to insert:

For provision for criminal insane, $30,454.

The amendment was agreed to.

The next amendment was, on page 123, line 13, after the word "piggeries," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For barns and piggeries, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Howard University," on page 124, line 7, after the word "instruction," to strike out "$60,000" and insert "$65,000," so as to make the clause read:

For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, and for ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $65,000.

The amendment was agreed to.

The next amendment was, on page 124, line 24, after the words "In all," to strike out "$96,000" and insert "$101,000," so as to make the clause read:

In all, $101,000.

The next amendment was, under the head of "Under the Department of Justice," subhead "Public buildings," on page 127, line 5, after the word "site," to insert "to be immediately available," so as to make the clause read:

National Training School for Boys: For acquisition by purchase or condemnation of additional land adjoining the present site, to be immediately available, $41,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 127, line 22, after the words "General Appraisers," to strike out "$3,000" and insert "$5,000," so as to make the clause read:

For traveling expenses, fees, and mileage allowance of witnesses before the Board of United States General Appraisers, $5,000.

The amendment was agreed to.

The next amendment was, on page 128, line 19, after the words "Attorney General," to strike out "$450,000" and insert "$500,000," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $10,000 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $500,000.

The amendment was agreed to.

The next amendment was, on page 129, line 16, after the word "exceeding," to strike out "$10,000" and insert "$15,000," so as to read:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for salaries of necessary employees at the seat of government, $300,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial" subhead "United States Courts," on page 133, after line 11, to insert:

The salaries of the United States district attorney and the United States marshal for the western district of Arkansas shall hereafter be $4,000 per annum each.

Mr. BRANDEGEE. I ask the attention of the Senator from Arkansas to this item increasing the salaries of the district attorney and the United States marshal in Arkansas. I shall not make any criticism beyond this. I know nothing about the facts, but I think those matters should go to the Judiciary Committee. That is all I care to say.

Mr. CLARKE of Arkansas. The Senator would not think that this should go there after a simple statement is made about it. The State of Arkansas is divided into two judicial districts known as the eastern and western districts. There is the Indian territory, part of the western district, together with 26 counties of the State, and the business in that district is quite heavy. It arises most particularly near the Indian territory, at the end of the district.

There are 46 counties in the eastern district. The salary of the district attorney and the marshal in the eastern district is $4,000. By reason of additional business at the Indian territory end of the western district the salary was fixed at $5,000 for each of those officers. The purpose of the amendment is to equalize the salaries as between the two districts of the State.

Mr. BRANDEGEE. I did not criticize the merits of the proposition at all.

Mr. CLARKE of Arkansas. There is about to be another appointment to those offices and it was for the purpose of equalizing them, and this was the first opportunity that seemed to offer.

Mr. BRANDEGEE. My point is that such matter relating to attorneys and marshals are usually referred to the Committee on the Judiciary, and I think there ought to be some uniformity about it.

Mr. CLARKE of Arkansas. I rather think that consideration should be given to the merits rather than a mere matter of detail.

Mr. BRANDEGEE. It usually keeps track of these salaries.

Mr. CLARKE of Arkansas. I think the same results would have followed if it had gone before the committee. I have every reason to believe so.

Mr. WARREN. I wish to say, and I ask the attention of the Senator from Connecticut, that the Committee on Appropriations is only too glad to have these matters go to other committees so far as that can be done. The only reason why the committee consented to this going in was that it was at so late an hour that it seemed impossible for it to pass the House and Senate if it went to any other committee.

It is a reduction of $2,000 a year. It occurs at a time when we assume there will soon be new appointments. For those reasons the committee allowed it to go in the bill.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," subhead "Lighthouse Service," in the item of appropriation for general expenses, Lighthouse Service, on page 144, line 1, after the word "depots," to insert: "*Provided*, That hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special work," so as to read:

The rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence under rules prescribed by the Secretary of Commerce and Labor not to exceed $4 per day, and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots: *Provided*, That hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special work, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,750,000.

The amendment was agreed to.

The next amendment was, on page 144, after line 7, to insert:

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service, the same shall be appraised and sold, either by sealed proposals for the purchase of the same, or by public auction, after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interest may require, the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 150, line 21, after the word "Commissioner," to strike out "$5,000" and insert "$6,000," so as to read:

Office of commissioner: Commissioner, $6,000.

Mr. HITCHCOCK. I should like to ask why that increase is recommended.

Mr. WARREN. There are four or five places in the bill where—on a point of order in the House—the salaries were greatly reduced. This simply restores the salaries that have been enjoyed for a number of years; one, for instance, Dr. Melvin, is the head of the Bureau of Animal Industry. When that bureau was established it was small and the salary was, I think, $3,000. It was later increased to $5,500 and ran that way for some years. On a point of order in the House, it was put back to $3,000. We reinstated that one. One is the Commissioner of Fisheries, and another is the secretary of the Interstate Commerce Commission. The items were in the House bill—put in there by the committee—and on the point of order of a single Member they went out. Of course, that point of order would not rest on this side, but in the House they have to turn back to the organic statute that established the salary.

Mr. HITCHCOCK. What is the present salary of the Fish Commissioner?

Mr. WARREN. Six thousand dollars.

Mr. HITCHCOCK. Is that the salary of similar heads of other bureaus?

Mr. WARREN. Yes; as to quite a number of them. Others are not so high and, perhaps, one or two are higher.

Mr. HITCHCOCK. I think there are none higher. My impression is that the salary of most of them is $5,000. I do not see any reason why this salary should be made $6,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead Bureau of Fisheries, in line 22, after "$3,500," to strike out "chief clerk, $2,400," and insert "assistant in charge of office, to be appointed by the Secretary of Commerce and Labor, $2,500"; and on page 151, line 5, after the words "in all," to strike out "$43,980" and insert "$45,080," so as to make the clause read:

Deputy commissioner, $3,500; assistant in charge of office, to be appointed by the Secretary of Commerce and Labor, $2,500; accountant, $2,100; librarian, $1,500; clerks—1 of class 4, 3 of class 3, 1 to commissioner $1,000, 1 of class 1, 1 $1,000, 10 at $900 each; engineer, $1,080; 3 firemen, at $720 each; 2 watchmen, at $720 each; 5 janitors and messengers, at $720 each; janitress, $480; messenger boy, $360; 4 charwomen, at $240 each; in all, $45,080.

The amendment was agreed to.

The next amendment was, on page 156, line 16, after "$2,700" to insert "fish pathologist, $2,500, to be appointed by the Secretary of Commerce and Labor"; and in line 19, after the words "in all," to strike out "$14,000" and insert "$16,500," so as to make the clause read:

Division of inquiry respecting food fishes: Assistant in charge, $2,700; fish pathologist, $2,500, to be appointed by the Secretary of Commerce and Labor; assistants—1 $2,500, 1 $1,600; 2 at $1,200 each; 2 at $900 each; clerks—1 of class 1, 2 at $900 each; in all, $16,500.

The amendment was agreed to.

The next amendment was, on page 157, line 22, after "$900," to strike out "two agents and caretakers, at $2,000 each," and insert "agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; two assistant agents, fur-seal fisheries, at $2,190 each; naturalist, fur-seal fisheries, $3,000."

Mr. HITCHCOCK. This seems to me an utterly inexcusable increase on an amendment to the bill as it passed the House. At the last session of Congress we enacted a law for the purpose of carrying into effect the treaties with several other countries relating to seal fisheries, and in that law it was provided that for the next five years no seals were to be killed except a few required for the maintenance of the natives. The House taking this into account dropped from the bill an appropriation for several assistant agents and saved something like $12,000.

The language of the former bill, however, has been restored by the committee, and unless there is some good reason offered I shall ask the Senate to strike out that part of it which provides for an agent at $3,650, an assistant agent at $2,920, and two assistant agents in the fur-seal fisheries at $2,190, as now there is no possible use for these agents and no justification for employing them if during the next five years this killing is to be abandoned.

Mr. WARREN. Mr. President, the action of the committee has been to restore the current law in the bill. It was done on the representation of the officers of the Government and the commission having the matters in charge. It was also presented very strongly to the committee by Members of the Senate, who take an interest in that industry, notably the Senator from Indiana [Mr. KERN]. I have a telegram here from——

Mr. HITCHCOCK. I should like to interrupt the Senator there. As far as the Senator from Indiana is concerned, his contention was for the retention of a naturalist. I would be willing to concede that there might be some excuse for retaining a naturalist on the island for the purpose of continuing the study of the habits of the seals. But that does not go, and Senator KERN does not desire it to go, to a desire to continue these agents and assistant agents, who are merely sinecures up there at the expense of the Government. I will say to the Senator that I have not any objection to the naturalist.

Mr. WARREN. I did not allude especially to the private views of Senators, and I presume the Senator does not, and that he is giving us his own ideas. I should like to have a telegram read from David Starr Jordan. That was one of the documents before the committee.

The Secretary read as follows:

PALO ALTO, CAL., *February 22, 1913.*

Hon. FRANCIS E. WARREN,
Senate, Washington, D. C.

Fifth recommendation of Rothermel committee report and attempt to cut from appropriation bills Government agents, seal islands, vicious efforts of pelagic sealers to produce anarchy on islands. Three hundred dependent natives, seal rookeries, fox and reindeer herds, eighty to two hundred thousand dollars' worth of food and skins, all demand attention of Government representatives.

DAVID STARR JORDAN.

Mr. WARREN. I should like to have a portion of the letter of the Fish Commissioner which refers to this particular subject read. I wish to say to the Senator from Nebraska that the evidence before the committee seemed to be sufficient to justify it in restoring the current law and letting it go to conference; and then if there is better information on the House side than we have here, it can be adjusted. I would ask to have the first part of the letter read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, February 18, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

DEAR SENATOR: There are several matters relating to the Division of Alaska Fisheries in the sundry civil bill as reported by the Committee on Appropriations of the House to which I desire to call the attention of your committee.

1. On page 152, line 16, provision is made for "two agents and caretakers, at $2,000 each," in lieu of the present force, which consists of "one agent, at $3,650; one assistant agent, at $2,920; and two assistant agents, at $2,190 each."

It is not possible to administer properly the many and important duties connected with the fur-seal service with fewer employees than now provided. During the 40 years when the sealing business was conducted on the islands by a lessee it was always regarded as necessary to have upon the islands four Government agents, whose chief duty was to see that the law and the regulations regarding the killing of seals were observed by the lessee, and to see that law and order were maintained on the islands. All matters pertaining to the actual conduct of the sealing business, the keeping of stores for the natives, furnishing food and clothing to the natives, the purchase and transportation of supplies to the islands, and the shipment of skins from the islands were attended to by agents of the lessee.

Since the leasing system has been abandoned all these duties, previously requiring the services of 11 men on an average, are now performed by 4 Government agents. That all these duties can be performed satisfactorily by 2 men is not possible.

2. When the Government took over all matters pertaining to the seal islands three years ago, Congress provided a naturalist for the fur-seal service at a salary of $3,000. The bill as reported out by the House Committee on Appropriations omits my estimate for that position.

In the opinion of all specialists who have made a study of the fur-seal and blue-fox problems, these are now chiefly biological problems, requiring a man trained in biological methods and animal breeding. It is earnestly hoped that your committee may see proper to restore this item. A special memorandum setting forth more fully the duties of the naturalist is also submitted.

Mr. HITCHCOCK. Mr. President, the advice which comes from this gentleman comes from the same men who earnestly advise Congress to permit the killing of the seals to continue up there, as it has continued for a number of years to the destruction of the herd. These same gentlemen now desire that these agents who were formerly employed during the wholesale killing of seals upon those islands shall continue in the Government service, although the only killing to be done will be by a few resident natives on the island.

It may be conceded that a Government agent on each island is necessary to look after the Government's interests there; he is necessary to see that there is no incessant killing by the natives, but it is absurd to say that the agents formerly needed there when killing was active, when a large commercial business was carried on, are still necessary to supervise the natives.

The fact is that the House committee took testimony on that subject; the fact is that the Rothermel committee, which investigated carefully the seal-fisheries question during a period of many months, made a deliberate recommendation that these places be done away with; the fact is, that, so far as the protection of our interests up there is concerned, the Revenue-Cutter Service looks after that, and these agents and assistant agents are of no sort of use. We have abundant means of looking after the small interests which remain in the persons of the two agents provided for in the bill as it came from the other House. If it is desired to take the recommendation of these gentlemen in the Fish Commission and continue as sinecures up there the men who formerly had active work, well and good; but my judgment is that this advice is not in the interest of the public service, but is simply for the purpose of continuing a few men in the service who have grown accustomed to drawing their salaries.

Mr. President, I move to strike from the amendment, beginning in line 22 with the word "agent," at the end of the line, down to and including the word "each," in line 25.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

Mr. HITCHCOCK. I move to amend the committee amendment by striking out those words.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 157 of the committee amendment, beginning in line 22, it is proposed to strike out the following words:

Agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, fur-seal fisheries, at $2,190 each.

Mr. HITCHCOCK. Mr. President, that will save $8,760, and will still leave open the appointment of two agents and caretakers as well as the naturalists at $3,000. I think that is abundant for the good of the service.

Mr. NELSON. Mr. President, I desire to say that I entirely concur in the views expressed by the Senator from Nebraska [Mr. HITCHCOCK]. There is no occasion for employing those men; there is nothing for them to do. We have suspended all killing there for five years, and there is nobody to take care of except a few of the mixed-blood natives there—the Aleuts on the island. In fact, one or two caretakers would be a great abundance. There is no occasion for employing any of these scientists and naturalists or these other agents. The places are purely sinecures and they ought to be abolished.

Mr. SHIVELY. Mr. President, the legislation of last summer creating the five-year closed season against commercial killing of seals renders these provisions of the bill unnecessary. There can exist no occasion to retain in full the present force on the Pribilof Islands. There is to be no seal killing except in limited number required as food for the natives. The proposed amendment should be adopted.

The PRESIDENT pro tempore. The Senator from Nebraska moves to disagree to a portion of the amendment which the Secretary has stated.

Mr. WARREN. I should like to have the amendment again stated, as there are certain factors then to be considered.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 157, beginning in line 22, it is proposed to disagree to so much of the committee amendment as reads:

Agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; two assistant agents, fur-seal fisheries, at $2,190 each.

Mr. WARREN. Does the Senator intend in that way to leave in or strike out anything else but the caretakers, as the House had provided?

Mr. HITCHCOCK. They should be left in. I suppose the Senator being in charge of the bill, will look after that.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WARREN. Unless the Senator from Nebraska proposes to move it, I think I shall move to disagree to the portion of the Senate committee amendment which cuts out the two men from the House bill.

Mr. HITCHCOCK. I think that would be proper, Mr. President.

The PRESIDENT pro tempore. The amendment to which the Senator from Wyoming refers will be stated.

The SECRETARY. On page 157, line 22, after the sum "$900," the committee propose to strike out "two agents and caretakers, at $2,000 each."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

Mr. WARREN. Now, Mr. President, at this point I ask unanimous consent that the totals may be corrected by the Secretary after the bill shall have been concluded.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

Mr. WARREN. Mr. President, the amendment not acted upon is the insertion of a provision for a naturalist, at $3,000?

The PRESIDENT pro tempore. The amendment referred to by the Senator from Wyoming will be stated.

The SECRETARY. On page 157, line 5, it is proposed to insert:

Naturalist, fur-seal fisheries, $3,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 158, line 9, after the words "in all," to strike out "$33,380" and insert "$43,330," so as to read:

Division of Alaska Fisheries: Chief of division, $3,500; assistant, $1,800; clerks—1 of class 2; 1 of class 1; 1 $900; agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, fur-seal fisheries, at $2,190 each; naturalist, fur-seal fisheries, $3,000; janitor service, fur-seal fisheries, $480; 2 physicians, Pribilof Islands, at $1,500 each; 2 school-teachers, Pribilof Islands, at $1,200 each; storekeeper, Pribilof Islands, $1,800; for the following to be appointed by the Secretary of Commerce and Labor—agent, Alaska salmon fisheries, $2,500; inspector, Alaska salmon fisheries, $1,800; assistant agent, Alaska salmon fisheries, $2,000; assistant agent, Alaska salmon fisheries, $1,800; warden, Alaska service, $1,200; 4 deputy wardens, Alaska service, $900 each; in all, $43,330.

The amendment was agreed to.

The next amendment was, on page 160, line 20, after the word "therewith," to strike out "$75,000" and insert "$100,000," so as to read:

Alaska fur-seal fisheries protection and support: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, traveling expenses and subsistence for caretakers while on said islands, and for all other expenses necessary to carry out the provisions of the act approved August 24, 1912, entitled "An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911,", and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $100,000.

The amendment was agreed to.

The next amendment was, on page 160, after line 23, to insert:

For overhauling and making necessary repairs to the steamer *Albatross*, including new work where necessary, and equipment, $40,000.

The amendment was agreed to.

The next amendment was, on page 161, after line 9, to insert:

For the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor, $25,000.

The amendment was agreed to.

The next amendment was, on page 161, after line 13, to insert:

For the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State of Rhode Island, to be selected by the Secretary of Commerce and Labor, $25,000: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of Rhode Island, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor—Immigration stations," on page 163, after line 2, to insert:

Immigration station, Galveston, Tex.: The Secretary of War is hereby authorized to use for replacing and repairing the electric light and telephone cables and the water main between the city of Galveston, Tex., and the immigration station on Pelican Spit, the unexpended balances of the appropriations for construction of water main to supply water to the immigration station at Galveston, Tex., and for locating and correcting leak in said water main; and said unexpended balances are hereby made available for said purposes, and shall remain available for said purposes, and shall remain available until otherwise provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Immigration Service," in the item of appropriation for miscellaneous expenses, Division of Naturalization, on page 165, line 20, after the word "page," to strike out "eight hundred and ninety-six" and insert "six hundred," so as to read:

For the purpose of carrying into effect section 13 of the act of June 29, 1906 (34 Stats., 600), as amended by the act approved June 25, 1910, and that the expenditures from this appropriation shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe, $225,000.

The amendment was agreed to.

The next amendment was, on page 166, after line 8, to insert:

UNDER THE DEPARTMENT OF STATE.

For expenses of the Fourth International Congress on School Hygiene to be held in Buffalo, N. Y., August 25 to 30, 1913, $30,000.

The amendment was agreed to.

The next amendment was, on page 166, after line 13, to insert:

International Joint Commission, United States and Great Britain: For salaries and expenses, including salaries of commissioners, salaries of clerks, and other employees appointed by the commissioners on the part of the United States with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing, purchase of books, periodicals, and papers, and all necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada and other purposes, signed January 11, 1909, $100,000, to be disbursed under the direction of the Secretary of State.

Mr. BORAH. Mr. President, I want to ask the chairman of the committee, in charge of the bill, what is the purpose of this amendment? What is the necessity of it?

Mr. WARREN. It is to continue the existence and support of the commission that has been appointed under a treaty with Great Britain. Great Britain has the same number of members on the commission as has the United States. Questions are constantly arising in the waters along the boundary which require attention, and this commission is engaged in the work. We had some witnesses before the committee, from whom we learned of the work of preventing the pollution of the water and the control of the flow, whether the water should be taken out from one side by one Government without the consent of the other, and so forth. All those questions seem to be subjects of necessary consideration.

One matter that came before us, which seemed to show a great necessity for the commission, was the condition of the Lake of the Woods. I see the Senator from Minnesota [Mr. NELSON] is here, and perhaps he can tell us something about that.

Mr. NELSON. If the Senator will yield to me, I will say that I am somewhat familiar with the situation. In the country along the northern boundary of Minnesota there is a succession of watercourses from the east toward the west, terminating, first, in Rainy Lake and then through International Falls down the Rainy River into the Lake of the Woods, and the Lake of the Woods discharges through the Winnipeg River into Lake Winnipeg. There has been a great controversy over those waters by reason of a dam which the Canadians have had constructed at a place they used to call Rat Portage, but which is now called Kenora, where the Canadian Pacific Railroad crosses the outlet of the Lake of the Woods. There are three different outlets there, all merging into the Winnipeg River. The Canadians have put in two or three dams, which have been instrumental in flooding the lands of the settlers on the American side.

The Lake of the Woods is a large body of water, perhaps—outside of the five Great Lakes, the Superior system, and the adjoining lakes—the largest inland lake on the North American Continent. There is considerable navigation on the lake. We have one port on the lake at War Road, where there is considerable commerce and where the railroad crosses. There are two other minor ports on the Lake of the Woods, and the Rainy River from its mouth in the Lake of the Woods up to International Falls is navigable.

In the eastern reaches of the Rainy River system there is a controversy between the Canadians and the people on our side as to the withdrawal of water from the upper end of the Rainy River system, and at the Lake of the Woods there is a controversy in respect to lands that the Canadians have flooded by the dams at Kenora, or Rat Portage.

This commission was appointed pursuant to a treaty which we negotiated with Great Britain some years ago, and the preliminary work of settling and adjusting all these controversies is entailed on the commission. I have had in the course of the last two or three years a great many complaints from settlers. I have referred those complaints to the commission, and the commission have, as I understand, lately appointed experts to make a survey of this watercourse and see where our people are

affected and what injury and damage has been done to the flowage.

It is an important matter, and until it is finally adjusted there will be friction and controversy between our people and the people along the Lake of the Woods. In international waters we are always likely to have trouble over such matters until the disputed questions are settled.

It is a curious thing that we have on the Lake of the Woods, growing out of the original treaty with Great Britain, what is called the Northwestern Angle. The phraseology of that treaty was of such a character that it left an agle there—I do not know how large; perhaps a quarter of a township of land—on the west side of the Lake of the Woods entirely isolated from the rest of our country, and yet a part of our country. A great many settlers have recently gone into that section, which our people there call "No Man's Land."

I could go more into detail, but I am not willing to take up the time of the Senate. I know that the work of this commission is necessary, and that our settlers are very anxious that the commission should be instrumental in adjusting these difficulties. As I have said, I have had numerous letters from settlers there, and all I could do about the matter was to refer them to the commission. Before the organization of the commission I received many letters. All I could then do was to refer them to the State Department, and the State Department was almost powerless until this treaty was negotiated, and the commission was appointed under it.

Mr. ROOT. Mr. President, let me add to what the Senator from Minnesota [Mr. NELSON] has said, that the situation which he has recounted is an illustration of complications that are arising frequently all along the more than 3,000 miles of boundary between this country and Canada. Very much the same kind of questions are coming up along the boundary as come up among our own people inside of our country and as arise between Canadians inside of their country, but which, because of their being on boundary waters and the questions being between citizens of different countries, they can not be disposed of by ordinary courts. Reference of such matters to the State Department leads to long diplomatic correspondence between this Government and London. That is a very unsatisfactory way to dispose of such questions. The longer such questions remain unsettled the more difficult they become of settlement, people get excited about them, national spirit and prejudice are aroused, and they become really matters of serious controversy, when if they had been taken up at the beginning they could have been disposed of easily.

Mr. BORAH. Mr. President, I ask the Senator from New York how long this commission has been in existence?

Mr. ROOT. I think it was organized about a year ago. There was a long delay in the exchange of ratifications of the treaty. The treaty was made late in 1908 or early in 1909—I have forgotten which—and was ratified by our Senate, with a proviso in the resolutions of ratification which the Canadians hesitated a long time to accept. It was a proviso relating to matters at the Soo.

Mr. BORAH. I recall that.

Mr. ROOT. So that the treaty was not finally ratified until a little over a year ago, when the commissioners were appointed.

Mr. BORAH. May I ask the Senator what has been done upon the part of the commission toward consummating these difficulties or arranging them? Has it made any report, has any adjustment been made, or have any steps been taken looking to the final settlement of any of these controversies?

Mr. ROOT. I can not tell you that. I have not been following it for some time past. I know they have been at work, because I know some very serious questions have been referred to them. The number of questions which have arisen, and which were continually arising, made it apparent that a practically permanent court would be necessary to dispose of the questions that are arising.

I know one of the things they are now at work upon is the enforcement of the provision of the treaty prohibiting the pollution of boundary waters on either side. The foreign offices of the two countries have referred to them the question as to whether that provision is being violated anywhere along this boundary, and they are at work investigating that. Upon the conclusion of that investigation they will make a report upon it. I think it is highly probable that a great and serious controversy will be prevented because it is taken in time.

Mr. BORAH. It seems to me they must have been considering it for some time, for so far as I can learn the commission has made no report and consummated nothing in the way of final settlement.

Mr. ROOT. They have hardly had time.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I yield.

Mr. CURTIS. As chairman of the subcommittee, I had occasion to look into this question last week and examined a partial report. I find that a number of cases have been settled and a number of hearings have been had. Just last week the commission were in session up in Minnesota. I understand the Canadian Government have made full appropriation and have provided for their commission to carry on the work of settlement; but unless this appropriation is made there will be nothing for our commission to pay expenses with save and except their salaries. If you do not make this appropriation, about all they will get is their salaries, and nothing will be done. If you appropriate this money, then these various questions can be taken up, and I hope some of them will be settled.

I understand some of the controversies there are very serious. Here just a short time ago, because there was no way to settle the difficulties, the people on one side or the other threatened to use dynamite to get rid of a dam that was causing the overflow of the lands there, the question of damage to be settled by this commission.

Mr. BORAH. How many commissioners are there?

Mr. ROOT. Three on each side.

Mr. CURTIS. My recollection is that there are three on each side.

Mr. BORAH. What salary are they drawing?

Mr. CURTIS. Seven thousand five hundred dollars each.

Mr. BORAH. Does the Senator from Kansas think it is necessary to continue this commission interminably?

Mr. CURTIS. I think not; but undoubtedly it ought to be continued until they have time to pass upon these questions.

Mr. BORAH. Has the commission made any report, so that one can see what steps they have taken?

Mr. CURTIS. I do not remember seeing any report. I have had letters from the commission—or, rather, letters have been written to the State Department making a report as to progress and what they needed. That report, or partial report, was sent to the Senate Committee on Appropriations by the Secretary of State about a week ago.

Mr. ROOT. May I add something to the answer of the Senator from Kansas? I do not anticipate that the time will ever come when this commission will not be needed. I think that as the two countries along this tremendous boundary line become more and more thickly settled the need for it will increase. I do not think we shall ever see the time when this commission will not be needed to dispose of controversies along the boundary line in their inception, furnishing a machinery ready at hand for people to get relief and redress without going into the long processes of diplomatic correspondence. I think it will have to continue as long as the ordinary courts of the country continue. Of course it can be ended. The treaty under which it is created is a treaty which has some limit of life; I do not remember what it is.

Mr. BURTON. Five years from the time it was entered into, 1910.

Mr. ROOT. Five years, and until ended by notice, I think.

Mr. BORAH. May I ask the Senator from New York what is the necessity of three members of a commission like this?

Mr. ROOT. Because they have numerous things to attend to, and they have to divide up their work of actual investigation. They are not merely a court which sits and listens to testimony that comes before it, but they have to go themselves and inquire into situations extending from the Atlantic to the Pacific.

Mr. BORAH. Mr. President, I do not know what the members of this commission have accomplished. That is what I desired to find out. Not knowing what they have accomplished, I am not, of course, reflecting upon the members of the commission; but it does seem to me that there is no necessity for three members of this commission and that there ought to be some limit of time within which we can dispose of part of an expensive commission like this. Certainly there can be no more necessity for a large commission between this country and Canada to act upon matters arising between Canada and the United States than between Mexico and the United States.

Mr. ROOT. Mr. President, there has been a commission between the United States and Mexico, I was going to say, time out of mind—certainly for 20 years. That commission is still in existence, and it is still at work.

Mr. BORAH. That is proof positive of the fact that it is no benefit to mankind.

Mr. ROOT. It is a benefit to mankind, because it is disposing of questions which would otherwise become international causes

of controversy immensely more expensive and immensely more injurious than when they are taken and disposed of in the beginning, while they are still individual controversies. In such cases this commission can afford such relief as results from having somebody to go to for redress.

Mr. BORAH. I am disposed to take the view of the Senator from New York upon these matters, because he knows far more about them than I can possibly know. But, on the other hand, I do know, as the Senator from New York himself knows, that there is a great tendency to create unnecessary commissions and keep them alive time without limit.

Mr. ROOT. That may be. I dare say there is too much of that. But in this case we had before us the experience of a most unfortunate controversy, arising from not having any machinery to deal with questions when they arose. It came to a situation regarding the Alaska boundary in which there might have been a bloody affray which would have set all of the West and all of the United States and all of Canada aflame, when the difficulty could have been settled without any trouble at all if there had been some way of taking it up when it was first bruited. We had to dispose of that by a great tribunal, created for the purpose, and sitting in London, with an army of counsel, causing expense that would have supported a commission for the past 20 years. We had to create a great joint high commission here in 1898, of which the former Vice President, Mr. Fairbanks, was president of the American section, and Lord Herschel came over from England as president of the English section. That commission sat in Washington and at Montreal. They had an army of secretaries and clerks and experts, and they took up a great lot of questions that never would have amounted to anything if they had been disposed of when they first arose. Finally they broke up without deciding anything.

Having that experience before us, we undertook to create the kind of machinery that will prevent controversy by disposing of controversy when it is in the beginning; and that is the machinery of these commissions. Canada, far less able to incur expense than we, was ready to appoint her three commissioners, and to pay them.

As to the number, all I can say is that it seemed from the experience we had had in the former Waterways Commission, and the amount of work they had been called upon to do, that three on each side would be necessary. I do not think a smaller number could have done the work.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from New York if he has ever heard of the commission between this Government and the Government of Mexico ever settling anything or ever doing anything?

Mr. ROOT. Oh, yes, Mr. President. They have settled a great many—many controversies.

Mr. WORKS. I know some of them that they have not settled.

Mr. ROOT. I know there are some.

Mr. WORKS. They have been principally conspicuous for what they have not done.

Mr. ROOT. That is because the controversies that are not settled are the controversies that make a noise.

Mr. WORKS. They have been useful only in preventing controversies between the two countries by simply delaying action and doing nothing.

Mr. ROOT. They have been useful by settling scores and hundreds of controversies.

Mr. BORAH. What is the size of the Mexican commission? Does the Senator remember?

Mr. ROOT. I think there are three members. I am not certain. I would not like to say.

Mr. BORAH. I should like to ask one more question of the Senator from Kansas. Has the Senator from Kansas any knowledge upon which we can base an intelligent amendment to terminate the services of this commission?

Mr. CURTIS. I have not. I think the best plan is to make this appropriation, and see what they are doing with the court that has been organized, and then let the next Congress deal with it if they have not made a report sufficient to satisfy Congress.

Mr. BORAH. Apparently it ought to be created in perpetuity.

Mr. ROOT. I will suggest to the Senator from Idaho that no amendment to terminate the commission would be intelligent, because the commission is created under a treaty, and we are bound by the provisions of the treaty.

Mr. BORAH. As I understand then, from the Senator from New York, there is a treaty which obligates us to appoint a commission of three, and that treaty does not end for five years?

Mr. ROOT. Five years from——

Mr. BORAH. From the date of ratification?

Mr. ROOT. From the date of ratification. I do not remember what that is.

Mr. BORAH. Perhaps, then, there is some hope of terminating the matter at some time.

Mr. ROOT. There is some fear of it.

Mr. BORAH. So I observe.

Mr. BRISTOW. Mr. President, I should like to inquire how long it was after the commissioners were appointed by the United States before Canada appointed her members of the commission?

Mr. ROOT. I do not know.

Mr. BRISTOW. It was a number of years, was it not?

Mr. NELSON. Oh, no.

Mr. SMOOT. Mr. President, I believe it was about one year after the commissioners were appointed by the United States that Canada appointed her three members of the commission. I will say, also, that the members of the commission in Canada receive the same salaries as the members of the commission do here in the United States. The commission was created in May, 1910, as I remember. I should say the treaty was made at that time.

Mr. BRISTOW. In May, 1910?

Mr. SMOOT. No; I say, the treaty was made in May, 1910, and it had a life of five years. The commission was appointed in 1911.

Mr. BRISTOW. I have been advised that there is but one commissioner on the Mexican commission—that that work is done by one man. Whether that is true or not, of course I do not know. What I object to, however, is appropriating $100,000 here for something when we have no idea what it is for. My information has been that this commission, since it was created, has been used as a harbor of refuge for "lame ducks." I do not think we ought to be so generous in supplying them with this provender unless we know just the purposes for which it is to be expended.

Mr. NELSON. Mr. President, at the risk of taking up a little time, I will state that I have here a map of Minnesota. Right at the northern end here is the Lake of the Woods. A part of that lake, the southern part of it, washes the northern boundary of our State. Up here, at the north end, is the outlet of the lake in Canada, at Kenora, or what used to be called Rat Portage. Up there they built dams, raising the level of this water, flooding our lands, and injuring the two little ports that we have here on the south side of the Lake of the Woods.

If the Lake of the Woods were within our territory our settlers could go into court and bring suit against the parties erecting that dam and flooding their lands. But where the damage is caused by the Canadians over across the boundary line our people have no remedy except by the system provided through this treaty.

One of the main objects of negotiating this treaty was to settle all the troubles along our international waters. The treaty provided for this commission in order that they could inquire and ascertain the facts.

Some people think the commission has not done anything. To my knowledge the commission, the Canadian members and our members, met up here at Warroad, which is right here in the State of Minnesota, where the Canadian Northern Railroad crosses through our territory to go to Winnipeg. They met there last fall or summer and had extensive hearings, summoning people in from all around the borders of the lake. They finally came to the conclusion that in order to adjudicate the matter thoroughly they would have to appoint engineers and experts to take the levels of the lake, ascertain what the levels of the lake were before the dams were built ot Kenora and what they have been since, and what lands have been flooded—in other words, to get at the exact facts.

That is something of the work that I know about within my own knowledge. The commission notified me of their hearing and requested me to attend; but it happened that it was during the political campaign, so that I could not go.

Mr. BORAH. As I understand, then, we have this much of a report—that during the summer, when it is a delightful time to meet up there, these commissioners met and determined that it was necessary to employ an expert?

Mr. NELSON. The Senator has no business to understand anything of that sort. I said the commission met there and held hearings and examined witnesses.

Mr. BORAH. And they finally determined that is was necessary to employ an expert. It requires three commissioners to do that; and we are paying them $100,000 for what one man could determine, and what the Senator from Minnesota could have suggested without any summer vacation at all.

Mr. NELSON. That would be very good if we could appoint the Senator from Idaho to go up there and settle disputes between us and Canada.

Mr. BORAH. I would be delighted to go visiting with the Senator from Minnesota, but there is no necessity to go to Minnesota in order to have the matter properly attended to. The Senator from Minnesota will do that. But there is nothing in his statement which discloses to anyone's mind the necessity of this commission.

Mr. CUMMINS. The Senator from New York has convinced me of the necessity for the commission for a time at least. What I should like to know is, if anyone here has the information, what salaries are paid by Canada to her commissioners.

Mr. SMOOT. I understand that the three commissioners in Canada get the same salary that the commissioners of the United States receive.

Mr. CUMMINS. What are the expenses of the Canadians aside from salaries?

Mr. SMOOT. Evidently the expenses are the same as the expenses of the United States commissioners.

Mr. CUMMINS. But does the Senator from Utah know that?

Mr. SMOOT. All I know is that the report came here from one of the commissioners.

Mr. CUMMINS. We have appropriated here $100,000. Twenty-two thousand five hundred dollars are necessary for salaries, leaving $77,500 for traveling expenses, clerks, and so forth. I should like to know whether it costs Canada $77,500 for the support of the commission aside from the salaries.

Mr. BRISTOW. I understand that the hundred thousand dollars is in addition to the salaries and go to the expenses of the commission.

Mr. CUMMINS. No.

Mr. SMOOT. This is also to take care of the expenses, and the salaries of the commissioners until June 30, 1914. This is the expense not only for the four months they are yet to go on with the calendar year, but it provides for the expenses up to June 30, 1914, to the extent of $100,000.

Mr. CUMMINS. Why do we make an appropriation for the remainder of this year? Were they not appropriated for last year?

Mr. SMOOT. Yes; they were appropriated for. I can not say whether there is really enough to carry them until June 30 or not, but I say this provides for that and also for the salaries and expenses of the commission for the full year.

Mr. CUMMINS. Then the commission must have been put to greater expense than it was authorized to incur.

Mr. SMOOT. I do not say that the appropriation already made will not cover until June 30 of this year.

Mr. CUMMINS. What has impressed me is that possibly we were providing too many accessories for the commission, too many officers, too many clerks, and that sort of thing. We ought to make a reasonable limitation.

Mr. OVERMAN. They have $75,000 already on hand. They are given the unexpended balance, which means $79,000, and in addition to that they are given $100,000.

Mr. CUMMINS. I can not see how the commissioners can spend such a sum of money.

Mr. BORAH. They employ experts.

Mr. CUMMINS. This does not cover experts.

Mr. BORAH. What does it cover?

Mr. CUMMINS. The experts will be aside from this.

Mr. OVERMAN. The salary paid is $4,500, and there are clerks.

Mr. SMOOT. This covers all the expenses of the commission.

Mr. CUMMINS. The Senator thinks it covers the expenses of the commission, but if the commission has occasion to employ an expert it would not cover the expert, and we would have to pay the expert in the future, I assume.

Mr. SMOOT. Let me call the Senator's attention to the wording. It says:

> Expense of printing, purchase of books, periodicals, and papers, and all necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada and other purposes.

Mr. OVERMAN. We struck out periodicals.

Mr. CUMMINS. I do not believe it would cover the pay of many men as experts.

Mr. BORAH. I ask the Senator from Utah what kind of books and periodicals this is supposed to provide for?

Mr. CURTIS. If I may answer, we struck out books and periodicals. It would only include printing.

Mr. OVERMAN. Certainly; we struck that out in committee.

Mr. CURTIS. It was stricken out in the diplomatic and consular appropriation bill.

Mr. BORAH. It is not stricken out in this amendment.

Mr. SMOOT. I think the Senator is perfectly right.

Mr. OVERMAN. This is the way it happened. The item was put on the diplomatic and consular appropriation bill. I made objection to it and it was stricken out. It now comes here in another appropriation bill. We considered it on the diplomatic appropriation bill and we struck out the words "printing and periodicals." Then finding that they had $79,000 on hand, I thought that was sufficient for them, and in addition to that we struck out the whole item. Now it comes here in this shape, because certain parties came before the committee and said it was absolutely necessary. But in addition to that we struck out the words "periodicals and papers," because we did not want to have the commission sending for Munsey's and the other magazines and getting all the newspapers.

Mr. SMOOT. I believe the committee did agree to strike out "periodicals and papers." It will all be in conference and no doubt that will go out, or we could amend it now by striking out periodicals and papers.

Mr. BORAH. I do not know that anything would be gained by striking it out, because they will spend the $100,000, anyway.

Mr. SMOOT. Not necessarily.

Mr. BORAH. I should like to have the Senator from Utah watch and see how much they do not spend.

Mr. BRANDEGEE. Did I understand the Senator from Utah to say that the treaty under which the commission exists would expire in two years?

Mr. SMOOT. As I remember the date, the life of the treaty ends May 10, 1915.

Mr. BRANDEGEE. Then the commission would expire?

Mr. ROOT. It remains in force for five years dating from the day of exchange of ratifications, which was May 10, 1910, and thereafter until terminated by 12 months' written notice, given by either party to the treaty.

Mr. SMOOT. I understand that the Senator from Kansas has a letter giving a full explanation of the details, perhaps the expenditures and the working, and the letter may explain the matter better than we can.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

FEBRUARY 24, 1913.

Hon. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. FLOOD: In compliance with your request of this morning I herewith submit the following detailed estimate of the amount necessary to meet the expenditures on account of the United States section of the international joint commission under treaty of January 11, 1909, and the one-half of the joint expenses of the international joint commission in carrying on the work of the commission, including investigation of questions heretofore referred and of additional questions to be referred to the commission by the Governments of the United States and the Dominion of Canada under Article IX of said treaty during the fiscal year 1914.

These estimates are based upon actual expenditures made for the same purposes in the carrying on of this work during the latter half of the current fiscal year.

Investigation and report on the Lake of the Woods controversy, referred under article 9 of the treaty by the joint action of the United States and Canada.

	Estimated total cost.	One-half payable by the United States.
Salaries of engineers	$12,000	$6,000
Travel and subsistence of engineers	5,000	2,500
"Temporary help" in the collection in the field of engineering data concerning drainage area, precipitation, run-off, gauge readings, etc., including necessary supplies and equipment and the transportation of supplies and equipment	2,500	1,250
Travel, subsistence, and compensation of surveying parties	12,000	6,000
Expense of hearings to determine the effect of stated levels of the Lake of the Woods upon local interests and the rights of riparian owners, the extent of lands submerged and their value, witness fees, incidental expenses, etc	4,500	2,250
Report of above hearings, travel, subsistence, and compensation of stenographic reporters	2,500	1,250
Printing, including notices of times and places of hearings	300	150
Total	38,800	19,400

Investigation and report on the pollution of boundary waters, referred under article 9 of the treaty by the joint action of the United States and Canada.

	Estimated total cost.	One-half payable by the United States.
Salaries of sanitary experts under question No. 1 of the reference	$14,000	$7,000
Travel and subsistence of sanitary experts under question No. 1 of the reference	2,000	1,000
Field work necessary under question No. 1 of the reference, including tug hire, sample collectors, laborers, laboratory equipment, subsistence and travel, transportation of supplies and equipment, rent, cartage, express charges, ice, laboratory supplies, and necessary emergency purchases unclassified and small in amount	36,000	18,000
Expense of sanitary consulting engineers under question No. 2 of the reference	10,000	5,000
Expense of hearings, including stenographic reports of hearings, under question No. 2 of the reference	7,000	3,500
Printing, including notices of times and places of hearings	300	150
	69,300	34,650

Livingstone Channel investigation and report, referred under article 9 of the treaty by the joint action of the United States and Canada.

The Livingstone Channel investigation, referred by the United States and Canada under article 9 of the treaty, will probably be concluded before the beginning of the next fiscal year.

REGULAR AND SPECIAL MEETINGS OF THE COMMISSION.

Regular and special meetings of the commission for hearing and determination of cases under articles 3, 4, and 8 of the treaty, including printing, stenographic report of proceedings, and taking all testimony on cases submitted under said articles:	
Estimated total cost	$4,000
One-half payable by the United States	2,000

FIXED CHARGES PAYABLE BY THE UNITED STATES.

Salaries of three commissioners, at $7,500	$22,500
Salary of secretary and disbursing officer	4,000
Salary of clerk-stenographer	2,250
Rent of Washington office	2,500
Stationery and supplies	1,000
Travel and subsistence	8,000
Stenographic service to commissioners	1,500
Communication service, telegrams, etc	300
Total	42,050

SUMMARY OF AMOUNTS PAYABLE BY THE UNITED STATES.

Investigation of levels of Lake of the Woods	$19,400
Investigation of pollution of boundary waters	34,650
Regular and special meetings	2,000
Fixed charges	42,050
Total amount payable by the United States	98,100

I am advised, unofficially, that between now and the close of the next fiscal year there are other questions of difference between the Governments and their inhabitants that in all probability will be referred to the commission for investigation and report under Article IX. I am also advised that applications for the approval of the commission under Articles III and IV of the treaty of certain contemplated projects involving the use of these boundary waters for power and other purposes will be made within the next year, in which case the commission will have to afford the applicants and their opponents a prompt hearing under our rules, so that the appropriation of $100,000, with the unexpended balance, will not, in view of existing and prospective work, be in excess of what should be provided for fixed charges and our share of the joint expenses, which, under Article XII of the treaty, we have agreed to pay.

The sessions of the commission held during the past six months at different places along the boundary have afforded the inhabitants of both countries an opportunity to become acquainted with the purposes and functions and the jurisdiction of the commission, especially in respect to the consideration and final adjudication of their common interest and right in the use of these boundary waters. Since the use of these waters is becoming more and more valuable all the time in the industrial development on both sides of the line, and also for sanitary and domestic purposes, and the approval of this commission is, under the treaty, the first essential to their use, we may reasonably expect that applications for such approval will become more and more frequent.

With the work the commission now has before it, and with a knowledge gained from experience during the past six months concerning the expenses incident to the carrying on of that work, I consider the foregoing to be a conservative estimate of the amount that will be required to meet the fixed charges of the commission and the obligation of our Government to pay one-half of the joint expenses.

Yours, very truly,

——— ———, *Chairman.*

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NELSON. I ask leave to have the treaty published in the RECORD in connection with my remarks. I have a copy of it here.

The PRESIDENT pro tempore. Without objection, that order will be made.

The treaty referred to is as follows:

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN—BOUNDARY WATERS BETWEEN THE UNITED STATES AND CANADA.

(Signed at Washington, January 11, 1909. Ratification advised by the Senate, March 3, 1909. Ratified by the President, April 1, 1910. Ratified by Great Britain, March 31, 1910. Ratifications exchanged at Washington, May 5, 1910. Proclaimed, May 13, 1910.)

A proclamation by the President of the United States of America.

Whereas a treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, was concluded and signed by their respective plenipotentiaries at Washington on the 11th day of January, 1909, the original of which treaty is word for word as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, ELIHU ROOT, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington:

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE.

For the purposes of this treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I.

The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the high contracting parties and the ships, vessels, and boats of both of the high contracting parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II.

Each of the high contracting parties reserves to itself or to the several State governments on the one side and the Dominion or provincial governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the high contracting parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbors, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE IV.

The high contracting parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International joint commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE V.

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE VI.

The high contracting parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article II of this treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE VII.

The high contracting parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE VIII.

The International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles III and IV of this treaty the approval of this commission is required, and in passing upon such cases the commission shall be governed by the following rules or principles which are adopted by the high contracting parties for this purpose.

The high contracting parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1) Uses for domestic and sanitary purposes;

(2) Uses for navigation, including the service of canals for the purposes of navigation;

(3) Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may, in the discretion of the commission, be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The commission, in its discretion, may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the commissioners shall have power to render a decision. In case the commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the commissioners on each side to their own Government. The high contracting parties shall thereupon endeavor to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE IX.

The high contracting parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The commission shall make a joint report to both Governments in all cases in which all or a majority of the commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the commissioners on each side to their own Government.

ARTICLE X.

Any questions or matters of difference arising between the high contracting parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the high contracting parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XLV of The Hague convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the commission failed to agree.

ARTICLE XI.

A duplicate original of all decisions rendered and joint reports made by the commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the commission.

ARTICLE XII.

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and Canadian sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission, incurred by it, shall be paid in equal moieties by the high contracting parties.

The commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in proceedings before the commission. The commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE XIII.

In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles, such agreements

are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by 12 months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of Our Lord one thousand nine hundred and nine.

(Signed) ELIHU ROOT. [SEAL.]
(Signed) JAMES BRYCE. [SEAL.]

And whereas the Senate of the United States by their resolution of March 3, 1909 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said treaty with the following understanding, to wit:

"*Resolved further, as a part of this ratification*, That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting or changing any existing territorial or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River, within its own territory, and, further, that nothing in this treaty shall be construed to interfere with the drainage of wet swamp and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty";

And whereas the said understanding has been accepted by the Government of Great Britain and the ratifications of the two Governments of the said treaty were exchanged in the City of Washington on the 5th day of May, 1910;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said treaty and the said understanding, as forming a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 13th day of May, in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States of America the one hundred and thirty-fourth.

[SEAL.] WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.

PROTOCOL OF EXCHANGE.

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between the United States and Great Britain, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River within its own territory, and, further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form.

In witness whereof they have signed the present protocol of exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, 1910.

PHILANDER C. KNOX. [SEAL.]
JAMES BRYCE. [SEAL.]

The next amendment was, on page 167, after line 23, to insert:

The appropriation in the sundry civil act approved March 4, 1911, for removing fence and wall around the Botanic Garden, and for such grading, soiling, seeding, and sodding as may be incident thereto, is hereby made available for said purposes for the fiscal year 1914.

The amendment was agreed to.

The next amendment was, on page 168, after line 4, to insert:

Senate: For indexing, when necessary, reports and hearings of Senate committees and joint committees of the Senate and House of Representatives, under the direction of the Committee on Appropriations of the Senate, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 168, after line 9, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $46,000.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," subhead public printing and binding, on page 169, line 16, after the words "Public Printer," to strike out "$4,500," and insert "$5,500;"

Office of the Public Printer: Public Printer, $5,500.

The amendment was agreed to.

The next amendment was, on page 169, in line 22, after the word "clerks," to strike out "two at $2,000 each," and insert "one at $2,000."

Mr. CUMMINS. I hope that amendment will not be agreed to. I think the chairman of the committee will not insist upon it.

Mr. WARREN. I ask that the amendment be not agreed to.

The amendment was rejected.

The next amendment was, on page 169, in line 23, before the words "of class four," to strike out "nine" and insert "ten."

Mr. WARREN. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. CUMMINS. The two stand together.

Mr. WARREN. The two amendments stand disagreed to, and it leaves it as the House had it?

Mr. CUMMINS. As the House provided.

The next amendment was, on page 170, line 7, after the words "in all," to strike out "$131,060" and insert "$131,860."

Mr. SMOOT. That should stand.

The PRESIDENT pro tempore. The Chair assumes that the change in the total ought to be disagreed to.

Mr. WARREN. I have already asked unanimous consent to have the clerks take care of the totals.

The PRESIDENT pro tempore. That will be done.

The next amendment was, in the item of appropriation for the public printing, for the public binding, and for paper for the public printing and binding, etc., on page 172, line 6, after the word "work," to strike out "4,463,820" and insert "$4,464,020," so as to read:

Necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, $4,464,020.

The amendment was agreed to.

The next amendment was, on page 174, line 18, after "$200," to insert "*Provided*, That any unexpended balance of the allotment for 1913 of $2,000 for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory is hereby made available for the fiscal year ending June 30, 1914," so as to read:

For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendixes, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $37,500; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the International Exchanges, $200; the International Catalogue of Scientific Literature, $100; the National Zoological Park, $200; for miscellaneous printing and binding for the Astrophysical Observatory, $200: *Provided*, That any unexpended balance of the allotment for 1913 of $2,000 for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory is hereby made available for the fiscal year ending June 30, 1914, and for the Annual Report of the American Historical Association, $7,000; in all, $76,200.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Superintendent of Documents," on page 177, line 7, after the word "clerks," to strike out "one" and insert "two"; in the same line, before the words "of class 3," to strike out "four" and insert "three"; and in line 18, after the words "in all," to strike out "$98,364" and insert "$98,564," so as to make the clause read:

Superintendent, $3,500; assistant superintendent, $2,500; clerks—2 of class 4, 3 of class 3, 4 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each, 10 at $720 each; cataloguer in charge, $1,800; cataloguers—2 at $1,500 each, 3 at $1,200 each, 1 at $1,100, 7 at $1,000 each, 3 at $900 each; cashier, $1,600; librarian, $1,500; shipper in charge, $1,200; stock keepers—1 at $1,100, 3 at $1,000 each, 5 at $900 each, 2 at $720 each; 2 assistant messengers, at $720 each; 3 mailers, at $840 each; janitress, $626; 2 folders, at $626 each; 11 laborers, at $626 each; 5 messenger boys, at $420 each; in all, $98,564.

The amendment was agreed to.

The next amendment was, under the head of "The Panama Canal," on page 180, line 24, after the words "Panama Canal," to insert "including the purchase, or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of $12,000 tons of coal and a speed of at least 14 knots per hour, two colliers to cost not exceeding $1,000,000 each," so as to read:

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, including

the purchase, or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, two colliers to cost not exceeding $1,000,000 each, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904.

Mr. BRANDEGEE. I wanted to ask the chairman of the committee whether, at the bottom of page 180, where it says including the purchase of these vessels, the law provided that they may be purchased anywhere—abroad or in this country?

Mr. WARREN. As I recall it, we took the House provision which they had incorporated in the bill and which went out on a point of order. We did not go into the examination beyond what we found in the House bill.

Mr. BRANDEGEE. I wanted to suggest to the chairman if it would not be proper to provide that they should be purchased in the United States if, in the discretion of the President, they could be had at a proper price.

Mr WARREN. I shall be glad to yield to the Senator, who is chairman of the great committee which handles Panama Canal matters, if he desires to offer an amendment.

Mr. BRANDEGEE. I do not care to offer an amendment, but my impression was that the policy of the Government in the construction of the Panama Canal was to buy all they could in this country if they could get it at a price which was proper. I thought that in the interest of protection to American shipbuilders it would be proper.

Mr. WARREN. The Senator is entirely right, but I had supposed that under no circumstances would they be bought anywhere else, except in great stress, in case of war or something of that kind.

Mr. BRANDEGEE. If there is no objection, I would suggest that after the word "purchase" there be inserted the words "in the United States if, in the discretion of the President, they can be had at a reasonable price."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 180, line 25, in the amendment of the committee, after the word "purchase," it is proposed to insert "in the United States if, in the discretion of the President, they can be purchased at a reasonable price."

Mr. LODGE. I suggest to the Senator from Connecticut that what we desire to do is to buy vessels built in this country. The amendment suggested would authorize the purchase of a foreign vessel which had been brought in here.

Mr. BRANDEGEE. A foreign vessel could not be brought in here without paying the duty before it got here, and then it could not have American registry, could it?

Mr. LODGE. It could not have American registry. If you will say "including the purchase of vessels of American registry," it would be all right.

Mr. BRANDEGEE. All I desire is to call it to the attention of the conference committee.

Mr. WARREN. I think the Senate committee amendment really intended to have the vessels built in Government yards. It reads "including the purchase or construction in Government yards."

Mr. BRANDEGEE. I do not care even to press the amendment. What has appeared in the RECORD will call the matter to the attention of the conferees, and that is what I was trying to do.

Mr. WARREN. It can be inserted in conference, if necessary.

Mr. LODGE. I move to strike out the words——

The PRESIDENT pro tempore. Does the Senator from Connecticut withdraw his amendment?

Mr. BRANDEGEE. I withdraw the amendment, and the Senator from Massachusetts [Mr. LODGE] can offer it to suit himself.

Mr. LODGE. I move to strike out the words "purchase, or."

Mr. BRANDEGEE. I wish to suggest in regard to that—and it is only a suggestion—that if the colliers were needed immediately by the Government it would take some time to build them in Government yards, and that would, perhaps, prevent the acquisition of the colliers. However, it will not make any difference what amendment is adopted here; the whole matter will go to conference, I assume.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to amend the amendment, on page 182, line 25, by striking out the words "purchase, or."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Fortifications, Panama Canal," on page 187, after line 15, to insert:

Four drainage ditches, each 2,000 yards long, at $1 per yard, $8,000.
Toro Point—
For four drainage ditches, each 1,000 yards long, at $1 per yard, $4,000.
For 5,000 yards small cemented ditches with necessary clearing, at $2 per yard, $10,000.
Miraflores Locks (surroundings)—
For cemented drainage ditches, straightening spillway, and for making the present dump suitable for concentration camp, $10,000.
Gatun Locks (surroundings)—
For cemented drainage ditches between dam and Agua Clara Reservoir, and on dam and vicinity, $8,000.
For clearing and improving edge of lake in vicinity of Gatun and dam, $4,000.
Permanent post site—
For drainage ditches, $12,000.

The amendment was agreed to.

The next amendment was, on page 189, line 5, after the words "Panama Canal," to strike out "$4,870,000" and insert "$4,926,000," so as to read:

In all, specifically for fortifications and armament thereof for the Panama Canal, $4,926,000.

The amendment was agreed to.

The next amendment was, on page 190, after line 11, to insert as a new section the following:

SEC. 3. That during the fiscal year 1914 all moneys received by the Isthmian Canal Commission, or the governor of the Panama Canal, from any services rendered or materials and supplies furnished employees, the Panama Railroad Co., the Canal Zone government, the Panama Government, and other departments of the United States Government, from hotel and hospital supplies and services; from rentals, wharfage, etc.; from labor, materials, and supplies and other services furnished vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made; except that moneys received from the sale of material and equipment purchased and used for construction purposes, and as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts; and except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal Act.

That until the close of the fiscal year 1914, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

Mr. BRANDEGEE. I should like some explanation of that paragraph from the chairman of the committee. I believe it is subject to the point of order that it is general legislation. I do not make the point at present, but I should like some explanation.

Mr. WARREN. This section was inserted in the original House bill, but was stricken out on the floor on a point of order. The Secretary of War has very strongly urged us to reinstate the provision in the bill.

Mr. BRANDEGEE. Has the Canal Commission been heard before the committee on the matter?

Mr. WARREN. I was informed by the chairman of the commission that this provision followed almost exactly the wishes of Col. Goethals, who was before the committee, and that he and his assistants there were in perfect harmony.

Mr. BRANDEGEE. Is the Senator able to state in what respect this requirement differs from the present method of keeping the accounts?

Mr. WARREN. Does the Senator refer to the manner in which the canal accounts and the railroad accounts are to be kept as near as may be in one set of books? To what paragraph does the Senator call especial attention?

Mr. BRANDEGEE. I refer to the whole section. Were there any hearings in regard to it? The Senator has referred to one thing I wanted to know, namely, why the Panama Railroad accounts should be kept with the commission's accounts and the supply accounts?

Mr. WARREN. I happen to know from personal talks with Col. Goethals. I know that he was exceedingly anxious that it should be so provided, in the interest of economy and good organization in the work. I have here, if the Senator would like to have it read, the observations of the Secretary of War, who gives the reasons as they appear to the department.

Mr. BRANDEGEE. I should like to hear them read.

Mr. WARREN. I will say to the Senator that in some instances material has been sold without the money going into the Treasury. So far as possible they are endeavoring to have

the money taken in go into the Treasury as miscellaneous receipts, but in other cases, like that of the hotel, they wish to carry out the same system as that at present in vogue.

Mr. BRANDEGEE. If legislation was needed, I wondered why it had not been introduced in the form of a bill and referred to the Committee on Interoceanic Canals instead of putting it on an appropriation bill.

Mr. WARREN. I think the reason of that was because of later conferences. I will say to the Senator that in the last visit of Col. Goethals, and in his examination before the committee, the amounts to be appropriated were greatly reduced, because he reported that they had available funds to a larger extent than had been anticipated. They had more recent advices than were possessed by the regular committee which handles such matters in the other House.

Mr. BRANDEGEE. I should like to hear the communication from the Secretary read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 24, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

DEAR SENATOR: Your attention is invited to the following provisions in the sundry civil bill, relating to the Panama Canal, which were stricken out on points of order when the bill was under consideration in the House of Representatives on Friday, the 21st instant:

1. The following language in the fifth item, commencing on line 24, page 172, and ending with the last word on line 4, page 173, was stricken out:

"Including the purchase or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, 2 colliers to cost not exceeding $1,000,000 each."

The advisability of providing for the two colliers above referred to is very clearly set forth in Col. Goethals's testimony on pages 78 to 87, and pages 282 and 283, of the inclosed report of hearings held by the House Committee on Appropriations on the Isthmus in November last, and it is hoped that your committee will see fit to reinsert the item in the bill. The words "and colliers," line 24, page 176, stricken out of the bill on the floor of the House should also be reinserted. The line and page references are in each instance to the bill as reported in the House, it being impracticable to give you references to the bill as passed in the House as the bill in that form has apparently not yet been printed.

2. All of section 3 of the bill as reported in the House was stricken out on the point of order that it contained new legislation. This section reads as follows:

"SEC. 3. That during the fiscal year 1914 all moneys received by the Isthmian Canal Commission or the governor of the Panama Canal from any services rendered or materials and supplies furnished employees, the Panama Railroad Co., the Canal Zone government, the Panama Government, and other departments of the United States Government from hotel and hospital supplies and services, from rentals, wharfage, etc., from labor, materials, and supplies and other services furnished vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made, except that moneys received from the sale of material and equipment purchased and used for construction purposes, and as a reimbursement for the expenditures incurred in constructing water works, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such water works, sewers, and pavements incurred under agreement with the Panama Government and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts; and except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

"That until the close of the fiscal year 1914 when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him."

The reasons for the insertion of the first paragraph of the above-quoted section 3 are fully set forth in a note appended to the estimates as submitted to Congress. (See p. 496 of the Book of Estimates, 1914.) This note is also printed on pages 86–87 of the committee print of the estimates for the Panama Canal, 1914, a copy of which is inclosed herewith for your convenience.

The last paragraph of the above-quoted section 3 merely repeats language which has appeared in substantially the same form in the sundry civil appropriation acts since the act approved March 4, 1911.

In view of the foregoing it is hoped that your committee will reinsert this section in the bill.

3. Section 4 of the bill as reported in the House was also stricken out on the point of order that it is a new legislation. This section reads as follows:

"SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the funds appropriated for the Panama Canal is authorized, in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund."

The reason for inserting this section is set forth in a note submitted with the estimates for the Panama Canal, which will be found at page 496 of the Book of Estimates, 1914. This note is also printed on page 88 of the inclosed committee print of the estimates. For further information relative to this section your attention is invited to Col. Goethals's testimony, as set forth on pages 73 and 201 of the inclosed report of hearings before the House Committee on Appropriations hereinbefore mentioned. It is hoped that your committee will also see its way to reinsert this section of the bill.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Mr. BRANDEGEE. Mr. President, all that communication states is to repeat the language contained in the bill, and then it says that the reasons for asking the provision to be reinstated will be found in some testimony in the House hearings.

Mr. WARREN. The reasons are in the House hearings.

Mr. BRANDEGEE. I have no doubt of that; but I have not read the House hearings, and I thought the Senator could give the information to the Senate.

Mr. WARREN. I shall undertake to give the Senator any information he desires.

Mr. BRANDEGEE. I should like to know something about the testimony.

Mr. WARREN. Perhaps the Senator sees the matter in a different light than I do. The profit, for instance, accruing from the operations, and so forth, instead of being turned back into the canal fund, goes, as do the receipts of other property that is sold, into the United States Treasury as a miscellaneous receipt. The railroad and the canal are supposed to be one corporation, and while hereafter there might be separate accounts kept of railroad and canal funds there is no reason why there should be a separate set of employees.

Mr. BRANDEGEE. No; but if the Senator will permit me to interrupt him and to be more specific, section 3, from line 12 down, provides that these different funds, the moneys received by the commission, the governor of the Panama Canal from any services rendered, and so forth—

shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made.

How have those moneys been credited in the past?

Mr. WARREN. They have been credited as set forth here, and the reason the language is repeated is to differentiate between them and the funds that are to go into the Treasury. It is entirely clear to me, and I am sorry the Senator does not see it in that way.

Mr. BRANDEGEE. It did not seem to me, if that be the method employed now, that additional legislation is necessary.

Mr. WARREN. It occurs in this way: We appropriate large sums of money in what might be called "a lump sum." The members of the commission are appreciating the fact now, as they are getting toward the end of the canal building, and, in fact, Congress has been insisting that they should get their accounts into line with those of other Government accounts; that is, that money shall go into the Treasury and be regularly appropriated out. The first part of the provision may be a little ambiguous. It is absolutely what is done now, but it points out to what things it may apply and what must be turned into the Treasury.

Mr. BRISTOW. Mr. President, this is most important legislation, affecting the entire relation of the Panama Railroad to the Government. It is, in fact, a supplemental act to the act that was passed last year establishing the Government of the Panama Canal. I make the point of order that it is general legislation on an appropriation bill.

Mr. WARREN. Mr. President, I do not propose to contest against points of order. I have no interest in it. The Panama Canal can go without legislation. I am willing that it should.

Mr. BRISTOW. I think it is very much better——

Mr. WARREN. But this was the judgment of the House, after most extensive hearings, in which Col. Goethals and all others interested in the canal were examined. I can not see a harmful thing in the legislation, and it seems to me it is a proper thing to let it go. Of course if it is stricken out here, though, it is not a subject of conference.

Mr. BRISTOW. I do not want it to be a subject of conference, because it is very important legislation and ought to go before the proper committee of the Senate for consideration.

Mr. WARREN. Does the Senator know when it will be considered?

Mr. BRISTOW. The Committee on Interoceanic Canals always considers the legislation that comes before it, and it is ready to consider any bills that are introduced.

Mr. WARREN. We have been a long time providing for the future control of the canal in some respects.

Mr. BRISTOW. I think the Committee on Interoceanic Canals has made very desirable provisions for the future control of the canal, and it is not necessary for the Committee on Appropriations to take that legislation out of its hands.

Mr. WARREN. So far as I am concerned, as I say, there is no disposition to do so; but this was a case where this legislation was perfected on the other side, and I considered it the duty of

the committee on this side to bring it before the Senate. I do not propose to spend five seconds longer in defending it.

Mr. LODGE. Mr. President, of course I am not contesting the point of order, but perhaps I do not see the gravity of this as I ought to. As I understand, if this amendment is disposed of by the point of order the money received from the sale of material and equipment and money received as reimbursement for expenditures incurred in constructing waterworks, sewers, and pavements will go back to the credit of the appropriation instead of being covered into the Treasury as miscellaneous receipts. That is all that will happen.

Mr. BRISTOW. The Senator does not refer to the appropriations for the Panama Railroad. The Panama Railroad has been run as an independent corporation in a way, but with a certain relationship to the canal.

Mr. LODGE. Is that specifically designated in this amendment?

Mr. BRISTOW. No; I think not.

Mr. LODGE (reading)—

> And except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

No; they are specifically excepted. I have been studying that over. The only thing this language does is to take two classes of receipts out of the existing law, and instead of crediting them to an appropriation it sends them back to the Treasury as miscellaneous receipts. The reason for making that distinction is obvious. They are lump sums received for money already spent. They come back from the sale of material and money reimbursed from the cities for expenditures made. They do not come in what we may call the current work. They are moneys already spent and returned; and for some reason, which seems wise to Col. Goethals and the commissioners, it is thought better to cover them into the Treasury as miscellaneous receipts than to go on crediting them to the appropriation. Of course, if the point of order is made, it goes out; but it seems to me that it does not make any other change than that. They will simply go on being credited to the appropriations, and for that reason the people down there will have more money to spend. They will be able to spend the money over again; that is all.

Mr. SMOOT. I believe the Senator from Kansas is in full sympathy with the policy of the Government in the past—that all moneys received from any source should go into the Treasury of the United States. That is all that this language provides. In the past there have been appropriations made for the purchase of materials for construction. That will cease from now on, and it will be reversed. There will be sales of material and sales of machinery that have been purchased for construction. In the past that has gone upon that particular account. Now, we say that if those sales are made, the money that is received from the sales should go into the Treasury of the United States, and not to the credit of that particular account. That is all there is in this provision. I believe that if the Senator feels that is a correct statement of the case, he will not object to it.

Mr. BRANDEGEE. Mr. President, I think the Senator from Kansas had some idea that in some way, under this language, the distinct operation of the Panama Railroad would be impaired. I call the Senator's attention to section 4. It simply provides—

> That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the funds appropriated for the Panama Canal is authorized in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund.

I do not see that that has anything to do with the separate operation of the Panama Railroad as a separate company under its charter. I think I understand the matter sufficiently to say that it simply provides for a matter of accounting. As far as I am concerned, I have refrained from making the point of order, and I hope the Senator will not insist upon the point of order, but will at least let the matter go to conference.

Mr. BRISTOW. Mr. President, I have very, very strong convictions in regard to the merging of these accounts, in regard to requiring the surplus moneys of the railroad to be deposited in the Treasury, it having been heretofore run as a separate corporation, managed by a board of directors appointed by the Secretary of War, who holds the stock in trust for the United States. I am not willing to have any legislation that changes that relationship go into any bill, if I can prevent it, without its being given the most careful consideration.

Mr. LODGE. Will the Senator tell me how the fund or net profits accruing from the railroad and from the canal are now disposed of according to the law?

Mr. BRISTOW. They are used now just the same as they always have been. It is a separate corporation, just as it was before the United States got control of the stock. The Secretary of War appoints a board of directors and the board of directors control it. They determine what shall be done with the funds of the railroad. It has been a most important factor in the construction of the canal, and in the operation of the road as a commercial line pending the construction of the canal.

Mr. SMOOT. The Senator refers to the merging of these accounts. If he will look at section 4, he will find that it specifically provides that separate accounts shall be kept of the transactions under each fund.

Mr. BRISTOW. I am perfectly familiar with it. I am glad to advise the Senator that I understand the provision clearly. It is legislation. I think it is unwise legislation, and I make the point of order against it.

Mr. SMOOT. I will admit that it is legislation. There is not any question about that.

Mr. FLETCHER. Mr. President, if the Senator will permit me, it occurs to me that there ought to be no good reason for offering the material used in the construction of the Panama Canal at public sale to the highest bidder, and that the best disposition to make of it is to bring it here and use it in doing work on the rivers and harbors, pursuant to acts of Congress. In that case we would not need to bother about the disposition of the proceeds arising from the sale of such machinery.

Mr. BRANDEGEE. I will say to the Senator from Florida that the Senator from Kansas has reserved his point of order simply to allow me to put a short excerpt in the RECORD. If the point of order is sustained, of course the whole paragraph will go out, and there will be no chance to offer any amendments to it.

Mr. FLETCHER. I did not know but that if that amendment was suggested, the Senator from Kansas would withdraw his point of order, and allow the matter to go through.

Mr. BRANDEGEE. Very well, the Senator can try him after I have finished putting in this excerpt.

Inasmuch as in this paragraph, section 6 of the Panama Canal act is alluded to—it refers to the act approved August 24, 1912—I desire to put into the RECORD what is referred to. The act provides:

> The President is also authorized to establish, maintain, and operate, through the Panama Railroad Co. or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

I do not think the amendment that we have been discussing, against which the point of order has been suggested, will make any material change, or any change whatever, in the independent operation of the Panama Railroad, or do anything else than provide a legalized and systematic method of keeping the accounts there. I still have hope, despite the dire prediction that I made a few minutes ago, that the Senator from Kansas will relent and allow the whole matter to go to conference.

Mr. BRISTOW. Mr. President, it is hard for me to resist anything that the Senator from Connecticut might ask——

Mr. BRANDEGEE. It does not appear to be.

Mr. BRISTOW. But to me it is a most important legislative matter. I have been familiar with the Panama Railroad, and its relation to the construction of the canal, ever since we acquired that property, and I should regret very deeply to see legislation of this kind incorporated into the statutes without its having most careful consideration by the committee.

The PRESIDENT pro tempore. Does the Senator insist upon his point of order?

Mr. BRISTOW. I must; yes.

The PRESIDENT pro tempore. The Chair feels constrained to rule that the point of order is well taken, on the ground that it is general legislation on an appropriation bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 191, after line 21, to insert as a new section the following:

> SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the funds appro-

priated for the Panama Canal is authorized in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund.

Mr. WARREN. Mr. President, the point of order lies against that, also.

Mr. LODGE. It is all out.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 193, after line 14, to insert as a new section the following:

SEC. 9. That section 8 of the District of Columbia appropriation act, approved June 26, 1912, shall not take effect or be operative during the fiscal year 1914 except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year 1914 expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the government of the District of Columbia; and a detailed statement of all such expenses incurred from June 30 until December 1, 1913, shall be submitted to Congress on or before January 1, 1914.

The amendment was agreed to.

The next amendment was, on page 194, after line 5, to insert:

TO PROVIDE FOR THE PARTICIPATION OF THE UNITED STATES IN THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

That there shall be exhibited at the Panama-Pacific International Exposition, to be held at San Francisco in 1915, such articles and materials as illustrate the function and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and the President is hereby authorized to provide for the collection and exhibition of such articles and materials, under the direction of a board, which is hereby created, to be known as the Government exhibit board, to be composed of one person to be named by the head of each executive department and one each by the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the governor of Porto Rico, the governor of Alaska, and the United States Geographic Board, which Government exhibit board shall be charged with the selection, purchase, preparation, safe keeping, exhibition, and return of such articles and materials as the authorities appointing said board may, respectively, decide shall be exhibited. The President may also designate additional articles for exhibition, whether originating in the United States or her insular possessions. The Pan American Union is hereby invited to make an exhibit illustrating the resources and international relations of American Republics; and in case this invitation be accepted the governing board of the Pan American Union is authorized to appoint a person who shall also be a member of said Government exhibit board, and said board is hereby directed to provide space for said Pan American exhibit. The President shall designate one member of said board as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The membership of said Government exhibit board, with the exception of the representative of the Pan American Union, shall be selected from persons in the employ of the United States, and, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but all members of said board and assistants so detailed shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Panama-Pacific International Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of $30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation hereinafter to be made for the governmental participation in the exposition, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibition as authorized by the exhibit board.

The Secretary of the Treasury shall cause a suitable building or buildings to be erected within the Presidio Military Reservation on the site set apart for that purpose, and is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings in the United States, the said building or buildings to be constructed from plans to be approved by the Secretary of War and said Government exhibit board.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, for the purpose of inaugurating, installing, and maintaining said Government exhibition and for said Government building or buildings; said sum to be paid out by the Secretary of the Treasury from time to time under such regulations as the Secretary of the Treasury may prescribe.

The President of the United States is hereby authorized to detail an officer of the Department of State, an officer of the Army, and an officer of the Navy as members of a commission which is hereby constituted, to be known as the National Exposition Commission. The President shall designate one of said commissioners as chairman of the commission. Vacancies in said commission shall be filled in the same manner as original appointments. Each of said commissioners shall receive such pay in addition to his present salary and allowances as will make his total compensation $7,500 per annum; said commissioners shall appoint a secretary at $4,000 per annum, and there is hereby allowed the sum of $10,000 per annum, or so much thereof as may be necessary, for the purpose of defraying the clerical, office, and other necessary and actual expenses of said commission, including necessary traveling expenses. Said commission shall be authorized and empowered to act as a board of arbitration to settle and determine any and all disputes arising between the commissioners of foreign Governments and the directors of said Panama-Pacific International Exposition, whenever a formal request for such action is made by any foreign commissioner; and said National Exposition Commission shall represent the Government of the United States at said exposition in the reception and entertainment of persons officially representing foreign Governments.

Said National Exposition Commissioners shall be detailed not earlier than July 1, 1913, and their term of service as said commissioners shall not extend beyond July 1, 1916; and the President may terminate said commission at any time after January 1, 1916.

Mr. LEA. I move as an amendment to the amendment the amendment favorably reported this afternoon from the Committee on Industrial Expositions.

Mr. WARREN. Does the Senator offer it as an amendment to the amendment?

Mr. LEA. Yes; I offer it as an amendment to the amendment.

Mr. WARREN. Is that the way you are offering it?

Mr. FLETCHER. Amended by adding.

Mr. LEA. By adding.

Mr. WARREN. Adding to the bill?

Mr. LEA. Adding to the bill.

Mr. WARREN. I intended to have that come up separately.

Mr. LEA. Very well.

Mr. JONES. I offer an amendment to the amendment to come in on page 197.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 197, in line 12, strike out "$1,500,000" and insert in lieu "$1,550,000," and after the word "buildings," in line 15, insert:

Of which sum $50,000 shall be used by said Government exhibit board in preparing and installing an Alaska exhibit of such character as said board may determine.

Mr. WARREN. I hope the Senator from Washington will not insist upon that amendment. I think we ought to leave it to those in charge of the exhibit, because if we separate it for one purpose we might as well separate it for all.

Mr. JONES. No; I think not. There is no way in Alaska by which they can get a fund to prepare an exhibit, and, I take it, unless the board of directors prepare an Alaska exhibit they will simply prepare what may be termed a Government exhibit. I hope this small amount may be allowed for this distant territory. There is no other section of the country similarly situated. I hope the chairman will not antagonize the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendments was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. GORE. Mr. President, I wish to inquire how long it has been since the commission at the St. Louis Exposition went out of existence.

The PRESIDENT pro tempore. The Senator does not direct that inquiry to the Chair, the Chair hopes.

Mr. GORE. I make it universal. I thought probably some member of the Committee on Industrial Expositions might be able to answer the question. I do not remember who is the chairman of the committee.

Mr. ROOT. Mr. President, I heard only the first question asked by the Senator from Oklahoma about the St. Louis Exposition. How long has it been since the commission went out of existence? The St. Louis Exposition was held, I think, 10 years ago.

Mr. GORE. The exposition was held in 1904, and I think some one told me that the commission is still in existence, doing business at the old stand, or the new stand, or somewhere else.

Mr. ROOT. I dare say that may be, but I call the attention of the Senator from Oklahoma to the fact that this amendment provides that there shall be no commission except officers of the Government discharging their proper functions. There are two commissions provided for—one the ordinary Government exhibit commission, such as we have for all sorts of expositions, large and small. For many years there has been in each Government department a clerk, ordinarily one of the upper clerks, whose business it has been to look after the Government exhibit from that department. The chief clerk of the War Department has always been designated to look after the Government exhibit. He did at Chicago, he did at Jamestown, he did at St. Louis, he did at Seattle, he did at Portland. He is thoroughly familiar with the subject. It does not cost anything. It is a part of his regular business. It is so in each of the other departments.

This amendment provides that the Government shall make an exhibit at San Francisco, and that exhibit is to be prepared and cared for by this collection of representatives of each department.

Mr. GORE. I should like to ask the Senator what is the usual appropriation made by Congress for this Government exhibit. Is it the uniform custom to have a Government exhibit of this sort?

Mr. ROOT. It is. Let me say, further, that we passed a resolution requesting the President to invite all the nations of the earth to attend this exposition. When we did that and the President sent our invitation to them to come here and erect buildings on our soil and make exhibits in order to celebrate our achievement in building the Panama Canal, we incurred an honorable obligation ourselves to erect buildings and make an exhibit, to do what we asked them to do, and we can not forego it.

Mr. GORE. Mr. President, I should like to ask the Senator if the representatives of San Francisco, when the contest was on between that city and New Orleans, did not give reiterated assurances that if San Francisco were given the exposition they would not ask the Government to appropriate a cent.

Mr. ROOT. Mr. President, I do not know, and for my part I do not care.

Mr. WORKS. If the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from California?

Mr. GORE. Yes.

Mr. WORKS. The people of San Francisco or the people of California are not asking the Government to contribute anything toward this exposition. They propose to furnish all the money that is necessary for that purpose. This is simply a question of the Government making its own exhibit. The building that is to be constructed is to be constructed upon Government land, upon its own property, and it is expected that it will be useful for the permanent purposes of the Government.

We are not asking anything from the National Government to carry on this exhibit. That has been done in almost every other case, if not in every case, where an exposition has been held. The Government has not only made its exhibit, but it has furnished money to the corporation of the city or whatever might be the case for carrying on the exhibition itself.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. GORE. There is one other question I should like to ask.

Mr. CRAWFORD. I wish to say just one word; that is all.

Mr. GORE. Very well.

Mr. CRAWFORD. I happened to be a member of the Committee on Industrial Expositions at the time the representatives of these cities came before it and made their representations. I recall distinctly that the representatives of San Francisco made the statement the Senator from California has now made, but stated also that, of course, the matter whether or not the Government would have an exhibit of its own was a question with which they had nothing to do and would be a matter for the Government to determine on its own part.

So I do not think they are in the position of having erected some promise here that we would have a right to refer to in excusing ourselves from having an exhibition.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. GORE. Yes, sir.

Mr. ROOT. I thought I had the floor, to answer the Senator from Oklahoma, and I had not completed.

Mr. WILLIAMS. I ask the Senator from New York to yield, then.

Mr. ROOT. I yield.

Mr. WILLIAMS. Mr. President, a few words of pleasant historical reminiscence will not, perhaps, be out of place.

I remember distinctly when all these happenings happened. I was at that time serving my interregnum, a two-year term between my service in the House and in the Senate. The people of New Orleans asked me amongst others to come up and help them get the exposition. I came. The New Orleans people had in their bill a provision almost identical with the one now asked for by the people of San Francisco, providing for a Government building and for a Government exhibit and for no other sort of help at all.

We got to the point where we had about 30 majority in the House of Representatives in favor of New Orleans. San Francisco then came in with a proposition to ask nothing at all of the Government of the United States, and the bill fixing the exposition at San Francisco contained no provision for a Federal building nor for a Federal exhibit, and the assurance was made that San Francisco would never call for it. Whereupon the economy brigade in the House of Representatives, some from several of the Southern and Western States, who had been committed to New Orleans, voted for San Francisco upon the theory that they were saving money to the Federal Treasury.

Some of us said to them, "You are not saving anything, because when a nation commits itself internationally to an exposition it must some day make itself a party to it; you are merely postponing the appropriation. San Francisco may tell you that she does not want a dollar from the Federal Treasury, but she will come in later and ask for an appropriation."

But that reasoning did not prevail, and as a consequence New Orleans lost out on the logical point, as they said at that time, and San Francisco won, and upon the ground that New Orleans was wanting a building erected and an exhibit made by the Federal Government and that San Francisco asked nothing of the sort and never would—at least it was supposed that she never would.

As I said then I believe now, that after a Government commits itself internationally to an exposition the Government becomes necessarily a part and parcel of the exposition to some extent; how far is a matter of wisdom for the legislative body, but, at any rate, some day the thing must happen, and now it has happened.

I had hoped that a point of order would lie, but it will not lie. As far as I am concerned, I have never voted for one of these appropriations by the Federal Government to carry on an exposition. I have my doubt not of its constitutionality but of its wisdom, at any rate, and all that. But I am not at all surprised that San Francisco has found it necessary now to come and make a demand which at that time the Representatives from California, at least in the House, said that she would not find it necessary to make.

Mr. ROOT. I had just said I did not know anything about any representations or promises made by the representatives of San Francisco, and that I did not care.

Mr. WORKS. Mr. President——

Mr. ROOT. Let me proceed for a moment. I do not look upon this as a question as to what San Francisco wants; I look at it as a question as to what comports with the self-respect of the United States in dealing with a great international exposition in her own territory, to which she has invited all the other countries of the world to come and make exhibits. I do not think that one should invite a gentleman to dinner and not attend the dinner. I do think that we incur an obligation when we issue an invitation. What I would be concerned with is that we shall meet that obligation in a decent way. For that reason I was ready to report this amendment.

Now, as to the other phase of this amendment. It is a commission to do certain things at the exposition aside from the Government exhibit. There has been much pulling and hauling at both ends of the Capitol regarding the appointment of commissioners to this exposition. At one time in another place the legislation got into such a form that they had provision for seven commissioners, so as to give $7,500 apiece and expenses, which would have taken about $300,000 out of the funds of this exposition company.

We have brushed all that aside and provide that certain things which ought to be done under the direction of the United States, because we are the host, shall be done by a commission composed of persons already in the employment of the United States, one designated by the President from the Department of State, one from the officers of the Army, and one from the officers of the Navy, to receive no salary except enough to make up the difference between their present pay and $7,500. Those commissioners are charged with two duties. Those duties are provided for in this provision, and they are also provided for by formal resolutions adopted by the exposition corporation. Those are, first, to act as arbitrators in any controversy which may arise between foreign exhibitors and commissioners and the exposition company. Such questions are continually arising regarding space and location. If foreign exhibitors consider themselves aggrieved, as we have invited them here, we are bound to see to it that they have fair treatment, and this provides for it. The other is that these commissioners are authorized to supervise and require the proper reception and entertainment and care for the representatives of foreign countries who come here under our invitation.

There have been many most unfortunate and humiliating incidents at our former expositions, occasions upon which the distinguished representatives of foreign countries coming here under the formal invitation of the Government of the United States have been left to care for themselves and wander around the streets of strange cities, not knowing where to go nor what to do, because nobody was looking after them. The amendment provides authority for this commission of Government officers to see to it that such things do not happen again.

Mr. President, whatever may have happened regarding the St. Louis Exposition Commission—and I know nothing of it—can have but little bearing, and, indeed, no bearing, upon the provisions of this bill.

Mr. GORE. Mr. President, I have entirely too much faith in and respect for the hospitality of San Francisco to believe that she would permit the stranger within her gates to go uncared for and unattended. I have too much respect for the good faith of San Francisco to believe that she would not feel offended if Congress should vote this gratuity for the exposition, in view of the reiterated assurances that the General Government would not be expected to contribute.

It is just a little singular that if this appropriation was not amongst those contemplated in those assurances that this bill should be sponsored by the junior Senator from California [Mr. WORKS].

I am willing to go almost any length in the service of that Senator, but I fear me that he might provoke the hostility of the people of the city of San Francisco if we were to suffer this appropriation to be voted.

There is one further objection. This provision retains an Army officer and a naval officer as two of the three members of the exposition commission, the Government being required only to pay the difference between their regular salary and $7,500 per year—I should say a thousand dollars, or such a matter.

Mr. President, I am not willing to save the Government that thousand dollars. Think of the magnificent and the munificent generosity and extravagance exhibited by the Senate last night, and then for the Senator from New York [Mr. ROOT] to come in here and set up a plea that this Government should save the miserable sum of a thousand dollars. It does not comport with the dignity of the Senate nor with the record and history of the Senate.

I move to strike out the words "Army officer and naval officer." Let us give somebody else a chance. We can expend $7,500 more than has been contemplated, and create the additional necessity for a high tax and a high tariff.

The PRESIDENT pro tempore. The Senator from Oklahoma moves an amendment to the amendment, which will be stated.

Mr. PERKINS. Mr. President, before the amendment is voted on, I desire to reiterate that which I have said before and which was stated by the representatives of the exposition before the Senate committee. California and San Francisco do not want one dollar, either by loan, gift, or otherwise. I was a member of the Committee on Appropriations when our friends from Jamestown came here asking for assistance for the exposition there. We gave them $1,500,000 for their exposition, and loaned them $1,000,000 more, which has not yet all been repaid, while St. Louis had $6,000,000 donated for her exposition buildings and a loan of $4,000,000. I ask the Secretary to read the statement which I send to the desk, which I have prepared in relation to the present status of the various expositions at this time.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

"The pending amendment provides for a Government building and exhibit at the Panama-Pacific International Exposition and appropriates $1,500,000 therefor. The amendment follows the language of the act providing for a Government exhibit at the Louisiana Purchase Exposition (sundry civil act of June 28, 1902), and creates a Government Exhibit Board composed exclusively of Government employees to serve without extra pay, and whose duty it is to collect and install the exhibit. The amendment also provides for a National Exposition Commission of three officers to be detailed, respectively, from the Department of State, the Army, and the Navy. This commission is charged with the duty of arbitrating differences arising between the exposition authorities and the foreign commissions. The commission is also required to act as the representative of the United States Government in receiving and entertaining persons officially representing foreign Governments.

"The Panama-Pacific International Exposition is financed entirely by the people of California. The exposition authorities are pledged not to ask Congress for any appropriation whatever, as a gift or loan to the exposition. The appropriation provided for in this amendment relates wholly to the proposed Government exhibit. The committee feels that the appropriation asked for is very moderate, and that all of it is required if the United States is to make an exhibit comparable to the exhibits already provided for by foreign Governments. The amounts heretofore appropriated by Congress for the principal international expositions are as follows (S. Doc. 65, 58th Cong., 3d sess.):

Buffalo Exposition	$1,015,000.00
World's Fair, Chicago	5,840,329.64
New Orleans	1,656,000.00
Paris, 1900	1,472,500.00
Centennial Exposition, Philadelphia	2,533,184.59
Louisiana Purchase Exposition	11,179,000.00

"The appropriation for a Government building and exhibit at the Louisiana Purchase Exposition was $1,579,000.

"In response to the President's invitation 25 nations have already officially notified the Department of State of their intention to participate in the Panama-Pacific International Exposition. These countries are Argentina, Bolivia, Canada, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Great Britain (provisionally), Guatemala, Haiti, Honduras, Japan, Mexico, Netherlands, Nicaragua, Panama, Peru, Portugal, Salvador, Spain, Sweden, and Uruguay.

"In September last, after the expiration of the period of mourning for the late Emperor of Japan, the commissioners from Japan appointed for that purpose selected the site of the Japanese buildings and gardens at San Francisco, within the grounds of the Presidio Military Reservation set apart for foreign exhibitions. The commissioners announced that the Japanese Government would expend more than $1,000,000, and that at the close of the exposition the buildings and gardens would be presented to the Government and people of the United States as a testimonial of good will.

"The Governments of China, Canada, the Netherlands, Portugal, Spain, Brazil, and Sweden have sent commissioners to San Francisco to select sites for their buildings. Some of these sites have been chosen and the work of preparing for construction and installation is in active progress. The French commissioners have asked for a reservation of 8 acres, and will arrive soon to confirm the selection. The Department of State is in receipt of communications from our representatives abroad, indicating that many other countries are preparing to accept the invitation to participate and to erect buildings. Meanwhile great interest is manifested in the exposition by the States of this Union. Up to this date sites have been dedicated by the following States: New York, Pennsylvania, Nebraska, Arizona, Utah, Washington, Oregon, New Jersey, Colorado, South Dakota, Nevada, Missouri, Idaho, Kentucky, Montana, Ohio, Illinois, Indiana, West Virginia, Massachusetts, Minnesota, and by the Philippine Islands and Hawaii. Bills are pending in the various legislatures for appropriations for State exhibits ranging from $50,000 to $500,000. The largest appropriation made by any State is that of New York, $700,000.

"It may be proper for me to add that the building erected by our Government is to be located in the Presidio Military Reservation, which contains about 1,500 acres, covered with extensive improvements. The proposed building is to be retained by the Government for offices and other military purposes, for which the Government is now paying in rent in San Francisco over $53,000 a year. Therefore, as a business proposition, I am sure it will appeal to every Senator as very desirable the Government should make this appropriation."

The PRESIDENT pro tempore. Will the Senator from Oklahoma state the amendment which he proposes to the committee amendment?

Mr. GORE. I suggested as an amendment that the provision requiring that two of the three commissioners should be an Army and a Navy officer be stricken out.

Mr. LODGE. Mr. President, the provision is, as I understand, that the commission shall consist of an officer from the State Department, an officer of the Army, and an officer of the Navy. That seems to me the only good feature of the provision. These commissions or expositions have been convenient, but not profitable to the United States.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 197, lines 19 and 20, it is proposed to strike out of the committee amendment the words:

An officer of the Army, and an officer of the Navy.

Mr. LODGE. I was trying to address the Senate on that amendment.

The PRESIDENT pro tempore. The amendment had not been stated from the desk.

Mr. LODGE. I thought it had.

The PRESIDENT pro tempore. The Senator is in order, and is recognized.

Mr. LODGE. Mr. President, I repeat that I think this amendment will remove from this provision its best feature, if not its only good one. I do not propose to drag out any opposition to this provision, or to make a point of order upon it. I have had too much experience with industrial expositions in Congress to suppose that anything of this sort can be stopped. I have seen a great many of them in the years I have served here. I once or twice pointed out that there was an industry of getting up expositions. Huge sums of money are secured from the United States. Very rarely, if ever, are expositions of any benefit to the places that get them. First a demand comes from various States. The statement is made that an exposition will

cost the Government nothing; then come the invitations to foreign nations; then we must do our duty as gentlemen, and properly receive the representatives of foreign nations; then comes the appropriation for the Government exhibit; then comes a loan, which is to be paid back out of the gate money; then comes the removal of the restriction; then comes the relieving of the company from the loan, and sometimes there comes another appropriation on top of that. The first step is here, and I have no doubt we shall take it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the committee.

The amendment was agreed to.

Mr. LEA. I offer the amendment which I send to the desk and ask to have it read.

Mr. WILLIAMS. Mr. President, what action was taken on the amendment to the amendment offered by the Senator from Oklahoma [Mr. GORE]? Is that the amendment we just voted on?

The PRESIDENT pro tempore. No. The amendment of the Senator from Oklahoma to the amendment of the committee was not agreed to.

Mr. WILLIAMS. What was the last vote on?

The PRESIDENT pro tempore. The last vote was on the amendment of the committee itself.

Mr. WILLIAMS. Well, I should like to have the yeas and nays on the amendment itself.

The PRESIDENT pro tempore. The Senator from Mississippi demands the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The amendment has been agreed to.

Mr. LEA. I now ask that the amendment offered by me may be read.

The SECRETARY. At the end of the bill it is proposed to insert as a new section the following:

SEC. —. That the Government of the United States participate in the National Conservation Exposition, to be held at Knoxville, Tenn., during the fall of 1913. That there shall be exhibited at said exposition from the executive departments of the United States such articles and materials as will illustrate the administrative functions of the Government and their educational value in connection with the development and wise use of the natural resources of the United States, especially the advancement of scientific agriculture and the increase of productivity of the soil through improved cultivation and crop selection and the prevention of avoidable wastes; the reclamation of wet and dry lands by drainage and irrigation, respectively; the more economical development and utilization of mineral wealth; the judicious use of and prevention of needless destruction in woodlands for maintaining timber supply and protecting headwaters of streams; the development and utilization of water power; the use and improvement of inland waterways; the preservation of fish and game; the preservation and protection of life in connection with industrial operations; and the economic investigations and operations of the Government with reference to mines and mining, geology, topographic and other surveys, public roads, experiment stations, rural-life improvements, education, child welfare, and public health and sanitation. To secure a complete and harmonious arrangement of such Government exhibit a United States Government board of managers is hereby authorized to be appointed to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the several departments, respectively, decide shall be embraced in the Government exhibit herein authorized. The President of the United States may also designate additional articles of peculiar interest for exhibition in connection with the said Government exhibit. Said Government board of managers shall be composed of three persons now in the employ of the Government and shall be appointed by the President, one of whom shall be designated by the President as chairman of the said board and one as secretary and disbursing officer. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, whilst necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said National Conservation Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, and the expenses and per diems of the officials and employees of the Government connected with the exhibit, shall not exceed the sum of $100,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. —. That the Secretary of the Treasury shall cause a suitable building to be erected on the site of said National Conservation Exposition for said Government exhibit. Said building shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and directed to contract for said building in the same manner and under the same regulations as for other buildings of the United States, but the contract for said building, including the preparation of ground therefor and the approaches thereto, and the interior and exterior decorative wiring and lighting, etc., therefor, shall not exceed the sum of $150,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That a suitable building site and grounds satisfactory to the Government board of managers herein established shall be deeded to the Government of the United States in fee simple for the purpose.

SEC. —. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the National Conservation Exposition to be held at Knoxville, Tenn., in the year 1913, upon which there shall be a tariff or customs duty shall be admitted free of the payment of the duty, customs fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

SEC. —. That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government, for the erection of the building herein provided, and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses, to be approved by the chairman of the Government board or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers.

SEC. —. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said National Conservation Exposition Co. (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind or nature whatever attending such exposition corporation or accruing by reason of the same.

SEC. —. That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

SEC. —. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the National Conservation Exposition Co., or for the benefit of said exposition, or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee. [Putting the question.] By the sound the "noes" appear to have it.

Mr. LEA. I ask for a division.

The PRESIDENT pro tempore. The Chair will ask Senators to vote and will put the question once more. [Putting the question.] By the sound the "noes" appear to have it.

Mr. LEA. I ask for a division.

The question being put; there were, on a division—ayes 19, noes 19.

The PRESIDENT pro tempore. Nineteen have voted in the affirmative and nineteen have voted in the negative—not a quorum.

Mr. LEA. I ask for the yeas and nays.

The PRESIDENT pro tempore. The absence of a quorum having been disclosed, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	La Follette	Shively
Borah	Dillingham	Lea	Smith, Ariz.
Bourne	du Pont	Lodge	Smith, Ga.
Bradley	Fall	McCumber	Smith, Md.
Brandegee	Fletcher	Martine, N. J.	Smith, S. C.
Briggs	Gallinger	Oliver	Smoot
Bristow	Gamble	Owen	Stephenson
Bryan	Gardner	Page	Sutherland
Burton	Gore	Penrose	Thomas
Catron	Gronna	Percy	Townsend
Chamberlain	Jackson	Pittman	Warren
Chilton	Johnson, Me.	Poindexter	Webb
Clark, Wyo.	Johnston, Ala.	Pomerene	Wetmore
Clarke, Ark.	Jones	Richardson	Williams
Crane	Kenyon	Root	Works
Crawford	Kern	Sheppard	

The PRESIDENT pro tempore. On the call of the roll 63 Senators have answered to their names. A quorum of the Senate is present.

The question is upon the amendment submitted by the Senator from Tennessee [Mr. LEA], upon which a division has been demanded.

The amendment was agreed to—ayes 30, noes 20.

Mr. WARREN. Mr. President, there are several more committee amendments, and I am advised that there are certain amendments to be offered by Senators. We have a special order, and I want to ask unanimous consent now that at the conclusion of the eulogies we may take a recess until 8 o'clock. I think we can finish this bill very shortly after 8 o'clock.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. WILLIAMS. Mr. President, I understood that part of this day had been set aside for eulogies.

Mr. WARREN. That is what I am attending to. My request covers that.

Mr. WILLIAMS. Do the eulogies begin at 8 o'clock?

Mr. WARREN. They will be held immediately.

Mr. CLARKE of Arkansas. What is to happen after the eulogies?

Mr. WARREN. I ask that the Senate then take a recess until 8 o'clock.

Mr. SMOOT. So as to finish this bill.

Mr. CLARKE of Arkansas. Is that all?

Mr. SMOOT. I will also ask unanimous consent that if the bill is concluded this evening we may take up the calendar under Rule VIII after the passage of the bill, and under that rule consider bills to which there is no objection.

Mr. SMITH of Georgia. And no bills that are objected to?

Mr. SMOOT. Certainly; no bill to which there is an objection.

Mr. SMITH of Georgia. Does the Senator from Wyoming include that in his request?

Mr. WARREN. I hope that consent will be given. I will include it in my request.

Mr. CRAWFORD. I suggest that we take up only bills that have passed the House. There is very little use in going on with these Senate bills.

Mr. SMOOT. Mr. President, we will take up all of the bills upon the calendar to which there is no objection—House bills and Senate bills and all.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. POINDEXTER. I should like to have the Senator modify his request so as to include those bills which have passed the House.

Mr. SMOOT. Mr. President, it does include those bills.

Mr. POINDEXTER. Whether they are objected to or not.

Mr. SMOOT. Oh, that would be impracticable.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none.

Mr. SMITH of Arizona. Mr. President, I have been trying to make myself heard for some time.

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. SMITH of Arizona. I could not hear the Senator's request. I will ask whether the eulogies are to occur immediately or later.

Mr. SMOOT. The request is that the bill be laid aside immediately and eulogies begin; that at the close of the eulogies a recess be taken until 8 o'clock; that at 8 o'clock we resume the consideration of the bill until it is passed; that when it is passed, the calendar under Rule VIII be taken up and bills to which there is no objection considered.

Mr. CLARKE of Arkansas. And no others?

Mr. SMOOT. And no others.

Mr. SMITH of Arizona. When will further amendments to the pending bill come in?

Mr. SMOOT. Right after 8 o'clock.

Mr. SMITH of Georgia. And no other business except that.

Mr. SMITH of Arizona. I want to offer an amendment now, and have that amendment pending.

Mr. WARREN. I hope we shall not suffer by having too many cooks spoil the broth. The intention is to lay the bill aside now and have the eulogies to which we have agreed take place, and that we shall then go into recess until 8 o'clock; that at 8 o'clock we shall take up this bill exactly where we leave it now and complete it; and that following that we shall take up the calendar.

The PRESIDENT pro tempore. Is there objection?

Mr. CRAWFORD. Mr. President, I wish to prefer a request. I simply want an opportunity to state it, not to delay the Senate. There is a bill here as to officering and manning vessels in which there is widespread interest. It passed the House some time ago. It was unanimously reported favorably. I do not think there would be any objection whatever to it. If there should be, I certainly should not press it; but I should like to have unanimous consent to get that bill out of the way. It is not the seamen's bill, but the officering bill. It relates to mates of vessels.

Mr. PENROSE. That bill can be brought up to-night.

Mr. CRAWFORD. It is pretty well down on the list.

Mr. PENROSE. There are a number of Senators who will not ask to have their bills taken up.

Mr. CRAWFORD. Very well; then I will not press it now.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

CITIZENSHIP FOR PORTO RICANS.

Mr. POINDEXTER. I give notice that on Monday, March 3, following the routine morning business, I shall call up Order of Business 1158, House bill 20048, a bill declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, and ask its consideration at that time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPARKMAN, Mr. RANSDELL of Louisiana, and Mr. LAWRENCE managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. NELSON, Mr. SMITH of Michigan, and Mr. SIMMONS conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26874) making appropriations for the currrent and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year end-

ing June 30, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GAMBLE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. GAMBLE, Mr. CLAPP, and Mr. STONE conferees on the part of the Senate.

INDIGENT PERSONS IN ALASKA.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 267) providing for assisting indigent persons other than natives in the District of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment, in the nature of a substitute, as follows:

"That section 1 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes,' approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"'SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Twenty-five per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"'That at the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States district judges in Alaska one of said equal amounts.

"'That each of said judges is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each judge shall quarterly submit to the Secretary of the Treasury an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance remaining in the hands of any judge at the end of any quarter shall be returned to the Secretary of the Treasury of the United States, and by him deposited in the said "Alaska fund," and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory.'"

Amend the title so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

And the House agree to the same.

KNUTE NELSON,
HENRY E. BURNHAM,
GEORGE E. CHAMBERLAIN,
Managers on the part of the Senate.
B. G. HUMPHREYS,
RUFUS HARDY,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

The PRESIDENT pro tempore. The Chair feels constrained to announce that the hour for the special order has arrived.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BINGHAM.

Mr. PENROSE. Mr. President, pursuant to the notice already given by my colleague [Mr. OLIVER], I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative HENRY H. BINGHAM.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 19, 1912.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY H. BINGHAM, late a Member of the House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Pennsylvania will be read.

The resolutions (S. Res. 482) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. HENRY HARRISON BINGHAM, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PENROSE. Mr. President, we pause, as is customary, in the midst of the pressing business of the session in order to pay our last tribute of respect to the memory of one who was perhaps better and more intimately known personally to the Members of the House and Senate than almost any other Member of Congress. As for myself, I entertain a keen feeling of personal loss in his death. We were intimate personal and political friends for over 30 years. We were neighbors in Philadelphia, and during this long period we had never parted in our political associations, but had always been found upon the same side in many hard-fought political campaigns in Philadelphia and Pennsylvania. Gen. HENRY HARRISON BINGHAM spent his lifetime in the public service. He graduated from Jefferson College, in Washington County, Pa., in 1862, and following his graduation he enlisted in a company of Volunteers raised in the college town of Cannonsburg and was elected first lieutenant. His military career was distinguished and remarkable. He was wounded at Gettysburg in 1863, at Spottsylvania in 1864, and in Farmville, Va., in 1865. He was captured in the battle of Boydon Plank Road in 1864. He fought with distinction in many battles, and received a gold medal from Congress for special and exceptional gallantry in the Wilderness fight. He was mustered out of the service in June, 1866, having been brevetted for distinguished gallantry as major, lieutenant colonel, colonel, and brigadier general. At the time of his death he was the only Member of the House of Representatives to wear a medal for distinguished bravery during the war. He was the last veteran of the Union Army remaining in the Pennsylvania delegation in Congress.

Following the war Gen. BINGHAM became a law student in the office of Benjamin Harris Brewster, who later became Attorney General of the United States, but in a very short time thereafter, in 1867, he was appointed postmaster of Philadelphia by President Andrew Johnson upon the recommendation of Gens. Meade and Hancock, as a partial reward for his services during the war. In 1872 he resigned the postmastership, having been elected clerk of the quarter sessions court of Philadelphia County. In 1878 he entered the National

House of Representatives with the Forty-sixth Congress, and served continuously ever since.

Gen. BINGHAM was an active figure in Congress for more than 30 years. He served on important committees and was twice a candidate for the speakership. He was instrumental in securing the reduction of letter postage from 3 to 2 cents and the rate on second-class mail matter from 2 to 1 cent a pound.

He was a delegate over the long period of his public service to many State conventions in Pennsylvania and to national Republican conventions. In the national conventions, with a few exceptions, he served as a member and frequently as chairman of the committee on rules.

Gen. BINGHAM married Miss Mary H. Alexander, a daughter of Judge Alexander, of Baltimore, in 1874. His wife died in the summer of 1884.

Few men have held a seat in Congress for a continuous period longer than did Gen. BINGHAM. Samuel J. Randall, William D. Kelley, Charles O'Neil, and Alfred C. Harmer were upon his first election the other Members from the Philadelphia districts. Each of them lived to be what is commonly known as "father of the House"—that is, the oldest Member in continuous service. Upon the death of Congressman Harmer Gen. BINGHAM succeeded to that title. Upon the death of Gen. BINGHAM the Hon. JOHN DALZELL, of Pittsburgh, acquired the title. It is true that Mr. CANNON, of Illinois, and Mr. PAYNE, of New York, have served more terms in the House of Representatives than any of the Pennsylvanians referred to, but their service had been interrupted and did not cover a continuous period. The record of Pennsylvania in this connection is indeed remarkable.

Gen. BINGHAM was frequently mentioned for important offices in Philadelphia and in Pennsylvania. He seemed, however, to prefer his congressional career and could never be induced to depart therefrom. His career covered more than a generation of political leadership in Pennsylvania. He entered Congress during the administration of President Hayes and when Simon Cameron was nearing the close of his career of leadership of the Republican Party in Pennsylvania.

As an orator Gen. BINGHAM was always in demand in political campaigns. In his prime he had a vigorous and eloquent style of oratory and delivered many orations upon occasions celebrated by the soldiers of the Grand Army of the Republic. In his character he was straightforward, honest, stalwart, and in many respects without guile. He was earnest and steadfast in his friendships and affections. Probably no man in any walk of life in Philadelphia was better known than Gen. BINGHAM. Indeed, his reputation extended over the State of Pennsylvania.

He came of good Pennsylvania stock. His father, James Bingham, was a prominent business man in Philadelphia and the shipping firm of Bingham Bros. was widely known.

Mr. BURTON. Mr. President, in commemoration of the life of HENRY H. BINGHAM we call to mind a man who was at the same time a faithful friend, a public-spirited citizen of his city and State, and an able, experienced legislator. In addition to all this, he had a distinction of which he might well have been proud during his life and of which his friends may be proud now that he is gone. That was his record as a soldier in the Civil War.

He was one of the last of our public men who served in that great struggle. They have been falling off like leaves in the autumn. Few, if any, are left now who have not attained the age of threescore and ten. I remember one morning taking lunch with him, when he mentioned his change from a college career to that of a soldier. He had been prominent in the football team—indeed, was its captain—and almost immediately after graduation he enlisted in the Army.

I have asked that there be furnished an official copy of his military record. This is not that fulsome, exaggerated language which is sometimes used of men who have been engaged in war. It is the actual record of service rendered, a part of the country's archives:

First lieutenant, One hundred and fortieth Pennsylvania Infantry, August 22, 1862.

Captain, September 9, 1862.

Brevet major of Volunteers, August 1, 1864, for good conduct and conspicuous gallantry at the Wilderness, Spottsylvania, and Gettysburg.

Major and advocate judge of Volunteers, September 20, 1864.

Lieutenant colonel of Volunteers April 9, 1865, for highly meritorious service during the recent campaign, terminating with the surrender of the insurgent army under Gen. Robert E. Lee.

Colonel and brigadier general of Volunteers April 9, 1865, for conspicuous gallantry and meritorious service during the war.

Awarded medal of honor August 26, 1883, for the Battle of the Wilderness, May 6, 1864, where he rallied and led into action a part of the troops that had given way under the fierce assaults of the enemy.

Honorably mustered out July 2, 1866.

Wounded at Gettysburg, at Spottsylvania, and at Farmville, Va.

Among all the many most notable records of the Civil War there are few which would surpass this.

As has already been stated, after a brief interval at the close of his military service, he became postmaster of Philadelphia, and afterwards held a position in that city, and then he came here to Congress in 1879. Those who knew him as an associate in the House of Representatives remember him for his grasp of detail, for his readiness as a speaker, and, I may say in general, for his faithfulness in the public service.

He was at one time chairman of the Committee on Post Offices and Post Roads, and at a later time a prominent member of the Committee on Appropriations. Each year it was his task to bring in the bill known as the legislative, executive, and judicial bill, and I am certainly safe in saying that no one in either House ever presented an appropriation or other bill to Congress who more thoroughly understood the subject.

He was extremely affable and courteous to his fellow Members and yet firm, indeed, somewhat rigid, in his adherence to certain rules and in his refusal to go outside of legal provisions in the making of appropriations.

He was always a ready speaker, and no one who knew him could fail to receive from him a permanent impression—an impression which lasted not merely during his life but after his death—of his geniality and friendliness.

There was in him no disagreeable trait, no rough edges, no manifestations of egotism or of desire to exploit his personal prerogative. He was always a genial friend, a real friend.

I had occasion numerous times to note his interest in the city and State in which he lived. I think it may readily be said that of all the Members of the House of Representatives he was the one to whom any matter of interest in his city was most frequently intrusted. I remember several hearings when large delegations came here from Philadelphia, enough in numbers to fill a room and to extend well outside, but they all waived their claims to speak and put forward Mr. BINGHAM as their spokesman, having reliance on him as one who would present the case much better than all the rest together could do.

Reference has been made to his long service of 33 years. It had been so faithful, it had been of such value to Philadelphia and Pennsylvania, it had appealed so much to the whole country, that it would have been little less than a disgrace if he had not been allowed to finish his life in the service of his country, which he had served so well in many branches. So he died as a Member of the House of Representatives.

If he had lived from threescore and ten to fourscore, no doubt his constituency would have so valued his services, so loved his personality, that he would have remained to the very latest hour.

Mr. President, it is hard to tell whether the influence of any public man shall be permanent or ephemeral. In the busy life we live, in the whirl of events in which oftentimes the best of deeds are forgotten and the most notable services bring no reward, I can not avoid the conclusion that there is a lasting effect of such a life. He left his impress upon the legislation of his time. He was an example of a man of high character, friendliness, and of loyalty to his country. And now in the future before us the name of HENRY H. BINGHAM will be remembered not alone in the city of Philadelphia, but over a much wider area, as a man of splendid impulses, who rendered the most valuable service to his country.

Mr. TOWNSEND. Mr. President, I am glad to be accorded the sad privilege of adding a brief testimonial of my high regard and esteem for the late HENRY H. BINGHAM. During the eight years that I served in the National House of Representatives I came to know him personally and well. He was a modest man, although his record as a soldier and statesman was such that other men of different mental caliber, had they possessed it, would have capitalized it for great personal notoriety.

He was a gentleman of the "old school," and courtesy was as native to his breast as the great heart therein confined.

I doubt if any man who served with Gen. BINGHAM at any time in his 33 years and more as Congressman ever entertained, even temporarily, an unkind thought of this well-loved Representative. He had no enemies among his colleagues.

At the time of his death he had served longer continuously than any other Member of the Sixty-second Congress. I have not examined the records, yet I quite confidently assert that

but few men in our history have been elected to more Congresses without a break than had Gen. BINGHAM been elected. He was lovingly known as the "Father of the House," and his long, gentle, considerate service entitled him to this distinction. In the last years of his life he did not possess that vigorous energy which through vocal power and parliamentary manipulation sometimes commands attention, but whenever he had charge of an appropriation bill he was given a respectful hearing, and his information of the various items included in the measure was recognized as complete and authoritative.

The records would indicate that his people loved and trusted him. Most of his many elections were practically unanimous. His usefulness as a legislator was not lessened by a requirement that he spend a large portion of his energy in securing a reelection. He could and did devote his time to service. Few districts in the United States were better cared for or received more substantial recognition at the hands of Congress than did the first district of Pennsylvania while he represented it.

Gen. BINGHAM'S military record is one of the most attractive made by those loyal men who served their country during the fateful years of the Civil War. It is well that this record of a modest, yet great, soldier be told in order that it may be given the widest circulation possible, not only among statesmen, present and prospective, but also among the people generally, and especially among the youth of the land. It is the story of heroic, patriotic service. It tells of promotions from lieutenant to brigadier general. It discloses medals for gallant service in battle. It reveals pain and suffering in Army hospitals caused by wounds inflicted on the battlefields of Gettysburg, Spottsylvania, and Farmville. It is in fact the story of a real soldier, of a college graduate in 1862 who enlisted in his country's service at a time when it was known that the most terrible conflict of history was on, and that enlistment meant probable danger and death; but it also meant preservation of the Union, the perpetuity of a free Republic. I repeat that this is an attractive phase of the late Congressman's life; but I know the story will be told by his colleagues from Pennsylvania better and more completely than I can tell it, so I simply mention it and pause long enough to say that for such hero soldiers as he was I have the most profound respect, aye, I shall honor them in every possible way while they live, and upon their biers I shall place the sweetest and most enduring flowers of grateful remembrance. For what they suffered and endured, for what they accomplished and established, I owe them much; and my debt to them is the common debt of every American who at this time is enjoying the blessings of liberty and union under a stainless flag.

Congressional life when measured by the hopes and dreams of the tyro in legislation is more or less of a disappointment, but it has its compensations; and chief among them is the real, genuine friendship which comes from association with real, genuine men. I am glad of the experience of eight years of service in the National House of Representatives with HENRY H. BINGHAM, the gentle, courteous, able soldier statesman. He had his frailties, and who has not faults? But his weaknesses did not include dishonesty, disloyalty to country, lack of charity for his fellow men, or faithlessness to high duty.

I do not know what religious views he held, but my acquaintance with him compels me to believe that, having lived more than the allotted span of a remarkably useful life, having met death without terror on many occasions, he did not fear his end. Full of ripened years and conscious, as he must have been, that he had served to the best of his ability his country and his fellow men, he could say with great confidence, as he reached the bounds of life and waited only to embark without human pilot on the uncharted sea:

> And so, beside the silent sea,
> I wait the muffled oar.
> No harm from Him can come to me
> On ocean or on shore.
>
> I know not where His islands lift
> Their fronded palms in air.
> I only know I can not drift
> Beyond His love and care.

Mr. OLIVER. Mr. President, no more striking example of the uncertainty of human life can be had than the fact that within the short life of the present Congress the delegation from Pennsylvania has lost 3 out of its 32 Members. Of these 3 the chief, by reason of long service and unusual prominence, was Gen. HENRY HARRISON BINGHAM, who, for a space beyond the average life of man, represented the first district, comprised of a part of the city of Philadelphia. He entered Congress a young, vigorous, active man, who had not yet reached middle age. He died an old man, past the age fixed by the psalmist as the limit of enjoyable human life, and full of infirmities largely resulting from his four years' hard service in defense of his country's existence. He served in Congress side by side with Frye and Reed and McKinley and Carlisle and Randall, and many others whose work did much to shape the destinies of our country in the past generation, in which work he himself took no mean part.

HENRY HARRISON BINGHAM was born in the city of Philadelphia on the 4th day of December, 1841. He was educated at Jefferson College, in western Pennsylvania, where he was graduated in the class of 1862. From the very outset of the Civil War he was anxious to enlist, and he could scarcely wait until his graduating exercises were over to throw aside his cap and gown and don the uniform of a Union soldier, and from the day he enlisted to the day of his death, 50 years afterwards, his whole life, with the exception of two intervals of a few months each, was spent in the service of his country or his State. His career as a soldier was exceptionally brilliant. At the outset he was made the first lieutenant of his company, which was largely composed of his college associates, and from that rank he rose through all the grades until, on the 9th of April, 1865, two days after he was wounded at Farmville, he received the brevet rank of brigadier general. He was awarded the medal of honor for distinguished bravery on the field of battle; and he carried to his grave the scars of three wounds received upon three notable battlefields—at Gettysburg in 1863; at Spottsylvania in 1864; and at Farmville in 1865.

Gen. BINGHAM was elected to Congress from the first district of Pennsylvania in 1878, and was reelected 16 times. When he died in 1912 he had for many years held the title of "Father of the House" by reason of the longest continuous service in that body. It is worthy of remark, and shows how Pennsylvanians appreciate honest and able representatives, that this title has for two generations been held almost exclusively by men from that State. Judge Kelley, from the fourth district, held it for many years, and handed it down to Charles O'Neill, of the second, and upon his death it fell to Gen. BINGHAM. It is now held by JOHN DALZELL, who retires in a few days after 26 years of honorable service.

I first met Gen. BINGHAM at the Republican national convention which met in Philadelphia in 1872 and nominated Gen. Grant for reelection. He was a delegate to that and to every succeeding national convention during his lifetime, with two exceptions. He was always a delegate to State conventions, and it was usually his task to draw up and read the platform of principles adopted at those gatherings. He was a ready writer and an accomplished and convincing public speaker. His voice was like a clarion, and without perceptible effort he could make himself heard at the farthest limit of any assembly.

As a soldier, Gen. BINGHAM'S record, while paralleled by many, is excelled by none made by the young men of the North who in the days of the sixties responded to their country's call and counted their lives as nothing that "government of the people, by the people, and for the people might not perish from the earth." As a servant of the people he was wise, diligent, and unselfishly faithful, and until age and infirmity overtook him his voice was potential in the councils of his party and of the Nation; but to those who knew him well he will be remembered not alone for his merits as a statesman, or even for his matchless record as a soldier of the Union, but rather more for the gentler attributes which dominated his character and marked his intercourse with all men. He was a splendid example of that almost extinct class, the "gentleman of the old school." Fastidious in his apparel, clean himself in body and mind, he abhorred all that was either physically or morally unclean. Somewhat formal in demeanor, but never discourteous to any man, be his station high or low, he was at all times and under all conditions a typical American and a Christian gentleman.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE KIPP.

Mr. PENROSE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative GEORGE W. KIPP.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 25, 1913.

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of Hon. GEORGE WASHINGTON KIPP, late a Representative from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.
Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Pennsylvania will be read.

The resolutions (S. Res. 481) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. GEORGE WASHINGTON KIPP, late a Member of the House of Representatives from the State of Pennsylvania.
Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.
Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PENROSE. Mr. President, Hon. GEORGE WASHINGTON KIPP was elected as the Democratic candidate in a district in Pennsylvania which was nominally Republican. The district is a famous one, containing as an important part of it the county of Bradford which David Wilmot represented in Congress and wherein Galusha A. Grow was born and later on represented it in Congress. Mr. KIPP won his election against an adverse majority by his sterling qualities of manhood, his closeness to the common people, and his ability as a self-made man to impress them.

He belonged to a class of men once foremost in the industries of Pennsylvania, but now passing away with the extinction of the industry. Pennsylvania was once one of the foremost lumber States in the country, and many large and thriving towns grew up in the lumber development which still retain their prosperity, but the activities of which have been drawn to manufacturing and other industries. Mr. KIPP started as a lumberman and mastered every detail of the business. He grew rich and branched out into other business activities. He was a man of rugged honesty and readily made friends. He was generally beloved by the people of his district. His death was a distinct loss to his party and to the country, and the State of Pennsylvania was deprived of a useful and industrious Representative.

I had on numerous occasions frequent opportunity to become intimately associated with Mr. KIPP. I came to admire and respect his sturdy character and his vigorous and manly qualities. Although we belonged to opposite parties, we were able to confer freely and cordially on matters of public interest and concern. All who knew him well have felt a personal loss in his death.

Mr. WILLIAMS. Mr. President, "In the midst of life we are in death." Three Pennsylvanians—Members of the other House—have died since I was a Member of it—HARRY BINGHAM, the father of the House; MCHENRY, and KIPP—all of whom I knew and loved with cause. I shall have opportunity to-day to pay a tribute only to the last named of the three.

GEORGE WASHINGTON KIPP was born on March 28, 1847. He was, therefore, seven years and more my senior, but we became warm, congenial friends, and I think that no stranger would have noted the difference in our ages when we were met together. He carried with him a warm heart and a glad hand, and won me, as he did nearly everybody who came to be thrown with him.

His earliest training was on the farm, where so many men of sound common sense, like Cincinnatus and Cromwell and Washington and other, though lesser, men got their earliest training. He later had the advantages of a common-school education in the very good common schools of his day and section. Still later he became a lumberman, and at the time of his death was the president of a bank in Towanda, Pa., where he spent the last 30 years of his life. His main education, therefore, was in the school of life among men, where hard struggle makes moral, mental, and physical muscle, and where fair struggle brings love, respect, honor, and a troop of friends. In all of his transactions he was single minded—an integer—not duplex. He spoke with a straight and not a forked tongue. He was one of the few self-made men that I have personally known who was not too proud of his self-making job, and who never forgot where and how he started, nor those amongst whom he had won his way. Indeed, the leading social principle that actuated him was that labor has its rights; that those rights must always be accorded, and that where a doubt arises it ought to be solved in favor of the wage earner.

King Solomon said. "He that hath friends must show himself friendly." Mr. KIPP always showed himself friendly, good-natured, amiable, helpful, not only in deeds but in words, and the latter frequently counts more than the former.

He was twice elected to Congress as a Democrat from a district proud of its Republican history—the district which once sent David Wilmot to Congress and at another time Galusha A. Grow. One of his colleagues asked him once how he had managed to succeed in that district. He replied that the chief factor in his success, he thought, was that he had lived there a long time and in many ways had employed many men, and that those whom he had first and last employed had almost always, without exception, not only voted for him, but worked for him. Thus it came to pass that he both grew rich and kept his friends—a thing that does not happen often with many men. He was a Democrat, not only in his political and social philosophy but in his everyday life. He was "as plain as an old shoe" and was accessible to everybody. He was a hard fighter. He believed in his party and its principles and its programs, and as a consequence patriotism was commingled with party service in his mind and heart.

At the close of his first term, after he had been defeated for his second and was here serving out the short session, I asked him what he was going to do. Quick as a flash the reply came, "Come back"; and it was accompanied with grim determination in his jaw and eye. And at the next Congress he did come back.

He was elected first in 1906, defeated in 1908, reelected in 1910, and died during his second term on Vancouver Island, British Columbia, on July 24, 1911.

What he did he did with all his heart, whether it was work or play. No man knew better than he how to enjoy himself with choice spirits around him. By instinct more than by training he loved the old Jeffersonian democratic theory; the corner stone in the structure of which is that organized society or government was made for man, and not man for it; that the only rightful reason for the existence of government is that it may lead to individual training in individual self-government; and that it shall act as a shield and a protector of the natural rights of man, giving to all equal opportunities and to none any law-conferred special advantages, in order that thus men and women may be free, well informed, and happy. He was a loyal, faithful, unswerving friend to his friends; the first to speak excuses for them and the last to voice criticism.

During two years of mutual service in the House of Representatives, where I was parliamentary leader on the Democratic side, I had cause and necessity to note the conduct of Representatives, and, amongst others, his. He was constant in his attendance, "diligent in business," as St. Paul says; brought a splendid and sturdy common sense to bear upon every question confronting us; did not have to be hunted up by the whips when a vote was coming, as is the case with so many Representatives; believed in team work, and did his share of team work cheerfully and constantly. There was that modesty about him which prevented him from lightly coming to the conclusion, when he differed prima facie with a majority of his party, that he must be right and they must be wrong. With his exit from the stage of life there went a modest, sturdy, kind-hearted, genial man, of splendid common sense, unwaveringly honest purposes and fair dealing, who had made the world better by being in it. He was so true that one had to love him.

Mr. OLIVER. Mr. President, GEORGE W. KIPP, a Representative in Congress from the State of Pennsylvania, died at Vancouver, British Columbia, on the 24th day of July, 1911. He served in the Sixtieth Congress, was defeated by a small majority for the Sixty-first, but was again elected to the present Congress.

It was not my fortune to be intimately acquainted with Mr. KIPP, as our contemporaneous service was confined to the earlier months of this Congress; but as one familiar with the public men of my State I did know something of his career. He was not a brilliant man, as that phrase goes, but he was in every way a typical, average American, and his life furnishes an example by no means rare of American possibilities. He was twice elected as a Democrat from a district whose Republicanism was steadfast and unswerving and which in the early days of the party had sent to Congress such Representatives as David Wilmot and Galusha A. Grow. Mr. KIPP carried this district in 1906 and 1910, and in 1908—a presidential year—he was defeated by only 2,000 majority, while at the same election the district gave President Taft a majority of over 8,000 votes. To accomplish such a result a man must be one of two things—either he is a demagogue or he has a strong hold on the respect and affections of the people amongst whom he lives—and Mr. KIPP was no demagogue.

With few or no educational advantages he was early thrown on his own resources, and by diligent application and a capacity

which he soon developed for the handling of large affairs he was able to accumulate what in his time and in his section was considered great wealth. He was modest in demeanor, firm in his attachments, and had to a high degree the faculty of pleasing. His service in Congress, disconnected as it was, was too short to enable him to write his name in large type on the pages of history, and as a matter of fact his modest ambition never aimed at such distinction; but he was a faithful representative of his people, looking out for their interests with great care, and was constant in his attention to the work of the committee to which he was assigned. In his death his district and the country lost a faithful Representative, his neighbors a valued friend, and his State an upright citizen.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE M'HENRY.

Mr. PENROSE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative JOHN GEISER MCHENRY.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 16, 1913.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JOHN GEISER MCHENRY, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Pennsylvania will be read.

The resolutions (S. Res. 483) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. JOHN G. MCHENRY, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PENROSE. Mr. President, Hon. JOHN G. MCHENRY represented the sixteenth district in the House of Representatives. He was one of the leading farmers and business men of Northumberland County, in Pennsylvania. He was born on April 26, 1868. After a course at the Orangeville Academy he started on his career. He became a farmer, manufacturer, and banker. He was elected to the Sixtieth Congress and for two succeeding terms by increasing majorities. He was an influential member of the Committee on Appropriations. His farms were under the direct personal supervision of an expert in agricultural science from the State College of Pennsylvania. On these farms he conducted much experimental and demonstrative work. He himself had devoted much study to agricultural questions in their scientific aspects.

Mr. MCHENRY was popular with his constituents, and his political successes in the district were largely owing to his own strength of character and standing in the community. The district had, previous to his election, been sometimes represented by a Republican Congressman. It was his strength with his constituency that turned the district Democratic. He was a good representative of the Scotch-Irish element in Pennsylvania, an element which has contributed so much to the intellectual, industrial, and commercial development of the State. His untimely death was universally lamented in his district.

Mr. OLIVER. Mr. President, on the 27th of December last, after a long illness, JOHN G. MCHENRY, Representative in Congress from the sixteenth district of Pennsylvania, died at his home at Benton, in that State. Mr. MCHENRY was born in the same township in which he died and in which he lived all his life. He had scarcely reached middle age when death overtook him in the midst of a career full of promise of usefulness both as a citizen and a public official. He had received an academic education, and his early inclination was toward the law; but he inherited the care of a large business from his father and was compelled to forego his natural desire for a professional life, in which, from his capacity and his ability, he undoubtedly would have achieved success.

Mr. MCHENRY early developed an interest in politics, and at the time of his death he was a leading figure in the councils of the Democratic Party in Pennsylvania. In 1906 he was elected to the Sixtieth Congress, and was reelected to the Sixty-first and Sixty-second Congresses, each time by an increased majority. His service in Congress was in the highest degree creditable. He was a member of the Committee on Appropriations, and took an active part in the arduous labors of that important committee. He was an active, earnest, energetic Congressman, full of zeal for the interests of his district and his State, and always ready to serve any of his constituents without regard to party. He had the good will of all with whom he came in contact, and no better instance can be had of the esteem in which he was held by the people amongst whom he lived than the following tribute published in one of his home papers on the day of his death, from the pen of one of his employees:

Those who worked for JOHN G. MCHENRY knew him best. Everyday association with him only served to bring out the high lights of his personality, and in stress and storm his hand was the first to reach out in kindliness and material aid.

Friendliness and loyalty to his employees was to him a chief issue, and his jurisdiction was always tempered and guided by the thoughts of their easiest roads and the short and surest way to their happiness and comfort. Mr. MCHENRY never spared expense in the adoption of devices which would ease labor, he conducted his office as regard hours and regulations on a broad and humane basis, and the lowliest among all of his employees could seek him in trouble and be assured of instant and certain assistance. The last clouded months of his life with their ever-increasing burden of troubles, witnessed, by virtue of his illness, a severance of actual affiliation. But the remembrance of his generosity and humanity lived and is now become a legacy which will endure after much else is forgotten.

Mr. President, as a further mark of respect, I move that the Senate take a recess until 8 o'clock this evening.

The motion was unanimously agreed to; and (at 6 o'clock and 55 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22913) to create a Department of Labor.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 6176. An act for the relief of Gibbes Lykes;

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant; and

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

POST OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the

amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRISTOW. The chairman of the committee being absent, I move, in his behalf, that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. BOURNE, Mr. PENROSE, and Mr. BANKHEAD conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. WARREN. The committee has a few amendments to offer. On page 50, line 7, I move to strike out "$547,640" and to insert in lieu thereof "$562,640."

The amendment was agreed to.

Mr. WARREN. On page 51, line 20, I move to strike out "$1,819,746" and to insert in lieu thereof "$1,834,746."

The amendment was agreed to.

Mr. WARREN. On page 73, at the end of line 14, I move to insert:

For the construction and maintenance of a lodge at the entrance of the national park, for the keeper of said park, at Lookout Mountain, Tenn., $10,000.

The amendment was agreed to.

Mr. WARREN. On page 156, line 17, after the word "assistants," I move to insert "one, at $2,000."

The amendment was agreed to.

Mr. WARREN. I also move to make the total, in line 19, read "$18,500."

The amendment was agreed to.

Mr. WARREN. On page 160, in line 20, after "$100,000," I move to insert "one-half to be immediately available."

The amendment was agreed to.

Mr. WARREN. On page 12, after line 18, I move to insert:

Honolulu, Hawaii, post office, courthouse, and customhouse: To enable the Secretary of the Treasury to pay the amounts awarded in condemnation for the acquisition of additional land for the enlargement of the present site, $125,000, in addition to amounts heretofore authorized to be expended from appropriations for site and building, and the total limit of cost for said site and building is hereby extended accordingly.

The amendment was agreed to.

Mr. POMERENE. On page 176, line 7, after "$100,000," I move to insert, "of which sum $6,000 shall be available to print and furnish to the States report form blanks and to print the proceedings of the National Association of Railway Commissioners in annual convention."

The amendment was agreed to.

Mr. SMOOT. On page 67, line 21, after the word "the," I move to strike out the words "above payment" and insert the word "statement," so as to read:

That the statement shall be audited and approved.

The amendment was agreed to.

Mr. SMOOT. On page 169, after line 13, I move to insert:

Congressional Directory: For expenses of compiling, preparing, and indexing an edition of the Congressional Directory for the first session of the Sixty-third Congress, to be immediately available and to be expended under the direction of the Joint Committee on Printing, $800.

I offer this amendment because of the extra session of Congress, which will compel the issuance of a directory before the regular session.

The amendment was agreed to.

Mr. CHAMBERLAIN. On page 173, after line 12, I move to insert:

Portland, Oreg.: For moving, in the discretion and under the direction of the Secretary of the Navy, weather ball from customhouse to a point where it can be readily seen by the shipping, $500.

The amendment was agreed to.

Mr. CATRON. After line 9, on page 113, I move to insert:

That the sum of $32,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of the Interior in the survey and establishing the boundaries of small holding claims in the State of New Mexico now listed in the surveyor general's office of the State of New Mexico, under the provisions of the act of Congress of March 3, 1891, creating the Court of Private Land Claims in certain States and Territories, and the several acts of Congress amendatory thereto.

Mr. WARREN. I will ask the Senator if he has the estimate.

Mr. CATRON. I have the estimate. It was introduced this morning.

The amendment was agreed to.

Mr. LODGE. In line 13, page 177, I move to strike out "$1,200" and insert "$1,400."

The object is to raise the salary $200. It is estimated for; in fact, it has been estimated for four or five years.

The amendment was agreed to.

Mr. BORAH. On page 114, line 24, I move to strike out the figures "$150,000" and insert in lieu thereof "$300,000."

I wish to say that I understand this has been estimated for by the department. The object is to furnish means for the Geological Survey to classify the lands under what is known as the enlarged homestead.

Mr. WARREN. Is the Senator sure that he has offered it at the right place?

Mr. BORAH. I have the place, page 114, line 24.

Mr. WARREN. The subject of that is the gauging of streams.

Mr. BORAH. The gauging of streams and determining the water supply and for the investigation of underground currents and artesian wells. All of that comes under the proposition of classifying these dry lands.

Mr. WARREN. That amount is estimated for, I will be frank enough to say. I had hoped that we would not touch the outside estimates on all these sums, but I shall not raise the point of order.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 114, line 24, strike out "$150,000" and insert "$300,000."

The amendment was agreed to.

Mr. FLETCHER. On page 175, after line 19, I move to insert:

To collect, collate, and publish statistics relating to the turpentine and rosin industry, $10,000, or so much thereof as may be necessary.

Mr. WARREN. Does the Senator desire to offer that at that particular place? As I have it here, it comes under the heading "Interstate Commerce Commission."

Mr. FLETCHER. It is under the Census Office.

Mr. WARREN. Printing and binding.

Mr. FLETCHER. It comes under the Department of Commerce and Labor and has reference to the work of the Census Bureau. There are collections being made of statistics as to tobacco and cotton and other industries. Here is a great industry of turpentine which in 1910 produced the value of $36,000,000.

Mr. WARREN. What I wish first to find out is the number of the page. Perhaps the Senator has a different print of the bill.

Mr. FLETCHER. Page 175, after line 19. That has the heading "Department of Commerce and Labor" just preceding it. The work is in the Census Bureau.

Mr. WARREN. This comes under the Coast and Geodetic Survey. Perhaps the Senator will offer his amendment to go in at the proper place.

Mr. FLETCHER. All right.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. WARREN. I suggest that it go in on page 166, after line 8, with the heading "Census Office."

Mr. FLETCHER. Very well.

The SECRETARY. On page 166, after line 8, insert:

CENSUS OFFICE.

To collect, collate, and publish statistics relating to the turpentine and rosin industry, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. DILLINGHAM. On page 54, after line 2, I move to insert:

For all necessary expenses in connection with the securing of current information regarding the occurrence of epidemics and the prevalence of diseases dangerous to the public health throughout the United States and its possessions, $16,000.

Mr. WARREN. That is regularly estimated for in a later estimate, and we have a very urgent letter requesting it from the department. I accept the amendment.

The amendment was agreed to.

Mr. SMITH of Arizona. On page 167, after line 4, I move to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $71,000, to be paid to the following-named persons in the amount specified to each, for injuries sustained by shots fired across the American boundary line by soldiers and revolutionists on the Mexican side of the line in the year 1911, to wit: Adolfo Varela, of El Paso, Tex., $3,000; Virginia Moorhead, of El Paso, Tex., $3,000; Abundio Soto, of El Paso, Tex., $4,000; Edwin G. Heaton, of El Paso, Tex., $2,000; Celia Griffiths, of El Paso, Tex., $15,000; A. R. Chandler, of El Paso, Tex., $12,000; Emma Larson, of Douglas, Ariz., $1,000; Elmer E. Crowe, of Douglas,

Ariz., $5,000; Francis F. Williams, of Douglas, Ariz., $5,000; John W. Keate, of Douglas, Ariz., $5,000; Joseph W. Harrington, of Douglas, Ariz., $15,000; William R. White, of Douglas, Ariz., $2,000.

Mr. WARREN. Of course if that is to go in it will not need the appropriating clause. I think I shall have to make a point of order on it, but I should like to hear from the Senator what he knows regarding the circumstances.

Mr. SMITH of Arizona. I hope the Senator will not make the point of order. It is not subject to it, to start with. The Senate has already passed it as a separate bill. The House of Representatives has already favorably reported the bill. In order to get the bill through at this session it is necessary that it shall go on this particular appropriation bill.

Mr. WARREN. It is clearly a claim, but if the Senator will ask unanimous consent I shall be glad to accept it.

Mr. SMITH of Arizona. I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent to submit the amendment which has been read. Is there objection?

Mr. FALL. Allow me to offer a little additional information to the chairman of the committee in addition to what the Senator from Arizona has said. All these claims were investigated under a resolution of this body by officers designated in the resolution. They have all been reported, and reported favorably. This is the report of the committee embodied in a bill which has passed the Senate.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WARREN. I understand the amendment was adopted by unanimous consent.

The PRESIDENT pro tempore. It was agreed to without objection.

Mr. GAMBLE. On page 100, after line 11, I move to insert "For combined chapel and amusement hall, $37,500."

Mr. WARREN. I shall have to ask whether we have an estimate for that. I beg pardon; there is an estimate for it—I remember now.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CHILTON. On page 123, after line 24, I move to insert:

For the removal of the college women's dormitory and the construction, equipment, and furnishing of a new dormitory to replace it, including necessary repairs or replacement of walks and grading of grounds adjacent to said dormitory: *Provided*, That not more than $3,000 of the above amount may be used for erecting or renting temporary quarters for the use of those usually housed in said dormitory: *And provided further*, That this sum be made immediately available, $85,000.

Mr. WARREN. That matter had serious consideration. It is really estimated for. Of course there is a crying need for it. I dislike very much to enlarge the amounts in this bill, but I shall not object to the amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CURTIS. On page 103, after line 4, I move to insert:

Bridge at Fort Riley, Kans.: For the construction of a steel bridge across the Kansas River at Fort Riley, Kans., to render accessible the drill ground for the Cavalry at Smoky Hill Flats, $50,000.

The amendment was agreed to.

Mr. BRADLEY. I offer an amendment to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of the bill it is proposed to insert:

To carry into effect the provisions of Senate bill passed April 2, 1912, providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, $250,000.

Mr. WARREN. I am somewhat afraid we are going to overload this ship of ours, but since we have enlisted for that kind of work I shall not object.

Mr. WILLIAMS. Is there an estimate for this?

Mr. BRADLEY. Mr. President, there is no estimate necessary for it. This is an appropriation which is largely in the hands of the officers of the Government, to be paid by them, and the amount is fixed in the amendment. No estimate can be made. It is impossible to make an estimate.

Mr. WILLIAMS. Has the bill passed?

Mr. BRADLEY. Yes; it passed the Senate.

Mr. CRAWFORD. Mr. President, I am seriously thinking of offering an amendment providing an appropriation to carry on county fairs at every county seat in every county in the United States. I must say that this business of appropriating a quarter of a million dollars for the Knoxville Exposition and for this and for that is coming pretty swift.

Mr. BRADLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Kentucky?

Mr. CRAWFORD. This is a sort of outburst of the flood that is coming in here of exposition money. I think it is about time to stop it, for one session at least.

Mr. BRADLEY. Yes; but I think the outburst is on the part of my good friend. I have been trying to get this appropriation approved for some time. The Knoxville Exposition bill has never passed the Senate at all. The proposition came here and went on the bill by unanimous consent, while my amendment has passed the Senate in the shape of a bill, and my distinguished friend voted for the bill.

Mr. BRISTOW. I want to call the attention of my Kentucky friend to the fact that the Knoxville proposition did not pass by unanimous consent, for I distinctly twice voted against it.

Mr. BRADLEY. I beg the Senator's pardon if I have misrepresented him. I do not believe he ever consents to anything. [Laughter.]

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Kentucky [Mr. BRADLEY].

The amendment was agreed to.

Mr. WORKS. Mr. President, I move to amend by striking out the paragraph commencing in line 22, page 123.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out the paragraph commencing on page 123, line 22, as follows:

For repairs and improvements to the Patent Office Building, as set forth in Senate Document No. 543 of the Sixty-first Congress, all of the work to be done under the supervision and direction of the Superintendent of the Capitol Building and Grounds, and to be immediately available, $220,000.

Mr. WARREN. Mr. President, I hardly know what the Senator's object is; perhaps he will tell us.

Mr. WORKS. If the Senator will bear with me a moment, I will explain to him what my purpose is. It will be seen that this paragraph provides for repairs and improvements in the Patent Office as set forth in Senate Document 543, Sixty-first Congress. I move to strike out this portion of the bill not because I do not appreciate the fact that additional room is necessary for the work of the Patent Office—I think it is necessary—but I seriously object to furnishing that room in the way provided in this paragraph. If Senators will refer to the document indicated, it provides how these improvements shall be made. I read from Senate Document 543, Sixty-first Congress:

Tentative plans have been prepared looking to the erection of an addition to the building, it being proposed to locate such addition in the court of the Patent Office Building. The plan contemplates moving the mass of earth in the court which is held there by retaining walls some 12 feet high. The moisture from this earth has for years percolated through the retaining walls into the rooms abutting on the court, which resulted in damaging everything put in them, including a large number of books, which were found to be rotted and soaked with water. There were removed to the Government Printing Office something like 200 tons, I understand, from these rooms about two years ago, since which time nothing of any great value has been stored there.

The doing away with this great mass of earth and the retaining walls will bring the large space in the court of the buildings on a level with Ninth Street, and by erecting a one-story building covering the entire court, constructed of metal and glass, there will be afforded housing for the 1,000,000 bundles of patents now stored all over the building from cellar to attic, and furnish storage for the natural increase of patents, which requires 100 linear feet a week at a height of 7 feet to store. The present available space for storing weekly issues of patents at this rate will be exhausted before the expiration of the next fiscal year.

To this point probably this construction would be unobjectionable, but a further plan is provided:

In addition to this proposed one-story structure, it is contemplated to erect in the center of the court a building 80 feet wide, 4 stories in height, with a central hall 10 feet wide, giving 32 rooms 17 by 35 feet, which would accommodate comfortably 17 divisions and very nearly 300 employees.

The proposition is, Mr. President, to practically close up that inner court. It is well known that the building is so constructed that there is a corridor running entirely around the building, with rooms on each side of it, some of them being inside rooms and facing on the court. The result of it is practically to close up those rooms and deprive them of necessary ventilation, air, and light, and to make them rooms which no one ought to be expected to inhabit and work in. I think it would be a great mistake to carry out this plan. I understand, Mr. President, that it is likely this building, the dimensions of which are given, will not fill up the court entirely, but the building has little enough ventilation as it is now, and there is complaint about it at the present time. As it was originally constructed, I understand there were openings left at each corner of the building so that the air could circulate through the building through this inner corridor, but even those spaces have been filled up by rooms, shutting off that means of ventilation, and now it is proposed to build in the court. I

think Congress ought not to do anything of that kind. We know here something about what it is to work inside of a box. Employees of the Government ought not to be expected to work in a place of that kind. Personally, of course, I have no interest in the matter; but I sympathize with anyone who is expected to perform labor under such circumstances.

I do not know how far the committee has investigated the plans that are provided, but certainly some investigation ought to be made of the matter. I am morally certain, Mr. President, that additional room is necessary, and I believe thoroughly in the construction of buildings here in Washington that will accommodate the employees in doing the necessary work. I think it is a great mistake that the Government should be paying rent for buildings, when buildings can be constructed by it; but I do not believe that the money of the Government ought to be expended in any such construction as this. It is for that reason that I am calling attention to it by a motion to strike out that particular appropriation.

Mr. WARREN. Mr. President, I am sorry the Senator has not given the matter of which he speaks more attention, and that he has not seen the plans. It is a matter that has been thoroughly considered by the committee at this end of the Capitol, and also by the committee at the other end, for the last two or three years. I have personally looked over the plans and been over the ground. I have conversed with the chiefs of various offices, as well as with the heads of bureaus.

The manner in which this building is to be constructed will give great relief and do away with the condition which has been described as existing there—that of moisture continually collecting in the earth there and oozing through the walls of the building. All this earth should be taken out. That building was put on a different grade from that now established on the surrounding streets. The consequence is that in that great interior court, which is larger in itself than most buildings, the rain and snow collect, are not promptly removed, and then ooze through the soil into the walls of the building. It is proposed to take that earth out and strengthen the walls where they should be strengthened on a part of that building, and to give light and air to basement or first-story rooms that now have one dark side.

Mr. WILLIAMS. Mr. President——

Mr. WARREN. If the Senator will allow me, the building that is to be constructed there will be so small, with reference to the whole building or inside court, that there will be a good open space or court all around it. It will not take the air or the sun from any of the rooms.

Last year I took up the matter and we put the provision into the bill on this side of Congress. When we met in conference the chairman of the Appropriations Committee on the other side and his associates said, "If you will let this provision go out this year, we will give it our personal attention, and, if it is thought to be the best thing to do, we will put it in the bill next year." They have given it study; they have been there personally; they have looked over the situation; and they have recommended this provision, of which I fully approve.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Wyoming if it is also contemplated to remove the earth that is heaped around the building outside, between the building and the street, on the F Street side and on the Seventh Street side?

Mr. WARREN. That is not contemplated in this particular amendment.

Mr. WILLIAMS. Well, it ought to be.

Mr. WARREN. The Senator is perfectly right.

Mr. WILLIAMS. Because if that is taken away it will give large windows down there, and give them outside ventilation. The earth that is heaped around outside will have the same effect as the earth that is heaped inside the court. I would suggest to the Senator that it would be well to amend the provision sufficiently to include the removal of the earth outside, so as to reduce the lot itself fronting on the streets to the grade of the streets.

Mr. WARREN. The trouble is that we have no estimate yet and do not know the amount that would be required.

Mr. WILLIAMS. Well, but if you include that in the present appropriation, you can probably do it all about as cheaply as part of it, if you do it all at once, or very nearly as cheaply at any rate, and you can have a basis for the future for a deficiency appropriation, if necessary. You can not altogether relieve the moisture there by removing the earth on the inside of the court; you will have to remove it on both sides.

Mr. WORKS. Mr. President——

Mr. WARREN. If the Senator will permit me a little further, I want to bring up another condition here. We had before us a year ago the scientists and physicians who had been examining into the insanitary conditions in our public buildings, and I may say that the situation in that building is simply frightful. In the Patent Office, the large room that had been built formerly for the exhibition of models, is filled from the ceiling to the floor and from side to side with wooden partitions, ladders, and scaffolding, and copies of patent documents are piled up there by the ton. The boys who work there on small wages in that dirt and dust and confined air look as if they had just been taken out of a dungeon where they had spent months. In fact, while on duty they have to have handkerchiefs over their mouths or in their mouths to keep the dust out of their throats, and they are obliged to breathe through the cloth. This provision will give substantial relief. It will greatly benefit this building; and should the bill which we passed last night become a law, an entire new Patent Office will be built later on and the old Patent Office Building will be used for the Interior Department; but this item in the bill will bring early relief and, I think, very efficient relief.

Mr. WORKS. Mr. President, as I said in the beginning, I see no objection to the removal of the dirt or probably the construction of a one story building, because that would probably not interfere with the ventilation or the light. I do not disagree with the Senator from Wyoming with respect to the objectionable condition of things that exist there at the present time. They should be remedied; but I should not want to see conditions made worse than they are now. Of course additional space could be provided by this means, but at the expense, as I think the conditions will show, of the ventilation and light of all the rooms that are there now, and the additional rooms would be equally objectionable. No argument can remove the fact that we are proposing, in part at least, to obstruct and fill up this open court that furnishes the light and air for the people who are working in the building; and I think it is extremely objectionable.

I had very little expectation of being able to remove this appropriation from the bill, but it is the condition of things that I desire to call to the attention of Senators. We had a report from the Secretary of the Treasury a few days ago showing that this Government paid last year $19,800,000 in the effort to preserve the health of the public, and I think we ought to be exceedingly careful not to construct any building that is going to make for more insanitary conditions or help to create disease and discomfort that we are trying to remove.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from California [Mr. WORKS].

The amendment was rejected.

Mr. JONES. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 160, after line 26, it is proposed to insert:

For the construction of a steam vessel for use in connection with the fur seal, salmon, and other fisheries of the Pacific coast, and the equipment of same, $225,000.

Mr. WARREN. Mr. President, I hope the Senator will not press that amendment. It is entirely useless, as I happen to know. We have all we can carry in the bill for the *Albatross* and other matters.

Mr. JONES. Well, Mr. President, I simply press that upon the Senate because from the facts which I have I think the Government ought to get this vessel. The Bureau of Fisheries has charge of the Pribilof Islands and the fur seals in addition to the fisheries of Alaska and the fisheries of the Pacific coast. They must look out for the care of the natives on the Pribilof Islands. In order to do that they have to get an ocean-going vessel and make at least two trips each year to take supplies to those islands and to bring back the furs. In order to do that they must charter a vessel. The Government has no vessel with which to do this work. Last year it cost the Government over $20,000, and it will cost the Government at least $20,000 every year to do this service. That is 5 per cent on a vessel worth $400,000, and it is 10 per cent on a vessel costing $225,000. If the Government had its own vessel, it could not only do that work but it could also do a great deal of necessary investigation in connection with the fisheries of Alaska and the fisheries of the Pacific Ocean. Those are the reasons that have induced me to offer the amendment. I think it is for the benefit of the Government; it means a saving of money to the Government and increased service for the Government.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I should like to ask him how much it will cost to keep that vessel in commission for a whole year?

Mr. JONES. Of course it will cost something, but we will be able to accomplish something with the money. The vessel

can be employed in the investigation of fishery matters in Alaska and on the Pacific coast. It could be there all the year round, where there is need for it, and that need would be served. Those are the facts and those are the reasons why I have presented the amendment to the Senate. If the Senate does not think that is a good business proposition, of course I do not want the Senate to take it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. WILLIAMS. Mr. President, I have in my hand a memorandum of what we are spending unnecessarily on the Pribilof Islands in connection with employees and service. As a part of it, I find a statement to which I call the attention of the Senator from Wyoming in connection with this matter.

Mr. WARREN. I will ask the Senator if that refers to the amendment now pending, offered by the Senator from Washington [Mr. JONES]?

Mr. WILLIAMS. Yes; it refers to it in this way, that it seems to me to render his amendment unnecessary [reading]:

The one revenue cutter which is now on patrol up there, and must be so employed during the next 15 years, or through the life of the present fur-seal treaty act of 1911–12, can and will perform all the services required for transportation of the small annual requisitions for supplies needed on the islands, said requisitions for supplies being annually made to the Secretary of the Treasury by the caretakers of said seal islands. The Secretary then in turn directs his special agents in San Francisco or Seattle to purchase and ship these suplies to Dutch Harbor, Onalaska Islands, by any of the monthly freight lines which now are engaged on that route.

At Dutch Harbor (192 miles southeast of Pribilof Islands) the revenue-marine cutter, aforesaid, can receive and thus transport these supplies to the Seal Islands.

So much of it is pertinent to this particular question, but I desire to have it all read and put in the RECORD for the information of the Senate.

Mr. JONES. I will ask the Senator from whom the letter is, or who prepared the statement he has read?

Mr. WILLIAMS. Lieut. Elliott, who is very well acquainted with the entire fur-seal business.

Mr. JONES. That is the Mr. Elliott whom we have seen once in a while here in the city of Washington, is it?

Mr. WILLIAMS. You have not only seen him, but he has finally won out, and he has finally indicated that he knew more about this business than anybody else, and what he has recommended has been done.

I want that statement read to the Senate, and I want it to go into the RECORD as part of my remarks.

Mr. JONES. I will suggest to the Senator that I do not think we use our Revenue-Cutter Service for the transportation of supplies.

Mr. WILLIAMS. No; not altogether. This paper states that these supplies are bought by the agents, and are transported to a certain place, and are thence conveyed by the revenue cutters to Dutch Harbor, or to the Pribilof Islands, where these caretakers are. I confess I do not know very much about the situation of things up there. I have not been there in a long time. But the reference of the Senator in a slighting way to Lieut. Elliott is a great mistake.

Mr. JONES. Mr. President, I did not intend that in a slighting way at all. I simply asked for information.

Mr. WILLIAMS. The Senator said this man had been lying around here, or something of that kind.

Mr. JONES. Oh, no; oh, no. I did not use the words "lying around" at all.

Mr. WILLIAMS. The Senator said he had been around, then. I do not mean "lying" in the sense of prevaricating, of course.

Mr. JONES. I was simply stating the fact.

Mr. WILLIAMS. Perhaps I misunderstood the Senator, but it seemed to me to be rather that way. He has been here for quite a long time. He went over to the House, and failed for a long time to get a hearing before the Ways and Means Committee; but finally he did get it, and he has impressed his ideas upon the House and upon the legislative branch of the Government.

I merely offer this part of the paper, however, to show that there is no necessity for buying a ship in order to transport things to the Pribilof Islands. I understand the Senator's amendment to involve other transportation problems as well, about which I know nothing; but there certainly seems to be no necessity for it as far as the Pribilof Islands are concerned.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

FACTS AS TO THE BETTERMENT OF THE PUBLIC SERVICE ON THE SEAL ISLANDS OF ALASKA UNDER THE TREATY ACT OF AUGUST 24, 1912, AS ORDERED IN THE PENDING SUNDRY CIVIL BILL.

I. The conditions calling for the public service of four special agents, two physicians, two school-teachers, two storekeepers and bookkeepers, two stockmen, and two janitors, and a naturalist, all detailed for St. Paul and St. George Islands, have been radically changed by the act of 1912, which orders a closed time to all commercial killing of fur seals on those islands for a period of five years from and after the passage and approval of said act, August 24, 1912.

This period of rest from slaughter by man on these islands at once restores the same conditions there which prevailed during the Russian "Zapooska" or "closed time" of 1834–1844. The entire administration of affairs then was devolved upon a single caretaker or superintendent on each island. These men performed all the duties now rendered on both islands by that large staff of idle and useless employees of the Government above itemized; and they did it even better and with more success than these agents of to-day have done and are doing or will do them, if continued.

This salary list of 1912, which is now on the rolls of the Government as agents and assistants thereto on the seal islands of Alaska, amounts to $25,000 annually. This change for the better, as proposed by substituting two caretakers for the two islands, at $2,500 each annually, saves the useless expenditure of $20,000 annually for such service as now done.

II. The act of 1912 also enabled the Government to dispense with two of the three revenue marine cutters which have been annually set apart by the Secretary of the Treasury and employed for the "Bering Sea patrol" for the protection of the fur-seal herd of Alaska on the Pribilof Islands.

The one revenue cutter which is now on patrol up there and must be so employed during the next 15 years or through the life of the present fur-seal-treaty act of 1911–12 can and will perform all the services required for transportation of the small annual requisitions for supplies needed on the islands, said requisitions for supplies being annually made to the Secretary of the Treasury by the caretakers of said seal islands. The Secretary then in turn directs his special agents in San Francisco or Seattle to purchase and ship these supplies to Dutch Harbor, Unalaska Islands, by any of the monthly freight lines which now are engaged on that route.

At Dutch Harbor, 192 miles SE. of Pribilof Islands, the revenue marine cutter aforesaid can receive and thus transport these supplies to the seal islands.

And, also, this cutter can bring down from these seal islands any and all "food skins" which may be taken thereon annually, and ship them in turn from Dutch Harbor to the collector of customs at San Francisco or Seattle; these officials in turn can ship them and sell them to the best advantage of the Government, even better than the officialism now in charge does it.

III. This service, thus rendered by the revenue marine cutter above cited, enables the Government to dispense entirely with that chartered "supply ship" which has been annually engaged as such, up to date, since 1909.

This effects a saving annually of at least $25,000 on that single item alone; that saving plus the $20,000 annually saved on account of cutting off the idle and useless agents specified in item "I" above makes a total saving of at least $45,000 annually to the Public Treasury on those items by substituting those two caretakers and the revenue marine cutter, as above cited.

IV. The Russian caretaker, or "superintendent," during the closed time of 1834–1844, was a man who had a fair knowledge of medicine, who taught the school, and who kept the books necessary for the receipt, distributions, and requisitions for annual supplies.

He had no help or assistance of any kind, except as volunteered by the natives, and he did not need more. He performed all of these duties admirably, as above stated, and then asked for more to do. Surely, an American can do as much now.

V. The conditions on the islands to-day, in so far as natives and the seals are concerned, are precisely as they were in 1834–1844, and when the Russian "zapooska," or closed time, was in effect. The natives are the same quiet, docile, inoffensive people, and fewer in number. They require no "regulation" by our agents. The simple administration of their small affairs up there has been always done by their church organization, which will continue to do so and is self-supporting.

VI. The seal herd is protected from any piracy by the revenue marine cutter, which will be on patrol around these Pribilof Islands during the next 15 years. Beyond that survey by man, the less it is viewed and experimented upon by idle agents and raw "naturalists" the better for it.

VII. The committee proposes, therefore, to let those natural laws, which alone govern the best existence of this wild fur-seal life, have free and unchecked action during the next five years. The past bitter experience of meddling agents and "expert" naturalists has been of nothing but positive harm to that life.

VIII. The treaty act of 1912 also orders and specifies that during any period of complete suspension of commercial taking of seals on the Pribilof Islands, that the annual sum of $10,000 shall be paid to the Government of Japan, and a like sum, annually, to the Government of Great Britain. Therefore, to meet that obligation, the committee estimates for it, as below itemized, in the lump sum of $75,000, appropriated, to wit:

For salaries of two caretakers, at $2,500	$5,000
For native subsistence, fuel, clothing	35,000
For treaty award to Japan	10,000
For treaty award to Great Britain	10,000
For freight charges and incidentals to sale of food skins	15,000
Total sum	75,000

NOTE.—The food skins of the seals, which are to be preserved and sold annually (some 2,000 of them), will bring in the gross sum of at least $50,000 in seasons of dull trade, and as much as $75,000 annually in seasons of brisk trade.

HENRY W. ELLIOTT.

WASHINGTON, D. C., *February 28, 1913.*

Mr. JONES. I never supposed when I offered my amendment that because it referred to the fur seal I would bring up all this fur-seal controversy. I notice that what our friend Mr. Elliott says there does not relate to this matter at all, but to the general administration of things up there.

Mr. WILLIAMS. If the Senator will pardon me——

Mr. JONES. Oh, I know he refers to the matter of transportation.

Mr. WILLIAMS. That part of it which I read does relate to it. The balance does not.

Mr. JONES. I understand that.

I want to say that I did not intend to refer in any slighting way to Mr. Elliott. I have met him quite a number of times, and have gotten well acquainted with him and think a great deal of him. I am aware that he knows more about the fur-seal industry itself—not the transportation feature, but the fur-seal part of it—than any man with whom I ever came in contact. I am always glad to meet him and glad to get information from him with reference to these matters.

I have here a letter from the Commissioner of Fisheries that I shall ask to have printed in the RECORD without reading, in connection with this matter, showing the necessity of this amendment. As I said, as a matter of fact we are paying out $20,000 a year for ships to make two trips up there. If we ought not to do that, why, of course, we ought not to do it; but we are doing it, and I am of the opinion that we will probably keep on doing it.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, February 19, 1913.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SENATOR: In the estimates of the Bureau of Fisheries for the fiscal year 1914 there was included an item of $225,000 for an ocean-going vessel for work on the Pacific coast. This item was not included in the sundry civil bill as reported to the House by the Committee on Appropriations.

This was recommended for the following reasons:

(1) Now that the bureau is charged with the supervision of the fur-seal herds and the care of the natives on the Pribilof Islands, it is necessary to send a vessel at least twice in each season to the islands to carry supplies for the inhabitants and bring down the fur-seal skins.

(2) Experience has proved that it is impossible to charter a suitable vessel for less than $20,000 per season, and that it is impracticable to obtain one from other branches of the Government. Last year the cost of the charter was $20,025. Therefore it seems eminently advisable to construct a vessel which will not only be available for the above purposes but can be utilized in conducting deep-sea investigations and studies of the fisheries of the Pacific coast, including Alaska. Considering the immense coast line of the United States on the Pacific, and the fishery interests thereof, the necessity for a suitable steam vessel would seem to be obvious.

(3) The *Albatross* is not adapted for this work, having been built for oceanographic investigations and lacking storage capacity. If the new vessel is authorized it is my purpose, after she is built and equipped, to transfer the *Albatross* to the Atlantic coast where the latter can be utilized to great advantage and fill a long-felt want.

I beg to call this to your attention, and express the hope that you will do what you can consistently to secure the appropriation.

Yours, very truly,

GEO. M. BOWERS, *Commissioner.*

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington [Mr. JONES].

The amendment was rejected.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 37, after line 19, it is proposed to insert:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as provides as follows, to wit: "No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress," be, and the same is hereby, repealed.

Also, in lines 24 and 25, on page 37, it is proposed to strike out the words:

Not exceeding seven cadets and cadet engineers, who are hereby authorized.

Mr. WARREN. Mr. President, last year we provided, apparently without any protest, that there should be no more cadets. In this bill as it comes from the House they have provided that there shall be not exceeding seven. Of course it is clearly legislation, or rather it is a repeal of legislation. I should think, even aside from that, that it would be safer to accept the seven we have and start from there, rather than to undertake to repeal the entire law.

Mr. BRANDEGEE. Mr. President, of course I admit that the amendment is subject to the point of order if the Senator desires to make it. I have considerable literature here that I want to inform the Senate about in relation to the matter. I do not want to inflict it on the Senate, however, if the Senator will allow the amendment to go on the bill and simply consider it in conference. It involves no appropriation. It requires no estimate. It involves the continuance of a school for Revenue-Cutter cadets which is established in my home city. The legislation was put into the bill at the last session, and I have been trying ever since to find out what induced it to be put in. I have not been able to get any information on the subject.

I introduced a bill and referred it to the Senate Committee on Appropriations. I tried to proceed in the regular way, in a legislative way, but it was not reported. I make no complaint about that, however.

Mr. WARREN. Does the Senator say he sent his bill to the Committee on Appropriations?

Mr. BRANDEGEE. Why, certainly; I sent it to the Committee on Appropriations at the Senator's own suggestion, and also to the Committee on Commerce. I have not been able to get any information about why this legislation was ever enacted. The effect of it is to close down this school, which has just been established in my town within the last two or three years, having been moved up from Arundel, Md.

I have all the facts here. I do not want to delay the Senate by having read a lot of letters and resolutions and reports of the Secretary of the Treasury recommending the repeal of this provision. I have them all here. All I ask the Senator to do is to let it go on the bill, and find out from the House why they insist upon this. If it is not thought to be a good thing to do to repeal it, I shall not protest against the conference report. I simply ask the Senator to consider it.

Mr. WARREN. Mr. President, it becomes the duty of Senators, in conducting these bills, to resist legislation as far as possible. We know that last year we were subjected to a great deal of legislation in appropriation bills, of which the measure the Senator speaks of was part. If no one else makes the point of order, I am tempted to let it go on the bill and be considered in conference, and then it can be taken out unless there is an acquiescence on the other side with the wishes and request of the Senator who is presenting the case. I understand the Senator to say he has a large amount of material there.

Mr. BRANDEGEE. I have, and I have the recommendation in the annual report of the Secretary of the Treasury that this legislation never ought to have been enacted, and he advises its repeal. I have introduced a bill to repeal it. In the press of business the Senator's committee has not had time to consider it. Then I went before the committee and left the papers with the Senator's clerk, at his suggestion, with the request that the matter be considered as an amendment to the bill. In the great mass of subjects before him I do not know whether he has had a chance to consider it or not. I take this method of trying to get the House conferees to consider it, at least. That is all I ask. It does not involve a dollar of expense.

Mr. WARREN. If no one else objects, I shall not object. Let it go into conference.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BRANDEGEE subsequently said: I want to have inserted in the RECORD, in connection with an amendment which I heretofore submitted, certain papers, which I send to the desk.

The PRESIDENT pro tempore. Without objection, that order will be made.

The papers referred to are as follows:

APPOINTMENT OF CADETS IN REVENUE-CUTTER SERVICE.

Letter from the Secretary of the Treasury, recommending the repeal of that clause in the sundry civil appropriation act for 1913 which provides that "no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress."

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 21, 1912.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to recommend for the consideration of the Congress the repeal of that clause in the sundry civil appropriation act for 1913 which provides that "no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress."

From July 1, 1911, up to the present time the following vacancies in the active list of the Revenue-Cutter Service have occurred: Six resignations, 3 deaths, and 6 retirements. During the remainder of the current fiscal year there will be 1 retirement for age. This makes a total of 16 vacancies in the commissioned personnel to be filled during the current fiscal year, over half of which have been caused by death or resignation.

There are at present 18 cadets undergoing instruction at the School of Instruction at New London, Conn. Of these, 13 will fill vacancies which existed prior to July 1, 1911, so that there are at present but 5 cadets available to fill the vacancies which have occurred since July 1, 1911. There remain, therefore, 11 vacancies that can not be filled because of the foregoing provision of law.

The total number of officers authorized by law is 242, and in such a small number the existence of 11 vacancies which can not be filled under the law, with every prospect of additional vacancies from death and resignation, is a serious condition, and if the inhibition of further appointments of cadets continues the efficiency of the service must of necessity suffer because of an insufficient number of officers to perform the duties required.

Even after Congress has authorized the filling of these vacancies by appointment of cadets time must elapse before these cadets can complete the course of instruction necessary to prepare them for the responsible duties of commissioned officers, and meanwhile additional vacancies will occur. It is therefore important that the task of preparing young men to be officers should not be interrupted, because the future efficiency of any service depends most upon the quality and training of the young men selected to fill the vacancies in the lowest grades, and the duty of recruiting the commissioned personnel of a service is a most serious one, second only in importance to the duty of performing the work for which the service itself is maintained.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

TREASURY DEPARTMENT,
UNITED STATES REVENUE-CUTTER SERVICE,
New London, Conn., February 19, 1913.

HON. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

SIR: Referring to your favorable consideration of the proposition to repeal a provision in the last sundry civil bill which prevented the Treasury Department from making "additional appointments as cadets or cadet engineers in the Revenue-Cutter Service unless authorized by Congress," I have the honor to call your attention to the action of the Appropriations Committee of the House of Representatives in providing for the appointment of "seven cadets and cadet engineers" during the next fiscal year. While this shows a favorable spirit in the House committee, it does not, as you will understand, quite cover the needs in the case, since there are now 10 vacancies, and there will be more within the next year. You have kindly introduced a bill for the repeal of last year's provision, and I hope that you may feel that you can, through the chairman of the Appropriations Committee in the Senate, have your bill for the repeal of the provision for the nonappointment of cadets inserted in the sundry civil bill. I think you are aware that this would be agreeable to the citizens of New London, and it would be greatly appreciated by the Revenue-Cutter Service.

This matter has been brought to the attention of Senator OWEN, of Oklahoma, who has stated that he will call it to the attention of the Appropriations Committee when the sundry civil bill is taken up for consideration, and if you could confer with him it might be brought to the favorable consideration of the Appropriations Committee in the Senate and inserted in the sundry civil bill.

Thanking you for your interest in the matter, I am,

Respectfully,

W. V. E. JACOBS,
Captain, United States Revenue-Cutter Service, Superintendent.

Resolutions of the Board of Trade of New London, Conn.

Whereas there was enacted by Congress in the last sundry civil bill the following provision: "No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress"; and

Whereas should this provision continue in force it would result in closing the school of instruction at New London; and

Whereas the Secretary of the Treasury in his recent annual report has recommended that the above-quoted provision be repealed during the present session of Congress, in order that the Revenue-Cutter Service may obtain its officers as heretofore: Be it

Resolved, That this body bring to the attention of the Senators and Members of Congress from Connecticut the desirability of the repeal of the provision prohibiting appointments as cadets and cadet engineers in order that the school of instruction may be continued at New London, Conn., for the purpose of educating these cadets for commissions as officers in the Revenue-Cutter Service; and be it

Resolved, That the Senators and Members of Congress from Connecticut be requested, and are hereby requested, to use their active interest in inserting in the sundry civil bill, which is being considered at the present session of Congress, the following provision: "That portion of the sundry civil appropriation act approved August 24, 1912, which provides that 'no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress,' is hereby repealed"; and be it

Resolved, That a copy of these resolutions be sent to each Senator and Member of Congress from Connecticut, urging them to use their efforts in effecting this desired legislation for the continuance of the school of instruction at New London.

Memoranda relative to the United States Revenue-Cutter Service and its school of instruction.

The cadet school of instruction was established about 35 years ago (1877) at New Bedford, Mass. The academic course was given to the cadets during the winter and the practical course was given during the summer months, when the practice cruise was taken, and this system is now followed. The institution remained at New Bedford, graduating class after class of cadets, until 1891. In this year the policy was adopted at Washington of appointing graduates from the United States Naval Academy. This policy continued for four or five years, 13 graduates from the Naval Academy having been appointed during that period, but it was discontinued because of lack of available graduates.

In 1894, however, the school of instruction was again established at New Bedford, Mass., where it continued for two years. The practice ship *Chase* was then sent on a cruise, which continued throughout the whole year, the academic and practical courses being given at the same time. This plan continued for about four years, when the school of instruction was located at Arundel Cove, South Baltimore, Md. From 1899 until 1910 this institution graduated its cadets from its school of instruction at Arundel Cove, Md.

In the autumn of 1910 the school was removed from Arundel Cove, Md., to Fort Trumbull, New London, Conn., where it has since been established, and from which during the last two years 32 cadets have been graduated and commissioned as officers in the Revenue-Cutter Service.

Appointments as cadets and cadet engineers in the Revenue-Cutter Service are made by a strictly competitive system through written examinations. These examinations are held under subboards of officers on the Atlantic, Gulf, and Pacific coasts and on the Great Lakes. The appointments are made from the results of these examinations, the vacancies being given to those who obtain the highest averages in the examinations and irrespective of any outside influences. It will thus be seen that appointments are open to the youth of the whole land, and that the School of Instruction is thus a truly democratic institution.

The course of instruction covers three years and includes the following departments:

1. Discipline.
2. Seamanship.
3. Navigation.
4. Ordnance and gunnery.
5. Mathematics.
6. Engineering.
7. Law.
8. English and history.
9. Modern languages.
10. Hygiene.

The subjects under these departments include general conduct of cadets and general conduct of an officer, seamanship, theoretical and practical; signals, international, wigwag, and wireless telegraphy; navigation and compass compensation; astronomy, algebra, descriptive geometry, analytic geometry, trigonometry, and calculus; English composition, general history, rhetoric, and official letters and reports; civil government, navigation law, international law, military law, and service regulations; lectures on hygiene, first aid to the injured, and resuscitation drill; French grammar and conversation, French literature; gunnery, drill regulations, and ballistics; steam engineering, mechanical drawing, and naval architecture and surveying.

The work of the Revenue-Cutter Service is well known to include the following: The protection of the revenue; the suppression of piracy; the search for wrecked and missing vessels; the enforcement of the neutrality laws, by preventing expeditions against neighboring and friendly Governments; the suppression of mutiny; the protection of the Government timber reserves; the inspection of life-saving stations and the drilling of life-saving crews; the enforcement of laws and protection of property in Alaska; the destruction of derelicts menacing navigation; the rendering of assistance to vessels in distress and aiding the shipwrecked; the enforcement of navigation laws and of the quarantine regulations; the care for the safety of the public at yacht races and regattas; the supervision of anchorages in certain harbors; the protection of certain fisheries; and the defense of the country in time of war.

A reference to only two recent incidents in the work of the Revenue-Cutter Service will attest its value to the country, in citing the splendid work of the revenue cutter *Gresham* at the loss of the steamship *Republic*, and a very recent rescue of 58 passengers by the revenue cutter *Seneca* from the steamship *Turrialba*, which was stranded off the New Jersey coast on December 24, 1912.

These two reasons are but a small part of the results of the activities of the Revenue-Cutter Service, the totals of which are such as to call for the continued education of the cadets at the School of Instruction for carrying on in the future the protection of the maritime interests of the country.

The following extracts from the annual report of the Secretary of the Treasury for 1912–13 are herewith quoted: "I wish to call attention to the provision in the sundry civil bill of 1913, as follows: 'No additional appointments as cadets or cadet-engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.'"

At the present time there are 10 vacancies in the commissioned personnel, the total numbers of officers authorized by law is 242, and in such a small number the existence of 10 vacancies, which can not be filled under the law, with every prospect of additional vacancies from death and resignation, is a serious condition; and if the inhibition of further appointments of cadets continues the efficiency of the service must of necessity suffer, because of the insufficient number of officers to perform the duties required. It is recommended that the above provision in the sundry civil bill be repealed.

In another part of the Secretary's report there occurs the following section:

APPOINTMENT OF CADETS.

"The sundry civil bill for 1913 contains the following provision: 'No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.'

"From July 1, 1911, up to the present time the following vacancies in the active list have occurred: Five resignations, 3 deaths, and 6 retirements. During the remainder of the present fiscal year there will be one retirement for age. This makes a total of 15 vacancies in the commissioned personnel to be filled during the current fiscal year, over half of which have been caused by death or resignation. There are at present 18 cadets undergoing instruction at the School of Instruction at New London, Conn. Of these 13 will fill vacancies which existed prior to July 1, 1911, so that there are at present but 5 cadets available to fill the vacancies which have occurred since July 1, 1911. There remain 10 vacancies that can not be filled because of the foregoing provision of law. If the inhibition of the further appointment of cadets continues, the efficiency of the service must suffer because of an insufficient number of officers to perform the duties required. The total number of officers authorized by law is 242, and in such a small number the existence of 10 vacancies which can not be filled under the law, with every prospect of additional vacancies from death and resignation, is a serious condition, and it is earnestly recommended that the matter be presented to Congress for relief."

It is hoped that the above-quoted provision in the sundry civil bill may be repealed during the present session of Congress, and this may be done by the insertion in the sundry civil appropriation act for the coming fiscal year of the following provision: "That portion of the sundry civil appropriation act, approved August 24, 1912, which provides that 'no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress' is hereby repealed." This desired action on the part of Congress can best be brought about, it is thought, by having the above provision inserted by the Committee on Appropriations in the sundry civil bill now under consideration. It is greatly desired that this provision be placed in that part of the sundry civil bill dealing with the appropriation for the Revenue-Cutter Service in committee by the Appropriations Committee.

The effect of the nonenactment of the above provision at this session of Congress will result in closing the Revenue-Cutter Service School of Instruction at Fort Trumbull, New London, Conn., and as under the existing law there is no other provision for recruiting the commissioned personnel of the service, the great work which the Revenue-Cutter Service is doing for the country's maritime interests will be seriously affected.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 120, at the end of line 13, it is proposed to insert:

Provided, That a right of way 100 feet wide for road, telegraph and telephone lines, and for no other purposes, is hereby granted through the Blackfeet Indian Reservation from a point on the line of said reservation north of St. Mary, thence in a northerly and northwesterly course west of lower St. Mary Lake to a point near the east end of Sherburne Lake, by the most feasible route, and that no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said road, telegraph and telephone lines, and when any portion thereof shall cease to be so used, such portion shall revert to said Indian reservation.

Mr. WARREN. I shall have to make the point of order against that amendment, but shall withhold it for the moment.

Mr. McCUMBER. If the Senator will withhold it until he sees what it is for I think he will hardly make the point of order.

We have just provided $188,000 to be used in Glacier National Park. The park is now being gotten in position for the great trade that will manifestly be there during the season of 1915. It is quite essential if we are to use that park, as hundreds of thousands of people undoubtedly will during that summer, that we shall have the appropriation and provision made for the roads that are now laid out and are contemplated to be built.

I call the Senator's attention to this fact—I want him to look at the map, which comes from the department itself—as to the necessity of allowing the road to go through the Indian reservation: For instance, we have the Great Northern Road down here now to Midvale and they have a road already established up to St. Marys. That will be the regular route for tourists. On account of the topography it is necessary to go for about 5 or 6 miles, I think, through the edge of the Indian reservation to go around to the end of this other lake that is mentioned. This is simply to carry out the provisions of the appropriation of $188,000, so that there will be authority for crossing the Indian reservation near the edge there as between those two points.

Mr. WARREN. Let me ask the Senator, Is all that is proposed a right of way in an Indian reservation?

Mr. McCUMBER. Yes; just this part.

Mr. WARREN. Does it start in the park and finally end in the park?

Mr. McCUMBER. Yes.

Mr. WARREN. And on its way passes through the reservation?

Mr. McCUMBER. On its way it must pass through about 5 or 6 miles of the reservation.

Mr. WARREN. Has the matter been considered by the Committee on Indian Affairs?

Mr. McCUMBER. No; but there can be no possible objection to it.

Mr. WARREN. Since stating what I did I find it is regularly estimated here by the department as the Senator has stated it. Of course, I assumed that it was for the purpose of legislating to grant a right of way. I understand that this money has already been paid in here that is to be expended.

Mr. McCUMBER. It does not even direct how it is to be extended, except in order to extend it and extend it properly it must go through a portion of the Indian reservation.

Mr. WARREN. I have no objection to the amendment.

The amendment was agreed to.

Mr. OWEN. On page 122 there was an item that was inserted by the House in regard to the Platte National Park. There was an estimate for the maintenance of the Platte National Park of $8,924. I think it ought to be provided for, and I offer the following amendment. It is estimated for by the department.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 122, after line 5, insert "Platte National Park, for maintenance, bridging roads and trails, $8,924."

Mr. WARREN. I wish merely to state that the Platte National Park has been heretofore provided for. The estimate itself is eight thousand dollars and something. I shall find it in a moment. I presume the Senator has it also.

Mr. OWEN. I will send to the desk the estimate.

Mr. WARREN. It is unnecessary. It seems that the House, in its bill as it was passed, provided, first, the section which we have cut out. In that section it is proposed to cede the park to the State of Oklahoma. Then a paragraph was added providing that if the State did not accept it it was to be sold after a certain length of time to the highest bidder. They then added still another paragraph repealing a clause appropriating $17,500 that had been appropriated in an Indian appropriation bill for sewers, and so forth.

The Committee on Appropriations of the Senate only sought to add what was there printed, and as the striking out on a point of order on the floor of the last two of the three paragraphs left this standing alone we cut it out in order that we might not force it on the State of Oklahoma. Of course I shall accept the Senator's amendment, since it is estimated for and seems necessary under the circumstances.

The amendment was agreed to.

Mr. JONES. On page 112, after line 23, I move to insert as a new paragraph what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert as a new paragraph, after line 23, on page 112, the following:

The fund derived from the act approved July 2, 1864, and the appropriation "Survey within land grants (reimbursable), act of March 2, 1895," is hereby made available for office work upon surveys under these acts in the offices of the surveyors general and in the General Land Office.

Mr. JONES. I have not had an opportunity to call this item to the attention of the chairman, because it just came to my attention. I am satisfied when the Senator understands the situation he will not make any objection to it.

Mr. WARREN. I do object, and I object that at this time in the consideration of the bill I am asked to accept an amendment which clearly changes the law. Is there any estimate for it? There is nothing here before us.

Mr. JONES. I do not know that there is an estimate, but I have a letter here from the Assistant Secretary of the Interior.

Mr. WARREN. We have a great many letters from assistant secretaries, and a great many from secretaries. If we allowed everything that they ask for this bill would carry $200,000,000.

Mr. JONES. This amendment does not appropriate any money. If the Senator will let me explain the situation, I do not believe that he will object to it.

The railroads in the land-grant State put up about half of the money for the surveys of their lands. The lands are not subject to taxation until patents issue to the railroad, and patents do not issue until after the surveys are made and the surveys are approved. At a meeting of our county assessors in Olympia a short time ago they passed a resolution urging the acceptance of the survey, and calling attention to the fact that the surveyor general's office was filled with surveys that were unapproved, thereby preventing the issuance of patents to these railroad lands, and thereby preventing them from being subject to taxation for State purposes. They sent the resolution to the Secretary of the Interior to find out what the trouble was, and this is what the Secretary writes:

The resolution states that many townships in the State of Washington, on which the survey work has been completed, have not been approved for patents by the General Land Office, and this department is petitioned to hasten the approval of the surveys in order to aid settlement and place the land on the tax rolls. You forward the copy and ask for information in regard to the matter.

In reply I have to state that the Commissioner of the General Land Office informs me that the records of his office show the work of examining the returns of surveys sent to that office by the surveyor general for Washington to be practically up to date, and there is no case of surveys which has not been examined and acted upon or is not under consideration. Reports from the surveyor general's office at Olympia indicate that the greater number of surveys which are pending, owing to the office work not being completed, belong to the class of surveys known as railroad surveys; that is, surveys of lands within railroad limits. The force of transcribers and draftsmen in the office of the surveyor general seems to be inadequate to cope with the returns of surveys as fast as they are filed by the surveyors, and the delay which is complained of is caused by this fact.

For a clearer understanding of the matter it may be well to state that the majority of these surveys filed but not yet prepared by the surveyor general are of lands within railroad limits, and a recent decision (Nov. 16, 1912) by the Comptroller of the Treasury prohibits the use for office work of any portion of the fund from which the field work of these surveys are paid, and as the railroad companies are required to deposit a sum sufficient to pay for the expense of one-half of the surveys, there is no fund from which to pay the employment of additional draftsmen and transcribers in the surveyor general's office or in this office.

There is the situation. The local offices where the surveys are filed are swamped with the surveys, and they have not the help to examine the surveys. The fund from which the field survey is made is not available for the payment of this help. All that the amendment that I propose does is to make it available, so that the congestion in the local offices can be met and these surveys approved and patents issued, and the railroad land become subject to local taxation.

It does seem to me that the chairman would not object to remedying a situation like that. I would take care of it by separate legislation if it were possible at this time to do it, but we have not the time.

I wish the Senator would allow the amendment to go into the bill at any rate, so that he can look into the matter a little more fully. This letter is signed by Louis C. Laylin, the assistant secretary. If after investigation the chairman finds it is not needed, I am perfectly willing to allow it to go; but the people of my State and, I think, of other land-grant States would like to have this situation remedied. I am satisfied that

my State is not the only one where surveys are held up because they have not the force in the local office to take care of them. I hope the Senator will allow the amendment to go in the bill.

Mr. WARREN. I received much information from the Senator, and I shall now give him some. We had the matter of surveys before the committee and gave it the most thorough examination. We invited the Secretary of the Interior and his assistants and the Commissioner of the General Land Office to appear before us. They appeared, through their representatives, before the committee. The committees of the House and Senate recommended, I think, about everything, if not everything, that they asked for.

The condition the Senator speaks of is about this: The offices of the surveyors general should be right up to date in their office work and with their field work, up to the time the comptroller's late decision was made, because up to that time the money that came in on deposits from the railroads and other sources was usable at any time in each of the offices for office work, and was so used in most or all of such offices. It is only within a few days that this decision has been promulgated. If it is to go on an appropriation bill, let it be taken up on one of the bills that follow, after we have had some time to look into it. I can not consent to its going on this bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. TOWNSEND. I offer the amendment which I send to the Clerk's desk.

The PRESIDENT pro tempore. The Senator from Michigan offers the following amendment, which will be read.

The SECRETARY. On page 36, line 23, after the words "not to exceed $900 each," insert:

Compensation of storekeeper in charge of storehouse of the service at New York City, and the boat-storage house at Monmouth Beach Station, N. J., at such rate as the Secretary of the Treasury may determine, not to exceed $3,000 per annum.

Mr. TOWNSEND. Mr. President, I offer that amendment because of a request from the Superintendent of the Life-Saving Service, Mr. Kimball. The Clerk has a letter from the superintendent, dated the 25th of this month, directed to the Committee on Appropriations, in which he sets forth the reason for this amendment. Briefly I will state what he has said to me:

The storehouse of the service in New York City has until recently been under the charge of the Inspector of Life-Saving Stations, a senior captain of the Revenue-Cutter Service detailed for duty as inspector under provision of law. In effecting certain administrative changes in the Treasury Department, it was found desirable to transfer this officer's headquarters to the department at Washington where he could be in closer touch with this office and with the assistant inspectors located in the several districts, thus facilitating and enhancing the value of his work as inspector. This change necessitated the employment of a storekeeper, and the chief clerk of the storehouse office force, whose thorough familiarity with the duties gained through his 25 years' service, and whose sound judgment and proven ability peculiarly fitted him for this position, was designated as storekeeper. To his existing duties as chief clerk were added the duties and responsibilities involved in the purchase, inspection, custody, and shipment of the greater portion of the supplies of all kinds purchased by the service—all the supplies for the 200 stations located on the Atlantic and Gulf coasts and those stations on the Lake coasts supplied from the New York storehouse, as well as the purchase and inspection of much of those which are purchased under annual contracts from New York and other eastern points for distribution through the two other storehouses of the service. He is required to give bond for the faithful performance of these duties. Inasmuch as the position of chief clerk, with a salary of $2,000—

That is, the present salary—

is merged with that of storekeeper, for which a salary of $3,000 is now sought, the actual cost of the storekeeper would be only $1,000 per annum, as against that portion of the salary and allowances of a senior captain in the Revenue-Cutter Service (approximately $5,500), properly chargeable to this duty when performed by the inspector of life-saving stations, an amount which can not be definitely ascertained, but which far exceeded $1,000. Furthermore, the increase in salary for this faithful and efficient employee of the Government would be fully justified aside from his increased duties and responsibilities.

That is the statement of the Superintendent of the Life-Saving Service in reference to the necessity of an increase of this allowance of $1,000 to the chief clerk, who has assumed the duties of purchasing agent for all the life-saving stations on the Atlantic and the Gulf coasts, as well as a large portion of the supplies purchased for the other stations in the United States.

Mr. WARREN. There is no estimate for it. It is a part of a legislative scheme that I have in my hand, which should certainly have the indorsement of the Committee on Commerce or of those who have charge of such matters. I shall have to make the point of order against the amendment.

The PRESIDENT pro tempore. On the ground that the amendment was not estimated for, the point of order is sustained.

Mr. TOWNSEND. I have another amendment in connection with the same matter, which I presume is subject to the same point.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 37, line 18, after the words "until expended," insert:

Provided, That so much of section 4249 of the Revised Statutes as provides that all life-saving stations shall be erected under the supervision of two captains of the Revenue Service, to be designated by the Secretary of the Treasury and to be under his direction, is hereby repealed, and the plans, estimates, specifications, etc., for all life-saving stations, and buildings and structures connected therewith now or hereafter authorized to be erected shall be prepared in the office of the Supervising Architect, who shall supervise the construction of such buildings and structures. The Supervising Architect shall also supervise the rebuilding and repair of life-saving stations and structures connected therewith, except such work as may be done by keepers and crews of stations.

Mr. WARREN. That is part of the same matter on which I raised the point of order. It is legislation clearly, and it is not estimated for.

The PRESIDENT pro tempore. The point of order is sustained on the ground that it is general legislation on an appropriation bill.

Mr. FLETCHER. On page 54, after line 2, I move to insert the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 54, after line 2, insert:

For technical and clerical services and the purchase of equipment and supplies for collecting, maintaining, and making available to Federal, State, municipal, and hospital authorities, and institutions of learning, under such rules and regulations as shall be promulgated by the Secretary of the Treasury, plans and descriptive matter of hospitals, asylums, dispensaries, sanatoria, homes for convalescents, nursing associations, and other agencies for the care of the sick, $6,000.

Mr. WARREN. That seems to be a matter of legislation for which we have no estimate, and as it is a matter of legislation, I shall have to make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. FLETCHER. Mr. President, I desire to be heard just one minute on the point of order. The chairman very naturally comes to that conclusion on first blush, but I think he will change his mind if he will hear my statement. I introduced a bill——

Mr. WARREN. Mr. President, I do not wish to cut the Senator off if he desires to make his argument on the point of order.

Mr. FLETCHER. That is what I am doing. I introduced a bill to this same effect, and the bill was referred to the Committee on Public Health and National Quarantine. The committee considered the bill, and upon investigation reached the conclusion that the Public Health Service had full authority in the matter, but that all it needed was provision for taking care of the work by the appropriation of a small amount of money. If the chairman will just give me his attention——

The PRESIDENT pro tempore. The Senator from Florida is addressing himself to the chairman of the committee.

Mr. WARREN. And the chairman of the committee is listening to the Senator from Florida.

Mr. FLETCHER. I want the chairman of the committee to understand the process which this matter has gone through. The bill was introduced authorizing the Public Health Service to collect this data and assemble it, to be available to State, Federal, municipal, and other authorities in connection with the hospital service throughout the country. The committee to which it was referred, upon investigating the law giving power and authority to the Public Health Service, found that they already had the power and had the authority to do this. The committee said, "All you need and what you need is some kind of provision whereby the Public Health Service can detail clerks to gather this data and this information." Therefore all that was required was a simple provision appropriating the amount, and the service estimates the amount at $6,000.

When we consider that there is $1,500,000,000 invested in hospitals in this country, we can recognize that it is somewhat worth while that they should be properly constructed, and that the public are entitled to the latest scientific improvements in hospital arrangement, equipment, and construction.

This simply authorizes the Public Health Service to require one or two clerks to gather this data and assemble it here, where it will be available to every city, every community, and every institution, and to the Federal authorities, because it will have to do not only with hospitals, but insane asylums, and the Government is very largely interested in those institu-

tions. It provides for the expenditure of only $6,000 per annum to accomplish this great result, and it is not legislation, because the needed power in that service is already given under the law. All they need is provision whereby they can pay the clerk to do the work.

Mr. WARREN. I make the point of order against the amendment.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. FLETCHER. I will not delay the Senate. I only ask the privilege to have printed in the RECORD, without reading, remarks by Dr. S. S. Goldwater, superintendent of the Mount Sinai Hospital, New York City.

The PRESIDENT pro tempore. That order will be made, without objection.

The matter referred to is as follows:

Outline of the remarks of Dr. S. S. Goldwater, superintendent of the Mount Sinai Hospital, of New York City, before the Committee on Public Health and National Quarantine, January 18, 1913, in support of Senate bill No. 4972, a bill to authorize and empower the Public Health Service to collect, maintain, and make available plans and descriptive matter relative to hospitals, asylums, dispensaries, and like institutions, and make provision therefor:

"The wide distribution of authority and responsibility for the care of the sick conceals the magnitude and importance of this social function. Calculated on the basis of the actual provision of beds for the sick in certain municipalities, the United States for its present population needs 500,000 hospital beds, representing about $1,500,000,000 of invested capital, which capital must be renewed at least every 30 years. The average annual capital outlay will therefore be $50,000,000, and the maintenance charges, calculated at $600 per bed, $300,000,000 per annum.

"The figures given do not include the vast field of the care of the insane, for whom 300,000 beds would not to-day be an excessive national provision (there are 33,861 insane patients in New York State hospitals alone); nor do they embrace sanatoria for the treatment of tuberculosis.

"The agencies engaged in this vast work include the United States Government; State, municipal, and county governments; and philanthropic corporations, which for the most part are under the supervision of governmental authority, and which in nearly 40 States are partially supported by public grants. The analysis of the results obtained under various systems and methods of administration is one of the many fields of usefulness open to the proposed bureau.

"It is inconceivable that in this country all hospital work can be placed under central direction, but progress in scientific management would be more rapid and uniform if a hospital-helping bureau were established.

"The National Government has a large direct interest in the subject and needs such a bureau for its own immediate purposes; individual agents of the various hospital branches of the Government are making the same inquiries and doing the same work over and over again. But the bureau would serve a wider need.

"Hundreds of communities are without any knowledge or experience in hospital construction or administration; their efforts to establish hospitals are laborious, clumsy, ineffectual, and costly.

"Many States are without adequate laws on the subject of hospitals. Such laws are generally being adopted, but legislative and administrative officers can only by the most laborious means acquire the knowledge needed for their guidance in drafting the laws.

"The cost of maintaining the proposed bureau would be so small (the necessary office force would be a director, with not more than two or three assistants) that the investment for the Nation would be unusually profitable from every conceivable standpoint.

"In the nature of things there can be no popular clamor for the creation of a Government utility of this kind, but the duty of the Government is none the less plain. Wherever the attention of the press has been called to the matter its support of this proposal has been unqualified and instantaneous."

Mr. MARTINE of New Jersey. Mr. President, I received while here in the Chamber this evening a letter from a very prominent man, a man of large affairs and large property interests in this city, which I ask to have read in reference to a provision in the bill which I shall move to strike out.

The PRESIDENT pro tempore. The communication will be read in the absence of objection.

The Secretary read as follows:

WASHINGTON, D. C., *February 27, 1913.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SIR: I desire to invite your attention to H. R. 28775, the sundry civil bill, now before the Senate. I would like to urge that those provisions relating to a central heating and power plant, as found commencing on line 3, at page 54, be struck out. My reasons for making this request are:

1. No attention has been paid to the rights of the District of Columbia. The commissioners have not even been consulted, although the proposition included furnishing light and power for the Municipal Building.

2. The idea of using Great Falls for power purposes has just been made the subject of a report by Army Engineers. It is the consensus of opinion among business and commercial Washington that no action be taken on this central heating and power plant until after the Great Falls report has been printed, that the interested parties may have a chance to become familiar with the proposition.

3. There are many objections to the proposed site: (a) It is too small; (b) it will be bad policy to erect a municipal asphalt plant right alongside of the power plant, thus subjecting the plant to unusual danger from fire and explosion; (c) it would always be in danger should the Potomac rise and overflow its banks; (d) the use and occupation of this site is subject to restrictions.

4. This paragraph of the bill has been drawn defectively.

5. No estimate was furnished by the Secretary of the Treasury at the time the sundry civil lists were made up. The Secretary did recommend that this matter be made the subject of special legislation, and prepared the draft of a bill to be introduced in the House. Last year this matter was presented to the Appropriations Committee of the House in May and to the Senate on July 5. No action was taken by either House. It was not even then included in the list of Treasury estimates.

It seems to me that a proposition of this character should be carefully considered, as suggested by the Secretary of the Treasury, rather than tacked onto an appropriation bill.

Yours, very truly, B. H. WARNER, Jr.

Mr. MARTINE of New Jersey. Mr. President, this bill and the particular feature of it which is mentioned in Mr. Warner's letter carries the sum of $1,494,104. Personally I am in favor of a power plant, and it has seemed to me an infinite waste of power for years that the upper falls of the Potomac have not been harnessed long before this; but I am much impressed with the letter of Mr. Warner. He is a man of large property interests and affairs. It seems to me, inasmuch as the Senator from Wyoming [Mr. WARREN] has declared that this bill is being loaded clear to the gunwales, that here is an opportunity to relieve ourselves. I believe this legislation, as I read it, is hasty and at this time ill-advised. If there is, as there evidently is from the letter of Mr. Warner, a report from the board of engineers of this city on the subject to which he refers, I feel that the Senate should have it in order that they might act intelligently and in harmony with the thoughts that I have expressed and with the letter of Mr. Warner.

I move that all that portion of the bill from line 3, on page 54, and pages 55 and 56, over to and including line 3, on page 57, be stricken from the bill.

Mr. WARREN. Mr. President, I will say to the Senator from New Jersey that this is not a new matter; it is a subject that was considered at great length over a year ago and about which we have sought information through the Architect of the Capitol and through the Treasury Department. I have conversed, I might say, for almost hours with the Secretary of the Treasury concerning the great economy of a heating plant. As the Senator from New Jersey says, the adoption of his amendment would reduce the amount of the appropriation carried in the bill; it would reduce the bill by that much money, but it would continue an expense which, compared with what the expense of this proposition would be, is simply a trifle.

We had not long ago a heating plant constructed to heat this Capitol and had some of the buildings connected with it. That plant has been exceedingly satisfactory. It is for Government purposes. It has, so far as I know, the indorsement of everybody connected with it. Last year the members of the House committee informed me, when the matter was taken up and we were in council, that they would personally, as Members of the House, inspect this whole proposition. This plant is not only to provide for all of the down-town Government buildings, but it is to connect with the power plant that supplies the heat for this Capitol; so that, in case of the failure of either one, we would not be without heat.

Mr. MARTINE of New Jersey. Mr. President, I thoroughly appreciate the force of the Senator's thought. I know it is proposed by this means to make connection with the Capitol heating plant. I talked with Mr. Warner regarding this subject about six months ago, and I was very much impressed by what he said. As I have said, he is a man of large affairs and is identified with the District of Columbia. I still believe that a plant should at some time be constructed that would utilize the force of the waterfall on the Potomac, but I am so impressed with that which I have learned that I still believe that the pending proposition is an immature plan; and, with all deference to the Senator from Wyoming, that it is ill advised. I still adhere to my motion that that portion of the bill which I have moved to strike out be stricken out.

Mr. WARREN. The annual saving is one hundred and seventy-six thousand and some odd dollars, and I hope the clauses will not be stricken out.

Mr. MARTINE of New Jersey. There is a saving if you can accomplish it judiciously, but that is the question.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Jersey.

The amendment was rejected.

Mr. WORKS. I move to amend by inserting, after line 17, on page 97, the following:

For repairs to hospital and repairs to three barracks, $14,992.

Mr. WARREN. That is all right.

Mr. WORKS. Within the last two minutes the Senator from Washington has handed me the following telegram——

Mr. WARREN. The matter is estimated for, and there is no objection to the amendment on the part of the chairman of the committee.

The amendment was agreed to.

Mr. WORKS. Mr. President, I also move, on line 13, page 97, to strike out "$180,000" and to insert "$190,000," so as to read:

For subsistence, including the same objects specified under this head for the Central Branch, $190,000.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from California.

Mr. WARREN. One moment. I should like to see where the amendment comes in.

Mr. WORKS. I call the attention of the chairman of the committee to the fact that for the Kansas Central Branch $190,000 is appropriated for exactly the same purpose. There is a larger number of inmates in the Pacific Branch than in the others. There may be some reason for this smaller appropriation which does not occur to me.

Mr. WARREN. Mr. President, unless the Senator knows very positively the necessity for the increase and can explain the situation, I wish he would not press that amendment. We have to rely largely, of course, upon reports we get from the department, and also from those who have these matters in charge. The Senator's proposition will throw the appropriation out of balance, as we have figured it in connection with the others. I should like to know what it is for.

Mr. WORKS. It is for subsistence, including the same things specified under this head of the Central Branch. There is simply a difference of $10,000 between those two branches, and it does not seem to be justified by the facts.

Mr. WARREN. That does not necessarily carry any reason with it. Another thing: Subsistence is always a matter that is not cut short, because if you run short it comes up as a deficiency. There is no danger at all. The law provides what it shall be, if there is a shortage.

Mr. WORKS. There may be no reason in what I am saying, but I have already said that if there were any reason for this difference between the two branch homes that could be pointed out I should not complain.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from California.

The amendment was rejected.

Mr. OWEN. After line 7, on page 117, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Oklahoma offers an amendment, which will be stated.

The SECRETARY. On page 117, after line 7, it is proposed to insert:

For the purchase of the following-described real estate in the city of McAlester, county of Pittsburg, State of Oklahoma, to wit: The north 50 feet of lot No. 2 in block No. 487 in the original town site of South McAlester, the dimensions of said lot being 50 feet by 165 feet, with 50 feet front on South Third Street, in said city of McAlester, together with the two-story brick building and all other improvements thereon, for the use of the Bureau of Mines for a mine rescue station, and for such other purposes as the Bureau of Mines may from time to time desire to use the same, at and for the sum of $5,500.

Mr. OWEN. Mr. President, in 1910, when the Bureau of Mines was established, McAlester, which is the center of a large mining district, furnished the Government with these quarters. They cost about $10,000. There is a balance due of $5,500 on the property, and the men who furnished the Government this rescue station offered to turn it over and desire to turn it over. I have here a letter from Van H. Manning, acting Director of the Bureau of Mines, and a letter from the Secretary of the Interior, Hon. Walter L. Fisher, of February 25, 1913, which has just come in.

Mr. WARREN. Yes; but that is a matter that has had consideration. It is not estimated for. The Bureau of Mines has been most liberally provided for, and the Senator should let that proposition run over until we can have a regular estimate for it. I shall have to make the point of order against it.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. OWEN. I ask to print in the RECORD the letters to which I have referred upon the matter.

The PRESIDENT pro tempore Without objection, that order will be made.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, December 21, 1912.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SIR: In the absence of Dr. Holmes, I beg to acknowledge the receipt of your letter of December 16, accompanied by inclosures from Messrs. F. B. Drew and William Busby, of McAlester, relative to the matter of purchase by the Government of the McAlester mine rescue station.

When the Bureau of Mines was organized in 1910 and inquiries were made toward securing local rescue stations and cars in mining districts, in which to train and instruct men regarding mine safety, the coal-mine operators of McAlester were the first to come forward and undertake to assist the Bureau of Mines by providing it with a building for rescue training, pending such future provision as Congress might make. This is the only case where such generous assistance was furnished. Subsequently, on receipt of a donation of a building site in Birmingham, Ala., the bureau constructed a rescue station there, and in Seattle the bureau is occupying the Philippine exposition building.

Still later the bureau has purchased rescue cars, and was authorized by a provision of the sundry civil act for 1912 to accept or purchase sites for sidings on which to store such rescue cars. There is no legislation, however, authorizing the bureau to purchase from private parties a rescue station and grounds, as in the case of this proposition from Oklahoma.

The bureau is still using as a rescue station at McAlester the building which cost the operators about $10,000. I understand that there is a floating debt on this amounting to $5,500, and on several occasions since 1911 the trustees have offered to turn the building over to the Bureau of Mines if the bureau will settle this floating indebtedness. By so doing the Government would come into possession of a property worth $10,000 at an expenditure of $5,500.

Since the Bureau of Mines must have a rescue station for the conduct of its work in McAlester, I believe it would be in the interests of the Government if an appropriation and authority can be granted for the purchase of this building and land at the above price. Such authority would probably be best inserted in the sundry civil bill. The letters from Messrs. Drew and Busby are herewith returned.

Very respectfully,

VAN H. MANNING, *Acting Director.*

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1913.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: I beg to acknowledge the receipt of your letter of February 18, with inclosures from Mr. F. B. Drew, secretary of the Oklahoma Coal Operators' Association, and from the Acting Director of the Bureau of Mines, relative to the purchase by the Government of a mine-rescue station at McAlester, Okla.

The information contained in the letter of the Acting Director of the Bureau of Mines, December 21, 1912, regarding the floating debt of $5,500 on the mine-rescue station building and lot at McAlester, was based upon information received by the acting director at that time, while the copy of the bill drawn up by the department and transmitted to the Hon. C. D. CARTER, of the House of Representatives, on January 27 last, was based upon letters received from the former secretary of the Oklahoma Coal Operators' Association on January 31, 1911.

I understand that the amount expended for the lot and rescue-station building, with fixtures, has been not less than $10,000; that the lot—50 by 165 feet in size—is well located in the business part of the city; and that the building is a substantial brick building, which, with the lot, has a commercial value at this time equal to this amount. I understand also that this building has been occupied as a mine-rescue station by the Bureau of Mines for more than two years, and that the Government has no other building in the city of McAlester suitable for the use of the mine-rescue station.

In view of these facts and the need by the department for a suitable building for housing the mine-rescue work of the Bureau of Mines at McAlester, and in view of the recommendation contained in your letter of February 18, I am willing to approve the purchase by the department of this building for the use of the Bureau of Mines rescue work at McAlester at a price not exceeding the sum of $5,500, as may be decided upon after an investigation of all the conditions by the department.

The wording of the proposed amendment to the sundry civil bill authorizing the purchase of this building by the department should specify that the purchase be made by the Secretary of the Interior in an amount not exceeding $5,500.

Respectfully,

WALTER L. FISHER,
Secretary.

Mr. BORAH. Mr. President, on page 189, line 5, after the figures "$4,926,000," I move the amendment which I send to the desk.

The PRESIDENT pro tempore. That amendment will be stated.

The SECRETARY. On page 189, after line 5, it is proposed to insert:

Provided, That hereafter no part of this or any other appropriation shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government who shall make or cause to be made, with a stop watch or other time-measuring device, a time study of the movements between the starting and completion of any job of any such employee; nor shall this or any other appropriation be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services hereafter performed by any person violating this proviso shall be allowed.

Mr. WARREN. Mr. President, I do not wish to inveigh against the spirit or the requirement of that amendment, but it is clearly legislation of the most pronounced kind because it applies to this and all other appropriation bills. So I shall have to make the point of order that it is general legislation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. SMITH of Georgia. Mr. President, in that connection I desire to reserve action on the amendment that was offered by the Senator from Kentucky [Mr. BRADLEY] which provides for carrying into effect the provisions of the Senate bill passed April 2, 1912.

The PRESIDENT pro tempore. The reservation will be made.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The Senator from Georgia reserves the amendment which he has stated. Without objection, the other amendments made as in Committee of the Whole will be concurred in in the Senate. The question is upon the amendment reserved.

Mr. SMITH of Georgia. Now, Mr. President, I desire to make the point of order that the amendment is out of order. It is a provision for an appropriation of $250,000 not presented by any committee and not estimated for by the head of any department. The same point of order was made against this provision at the last session and sustained by the present Presiding Officer. I can explain the matter more in detail unless the Chair recognizes it.

Mr. BRADLEY. Mr. President, I should like to say a word on the point of order.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BRADLEY. Mr. President, there is no necessity for any estimate on this item. The appropriation asked in this amendment was embraced in a bill that has passed the Senate, and the amount was fixed by the Senate, and an estimate is impossible. On my motion it was attached as an amendment to the present bill. It is not like the case of a public building or anything of that sort. As I remember it, it provides that the Secretary of the Treasury shall have control of all payments, and all vouchers must be approved by him. By the way, I digress to remark that it is a little peculiar to me that the Knoxville provision, which was inserted in this bill and passed this afternoon and which was never heretofore passed by the Senate, should go through without any objection from the distinguished Senator from Georgia and that he should confine himself to this bill for the purpose of making an objection. As to the Knoxville Exposition, no bill has ever passed the Senate. I do not think the point of order is well taken.

Mr. SMITH of Georgia. Mr. President, I do not feel called upon to respond to the suggestion of the Senator as to my reason for making a point of order in one case and not in another. I might say that I am not at all familiar with the Knoxville appropriation. I have not read it, and I do not know what it is; but I am familiar with this matter, and I wish to make this statement with reference to it: There is some sort of a charter for a company in Georgia under which there has never been an organization. There is not any organization at all to which to make this appropriation, and I am unwilling to see an appropriation made to a company in my State that has never been organized, merely on a paper charter that is so loose that I would not be willing to have——

Mr. BRADLEY. Will the Senator permit an interruption?

Mr. SMITH of Georgia. Yes.

Mr. BRADLEY. The corporation in Georgia of which the Senator speaks has nothing whatever to do with this case. The provisions of the bill making the appropriation authorize the President, whenever satisfied that corporation is organized and has made provision for the holding of the exposition and has raised and secured money or property to the amount of $50,000 for the purposes of the exposition, to issue a proclamation of the time, place, and purpose of the exposition. Besides, as stated, no voucher can be paid until approved by the Secretary of the Treasury. As to the location of grounds and buildings, they must be approved by the Secretary of Commerce and Labor. I do not know anything about this corporation, and I do not care anything about it; but the bill does not take effect until the negroes of the United States raise $50,000 in aid of this $250,000 appropriated by the Government. The corporation has no control of this matter.

Mr. SMITH of Georgia. While the bill providing for this exposition has passed the Senate, it has never passed the House.

Mr. BRADLEY. That is true.

Mr. SMITH of Georgia. There is no law on the subject, and there is no such limitation. The mere passage by the Senate of a bill does not make it a law; it does not make it anything until the House passes it and it becomes a law. The Senate passed the bill, but the House never has passed it. It is not a law; it is not effective. The charter issued in Georgia has never been accepted, and there has been no organization under it. I am perfectly willing, although I ought not to discuss the merits of this case on a point of order——

Mr. BRADLEY. I hope the Senator will excuse me——

Mr. SMITH of Georgia. I am simply now making the point of order that the amendment is not in order, as there is no estimate for it and as it comes from the floor without being referred to the committee.

Mr. ROOT. Mr. President, I was under the impression that the original bill which passed the Senate had the approval of the Senator from Georgia. My memory may be at fault. If so, that would surely take the place of an estimate.

Mr. SMITH of Georgia. The Senator was mistaken. It did not. I did not vote for it. The senior Senator from Georgia had been examining it, but I had not up to that time. I was told that he had examined it, and as he had examined it I interposed no objection. Subsequently I examined the bill, and I think it is a very loose bill. There never has been any organization of the corporation.

Mr. ROOT. I suppose the Senator from Georgia does not doubt that if this appropriation takes effect there will be an organization?

Mr. SMITH of Georgia. I do, very seriously; and I would want to know what sort of organization it was before it got the money.

Mr. ROOT. Mr. President, this has not been estimated for, it is true; but it is reported by a standing committee of the Senate and approved by the Senate, and it seems to me it is not open to objection upon that score.

Mr. SMITH of Georgia. The rule requires, Mr. President, that the estimate shall be made by the committee that reports this appropriation bill. The mere fact that some other committee of the Senate may have reported a bill on the subject does not bring it within the rule that from the floor a Member can add it to a general appropriation bill.

The PRESIDENT pro tempore. The Senator from Georgia, as the Chair understands it, makes three points of order against the proposed amendment—first, that it has not been estimated for; second, that it is general legislation; and third, that it has not been reported by any standing or special committee of the Senate—and the Senator from Georgia suggests that the Chair ruled against a similar amendment on a former occasion. The present occupant of the Chair does not recall that he ruled on a similar amendment during the last session, and yet that may be the case. The Chair will suggest that no estimate could possibly have been made upon an amendment of this kind, as such matters are never submitted to the heads of departments for consideration.

As to whether or not it is general legislation, the Chair repeats what he suggested a few days ago, that that is oftentimes a matter very difficult to determine. In addition to the points made by the Senator from Georgia, the rule provides that an amendment is in order if it has passed the Senate at the present session, and there are many precedents for ruling an amendment in order on that ground, the late Senators Frye and Harris being among those who held that an item that had passed the Senate at the same session of Congress was in order. In the Thirty-second Congress, William R. King, who was then acting as President pro tempore, ruled that a measure that had passed the Senate at the last session was in order, but that is not in accordance with the terms of rule 16. The amendment now before the Senate passed this body during the second session of the present Congress, which fact ought to be taken into consideration in determining the question. In addition to this, it will be recalled that two amendments of a similar nature were placed on the bill to-day, neither of which had ever been favorably considered by the Senate. In view of those facts the Chair feels that while the present amendment does not come technically within the rules, he may well avail himself of the privilege which permits him to submit questions to the Senate, and he submits this question:

Is the amendment in order on this bill?

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martin, Va.	Smith, Mich.
Borah	Gallinger	Martine, N. J.	Smith, S. C.
Bradley	Gamble	O'Gorman	Smoot
Brady	Gardner	Owen	Swanson
Bristow	Hitchcock	Page	Thomas
Burton	Jackson	Percy	Townsend
Catron	Johnson, Me.	Poindexter	Warren
Chamberlain	Kenyon	Pomerene	Wetmore
Chilton	Kern	Root	Williams
Crawford	La Follette	Sheppard	Works
Curtis	Lea	Shively	
Dillingham	Lodge	Simmons	
Fall	McCumber	Smith, Ga.	

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

The question is, Is the amendment submitted by the Senator from Kentucky [Mr. BRADLEY] in order on the pending bill?

Mr. SMITH of Georgia. Mr. President, that it is out of order I desire to bring to the attention of the Senate.

The proposed amendment refers to a bill which has passed the Senate, but which has not passed the House; and it undertakes to appropriate $250,000 to an exposition fund in pursuance of the terms of that bill. It comes from the floor of the Senate, not from the committee. It is offered from the floor of the Senate.

Mr. President, shall Members disregard the rule, because perhaps they wish to vote for the appropriation, when the point of order is invoked?

The rule provides, as to amendments to appropriation bills:

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

The rule is perfectly clear. It limits the right to add increases of appropriation to an appropriation bill to certain specific ways. If a department has estimated for it, you can move from the floor to insert it. If there is a general law providing for it, though the committee has not reported it, you can move from the floor to insert it. But unless it is provided for by a general law or estimated for by a committee or presented from the committee in the committee's report, the rule says you can not add it from the floor of the Senate where the point of order is made on it.

If any Senator will show me anything in this rule that permits a Member of the Senate from the floor to increase on motion, over objection, a provision in an appropriation bill, except in two instances—where there is a general law covering it, or where a department has made an estimate covering it—I wish he would do so.

Mr. WARREN. I think there is one other point, though it does not apply in this case; that is, where it is reported from a standing committee.

Mr. SMITH of Georgia (reading)—

Unless the same be moved by direction of a standing or select committee of the Senate.

This appropriation is not moved by a standing or select committee.

Mr. WARREN. I did not say it applied in this case.

Mr. SMITH of Georgia. No. Now, are we to abandon the rule? This is going to be a record vote of the Senate. We will have the yeas and nays. Are we going to break down that rule and establish the proposition in future that wherever a Senator desires from the floor to increase an appropriation bill he shall have the right to do it?

The second provision is:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

So that where a standing committee moves the increase, its motion must be referred to the Committee on Appropriations, and be by it considered and reported on.

So, Mr. President and Senators, if anything can be clear, this proposed amendment is out of order. Why, I have heard rulings from the Chair that would cover this a dozen times, on this bill, ruling out increases offered by Members. There are a dozen rulings of the Chair that will cover it, made to-night and to-day.

I shall not take the time of the Senate with further discussion.

Mr. BRADLEY. Mr. President, I want to say a few words to the Senate about this bill.

In the first place, this bill was reported unanimously from the committee. The Senator says its provisions are loosely drawn. It is sufficient to say that was drawn by the distinguished chairman of the committee, the Senator from New York [Mr. ROOT], and ample protection is given in every line of it for the safety of the application of the fund. The bill was introduced on the floor of the Senate, and, as I remember, there was not a single vote against it. Now we bring it up here as a bill which has passed the Senate and ask to have it placed on this bill. We have seen here this afternoon another bill passed—and I voted for it because I thought it was right—that never had been passed by the Senate, but which was tacked on to this appropriation.

I do not see why I should be made the special target of a point of order when others are not so made, and I hope the Senate will vote down this point of order.

Mr. CURTIS. I desire to call the attention of the Senate to one decision which I think covers this case. In the Fifty-second Congress, second session—

A question of order was raised that an amendment to an appropriation bill did not carry out the provisions of existing law, treaty stipulation, or act or resolution of the Senate passed at the present session. The Presiding Officer (Mr. Harris in the chair) decided that an act having passed the Senate during the present session embodying the provisions of the amendment, and making an appropriation necessary to carry out the same, should the act ripen into law, the amendment was in order.

Mr. HITCHCOCK. That refers to a bill passed during that particular session.

Mr. CURTIS. The previous session.

Mr. HITCHCOCK. This was not passed during the present session.

Mr. WILLIAMS. I should like to ask the Senator from Kentucky whether the bill contained in his amendment passed the Senate at this session or at the last session?

Mr. BRADLEY. I do not know exactly what the Senator means by the session, whether he means this session of Congress or this particular time.

Mr. WILLIAMS. I mean this session of Congress, of course.

Mr. BRADLEY. Since we met in December?

Mr. WILLIAMS. Yes, sir.

Mr. BRADLEY. No, sir.

Mr. WILLIAMS. Then it falls outside of the rule.

Mr. LODGE. Mr. President, I should like very much to vote for this amendment. I voted for the bill; I am in entire sympathy with it; but when the question is put as to its being in order I can not possibly vote that it is in order, for it seems to me clearly out of order. It is not moved by standing or select committee. Even if moved by such a committee, it would have to go to the Committee on Appropriations first. It is not estimated for, and I construe the rule about estimating to mean that a general appropriation bill is to be confined to matters for which departments estimate. Whether they refuse to estimate voluntarily or whether they are unable to estimate does not seem to me to affect the point.

Therefore, Mr. President, as the amendment seems to me to be general legislation, I do not see how it can be voted in order unless we set the rule entirely aside. I say this with great regret, because I should like to vote for the amendment if I could vote on the amendment itself.

The PRESIDENT pro tempore. Senators who are of the opinion that the amendment is in order on the pending bill will say "aye." [Putting the question.] The noes appear to have it. The noes have it, and the amendment is declared to be not in order. The question is, Shall the amendments be engrossed and the bill read a third time?

Mr. WARREN. I ask that the clerks may change the section numbers.

The PRESIDENT pro tempore. That is understood.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE CALENDAR.

The PRESIDENT pro tempore. Under the previous order of the Senate the calendar under Rule VIII will now be taken up.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 8577) authorizing the construction of a railroad bridge across the St. Johns River between the town of Van Buren, Me., and the parish of St. Leonard, Province of New Brunswick, Dominion of Canada (S. Rept. 1333).

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill just reported.

Mr. SMOOT. I object to that request, because I want the Senate to take up the calendar in its regular order. When we reach this bill, then of course I shall be perfectly willing to have it considered.

Mr. JOHNSON of Maine. I will say to the Senator from Utah that it is a pressing matter and I should very much like to have the bill put on its passage.

Mr. SMOOT. We will reach it to-night.

Mr. JOHNSON of Maine. It is not on the calendar.

Mr. SMOOT. It goes on the calendar just as soon as it is reported.

The PRESIDENT pro tempore. It will be held on the table.

Mr. SMOOT. It will be on the table, and as soon as we are through with the calendar the Senator can call it up.

Mr. POMERENE. This morning a favorable report was made by the senior Senator from Idaho [Mr. BORAH] on a local bill, House bill 4718——

Mr. SMOOT. Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The first bill on the calendar will be stated.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order on the calendar.

Mr. SMOOT. I ask that this bill and all the other bills on the first page of the calendar may go over, being Senate bill 1505, Senate bill 2151, Senate bill 256, Senate bill 3, and Senate bill 2234.

The PRESIDENT pro tempore. The bills will go over under objection.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. OWEN. I should like to have that bill taken up and disposed of.

The PRESIDENT pro tempore. The bill has been heretofore read twice at length. Is it desired that it shall be read again?

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BROTHERHOOD OF NORTH AMERICAN INDIANS.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians, was announced as next in order, and it was read.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if this is a unanimous report from the Committee on Indian Affairs.

Mr. OWEN. As far as I can recall, it is. It has been a long time since it was reported. It was reported nearly a year ago, on April 3 last.

Mr. SMOOT. I know it has been reported and on the calendar quite a while.

Mr. OWEN. I have been absent from the Senate, and therefore I have never brought it up. I do not recall any objection to it.

Mr. SMOOT. There have been objections made to it a good many times when it was reached on the calendar. I wanted to ask the Senator if it is a unanimous report of the committee.

Mr. OWEN. I do not know of any objection to it in the committee. I do not recall any. It was considered there nearly a year ago. I do not recall any objection.

The Senate as in Committee of the Whole proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 3, line 15, after the word "equal" to insert "in every respect," and in line 16, after the word "people" to strike out "and inferior to none" and insert "or race," so as to make the section read:

SEC. 2. That the purposes and objects of the said corporation shall be to teach, obtain, and maintain rights, liberties, and justice for all Indians equal in every respect to that of any people or race; to preserve and perpetuate the ancient traditions, arts, and customs of North American Indians; to unify their efforts and interests; to council together; to promote and encourage industry and thrift among Indian people; to collect, secure the preservation of, and to publish the records, papers, documents, and traditions of historical value and importance to North American Indians; to mark, by appropriate monuments, places historic and sacred to the American Indian; to impress upon present and future generations of American Indians the importance of united action for the common good; to promote a feeling of friendship, brotherhood, and good citizenship among its members; and to provide for the aged and infirm of the Indian race.

The amendment was agreed to.

The next amendment was, in section 8, page 5, line 21, after the word "may," to insert "repeal or"; in line 22, after the word "alter," to strike out "repeal" and insert "amend," and in the same line, after the word "incorporation," to strike out "but no contract or individual right made or acquired shall thereby be divested or impaired," so as to make the section read:

SEC. 8. That Congress may repeal or, from time to time, alter, amend, or modify this act of incorporation.

The amendment was agreed to.

The next amendment was, on page 6, to strike out section 9, as follows:

SEC. 9. That this act shall take effect immediately on its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to incorporate in the District of Columbia the Brotherhood of North American Indians."

BILLS PASSED OVER.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. CRAWFORD. The bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

Mr. SMOOT. At the request of the Senator from Arkansas [Mr. CLARKE] I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. ROOT. At the request of the Senator from Kentucky [Mr. PAYNTER] I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

The PRESIDENT pro tempore. The bill has been read.

Mr. BRISTOW. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The next business on the calendar was the motion submitted by Mr. POINDEXTER that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297 to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate.

Mr. BRANDEGEE. I wish to ask the Senator from Washington if there is any reason why that motion should not go under Rule IX?

Mr. POINDEXTER. I know of none. I realize that there is no time for the consideration of it in the two Houses of Congress before adjournment.

The PRESIDENT pro tempore. The motion will be placed under Rule IX.

The bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton, and to insert certain claims in said letters patent dated May 9, 1899, was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6172) to regulate the method of directing the work of Government employees was announced as next in order.

Mr. ROOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891, was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Senate resolution No. 362, for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose, was announced as next in order.

Mr. OWEN. Let it go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. MARTIN of Virginia. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States was announced as next in order.

Mr. OWEN. Let it go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Senate resolution 375, discharging the Committee on the Judiciary from further consideration of the concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. SMOOT At the request of the Senator from Arkansas, I ask that that may go over.

The PRESIDENT pro tempore. The resolution will go over.

The bill (H. R. 16461) to regulate judicial procedure of the courts of the United States was announced as next in order.

Mr. CATRON. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. NEWLANDS. Is there any objection to that bill?

The PRESIDENT pro tempore. Objection is made.

Mr. SMOOT. There is objection.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

The bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 226) of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was announced as next in order.

Mr. BURTON. Let that go over.

Mr. JONES. That has already passed.

Mr. STONE. I should like to have that resolution considered.

Mr. BURTON. I ask that it go over.

Mr. STONE. Does the Senator ask to have the resolution go over?

Mr. BURTON. Yes.

Mr. STONE. I hardly think Senators desire that. I have conferred with the Senator from Delaware [Mr. DU PONT].

Mr. BURTON. I understand that the session this evening is merely for the purpose of considering unobjected bills.

Mr. STONE. I understand.

Mr. BURTON. I have stated that I object to the joint resolution.

The PRESIDENT pro tempore. The joint resolution goes over.

The bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. ASHURST. Let that go over.

Mr. McCUMBER. I understand that there is a disposition to object to the consideration of these pension bills this evening, and therefore I wish to give notice at this time that immediately upon the reading of the Journal to-morrow morning I shall move to take up this bill.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 8188) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912, was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia was announced as next in order.

Mr. WILLIAMS. Let it go over.

Mr. CURTIS. I hope the Senator will not object to that bill. It was very carefully considered by the committee twice, full and complete hearings were had, and the bill has been reported with a view of protecting the people in this practice and to get men and women who are qualified to follow the practice in the District of Columbia.

A very large number of States have a similar law. This proposes to regulate the practice. Only those who have a certificate may practice now, but hereafter in order to practice they must have a certificate from a standard school and pass an examination. This is rather to insure that those who practice in this District are properly qualified, and I hope there will be no objection to the consideration of the bill.

The PRESIDENT pro tempore. Is the objection to the consideration of the bill withdrawn?

Mr. WILLIAMS. No; I do not withdraw it, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

MARY MACARTHUR.

The bill (H. R. 27806) granting a pension to Mary MacArthur was announced as next in order.

Mr. LA FOLLETTE. I ask to have that bill passed over a few minutes without prejudice to be recurred to again.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. CURTIS. That bill passed to-day as an amendment to another measure.

Mr. LA FOLLETTE. Mr. President, I understand it was made an amendment to an omnibus pension bill. There is, however, Mr. President, a possibility that that bill which is a Senate bill may fail. This is a House bill, carrying exactly the same amount which the Senate provided in the omnibus pension bill.

Mr. ROOT. Let it be passed.

Mr. LA FOLLETTE. I should ask to have it passed, except for the fact that the Senator from Utah [Mr. SMOOT], on behalf of the Senator from Florida [Mr. BRYAN], is commissioned to object to the passage of every pension bill to-night. I do not think that his objection would apply to this bill, and shall ask to have it passed over temporarily, in order that I may communicate with the Senator from Florida and see if he intended his objection to be so broad.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. LA FOLLETTE subsequently said: Mr. President, I ask to recur to Calendar No. 1044, being the bill (H. R. 27806) granting a pension to Mary MacArthur.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LA FOLLETTE. I think I ought to state that since we passed over that bill the Senator from Virginia [Mr. MARTIN] and myself have conferred, over the telephone, with the Senator

from Florida [Mr. BRYAN], and he does not wish to interpose an objection to the consideration of this bill.

Mr. WILLIAMS. Mr. President, I should like to understand just what the agreement between the Senators is. There are several other House bills here exactly in the same attitude. They have passed the House and have been reported by the Senate committee and are also pension bills. Did the waiver of the Senator from Florida apply to all those or simply to this bill?

Mr. LA FOLLETTE. I asked the Senator from Florida whether his objection applied to this bill. I did not inquire further than that, I will say to the Senator. I have asked that this bill be taken up simply because the Senate disposed of it this afternoon as an amendment upon another bill, which I apprehend may not pass in the House, as it was a Senate bill.

Mr. WILLIAMS. There are several other bills in the same attitude. Did the Senator from Florida put his waiver upon the ground that it had passed the House and that the Senate committee had made an identical report?

Mr. LA FOLLETTE. He put his waiver upon the ground that the Senate had dealt with the bill this afternoon, and he had no objection to it. However, if it is going to delay matters——

Mr. WILLIAMS. I shall not object; but I think he ought to have made the rule apply to all bills in the same identical condition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment in line 8, before the words "per month," to strike out "$100" and insert "$75," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary MacArthur, widow of Arthur MacArthur, late lieutenant general United States Army, and pay her a pension at the rate of $75 per month.

Mr. LA FOLLETTE. Inasmuch as the Senate this afternoon voted to make the pension $100 per month, I trust that that proposed amendment will be voted down.

Mr. SMITH of Georgia. Mr. President, $75 looks like a pretty good special pension.

Mr. LA FOLLETTE. This is the widow of Gen. MacArthur, and I do not believe that there is a precedent for pensioning the widow of an officer of his rank at less than $100 per month.

Mr. SMITH of Georgia. I will not object.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSEBUD INDIAN RESERVATION, S. DAK.

Mr. WILLIAMS. I withdraw the objection which I made to Senate bill 7110.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

Mr. THOMAS. I object to the bill.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

JOHN R. FUGILL.

The bill (H. R. 3967) granting an increase of pension to John R. Fugill, was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Florida [Mr. BRYAN] asked me if he were not in the Chamber when any of the pension bills upon the calendar came up to object for him to the consideration of any such bills this evening. For that reason I object.

Mr. SMITH of Georgia. I object also, and I am in the Chamber.

PUBLIC HEALTH SERVICE.

The bill (S. 7722) to promote the efficiency of the Public Health Service, was announced as next in order.

Mr. OWEN. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

Mr. OWEN subsequently said: Mr. President, I should like to withdraw my objection to Senate bill 7722. When it was reached on the calendar I did not clearly understand it.

Mr. SMOOT. Mr. President, if that bill is to be considered to-night I want to offer certain amendments to it.

Mr. FLETCHER. I have no objection to that.

Mr. SMOOT. I have no objection at all to the consideration and passage of the bill, providing the amendments which I wish to propose are agreed to.

Mr. CURTIS. Then let it go over.

Mr. FLETCHER. I think the Senator from Utah and I can agree on the amendments which he desires to offer to the bill, if the Senator from Kansas [Mr. CURTIS] will withdraw the objection.

Mr. CURTIS. I withdraw my objection. I thought the consideration of the bill was going to consume time; that is all.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill (S. 7722) to promote the efficiency of the Public Health Service, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. FLETCHER. The Senator from Utah desires to offer certain amendments to the bill.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, page 1, line 7, before the word "rooms" where it occurs the second time, it is proposed to strike out "seven" and insert "six"; in line 8, before the word "rooms" where it occurs the first time, to strike out "six" and insert "five"; and, in line 8, after the word "rooms" where it occurs the second time, to strike out "passed assistant surgeon, four rooms; assistant surgeon, three rooms," so as to make the section read:

That hereafter when officers of the Public Health Service on the active list are not provided quarters, they shall receive in lieu of same commutation therefor at the rate of $12 per room per month, as follows: Surgeon General, eight rooms; assistant surgeon general, six rooms; senior surgeon, five rooms; surgeon, five rooms; and shall receive commutation for necessary fuel and lights for the same at rates to be fixed by the Secretary of the Treasury: *Provided*, That officers while serving beyond the continential limits of the United States or on sea duty shall receive an additional 10 per cent of their salaries and increase while on such duty.

The amendment was agreed to.

Mr. SMOOT. I also offer an amendment to section 2.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 2, page 2, lines 5 and 6, it is proposed to strike out the words "seven thousand two hundred" and to insert "five thousand," so as to make the section read:

SEC. 2. That the allowance for baggage and personal effects to an officer in changing stations shall be fixed by the Secretary of the Treasury, not to exceed in any case 5,000 pounds.

The amendment was agreed to.

Mr. FLETCHER. I offer an amendment to come in at the end of section 1.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. At the end of section 1 it is proposed to insert:

Provided further, That a vacancy in the grade of Surgeon General shall be filled by appointment by the President, by and with the advice and consent of the Senate, from among officers in the grade of senior surgeon or surgeon, and the term of office of the Surgeon General shall be for a period of four years, at the expiration of which term he shall, unless reappointed, be carried as an extra officer in the grade of senior surgeon.

Mr. OWEN. I hope the Senator will not insist on that amendment.

Mr. FLETCHER. If it is objected to I shall withdraw the amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws the amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. BRISTOW. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4669) for the relief of S. W. Fenton was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 7202) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill go over.
The PRESIDING OFFICER. The bill goes ever.

LEGISLATIVE DRAFTING BUREAU.

The bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress was announced as next in order.

Mr. WILLIAMS. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

Mr. ROOT subsequently said: Mr. President, my attention was diverted by a question that was being put to me when Senate bill 8337 was reached on the calendar. Was there objection to the consideration of that bill?

The PRESIDING OFFICER. There was. The Senator from Mississippi [Mr. WILLIAMS] objected.

Mr. ROOT. I hope the Senator will not press his objection. This is a very simple bill, but a bill of considerable importance.

Mr. GALLINGER. I will object if the Senator from Mississippi does not.

The PRESIDING OFFICER. Objection is made.

STATUE OF JOHN MARSHALL.

The bill (S. 7657) for the erection of a statue of John Marshall was announced as next in order.

Mr. WILLIAMS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

COPYRIGHT LAWS.

The bill (H. R. 23568) to amend section 55 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6691) to indemnify the State of Massachusetts for expenses incurred by it in defense of the United States was announced as next in order.

Mr. BRISTOW. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 7845) relating to the adjudication of homestead entries in certain cases was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5179) directing the Secretary of the Treasury to prepare designs and estimates for and report cost of a national archives building in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

WATER SUPPLY, EVERETT, WASH.

The bill (S. 2622) to authorize the city of Everett, Wash., to purchase certain lands for the securing and protection of a source of water supply for said city was considered as in Committee of the Whole.

Mr. SMITH of Georgia. I should like to ask the Senator from Washington if he has any hope of this bill being passed at this session, and, if not, whether it is worth while to consider it at this time?

Mr. JONES. I do have hope, because we have enacted similar laws, which have been very carefully gone into, and this follows them exactly.

Mr. SMITH of Georgia. Then the Senator thinks he will get it up in the House?

Mr. JONES. I think so. I hope so, anyhow. This city is very anxious to have this water supply.

Mr. SMITH of Georgia. It did not seem to me to be worth while to take up time with matters which can not be enacted into law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF MAJ. GEN. GEORGE GORDON MEADE.

The bill (S. 6062) for the preparation of a plan for the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments, on page 1, line 6, to strike out "the attorney general of the Commonwealth of Pennsylvania, one member of the Senate and one member of the House of Representatives of the State of Pennsylvania, the commander of the Grand Army of the Republic, Department of Pennsylvania," and on page 2, line 4, to strike out "to select a site in the city of Washington and secure plans and designs for a memorial or statue of Maj. Gen. George Gordon Meade, late commander of the Army of the Potomac; the foundation and pedestal for said memorial or statue to be furnished by the United States Government at a cost not in excess of the sum of $10,000; the said memorial or statue to be furnished by the State of Pennsylvania at an approximate cost of $20,000; the said memorial or statue to be approved by the National Association of Fine Arts," and insert "with power to select a site on property of the United States in the city of Washington, and secure plans and designs for and erect on the site selected a memorial or statue of Maj. Gen. George Gordon Meade, late commander of the Army of the Potomac; the foundation and pedestal for said memorial or statue to be furnished by the United States Government at a cost not in excess of the sum of $10,000, which sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said memorial or statue to be furnished by the State of Pennsylvania at an approximate cost of $20,000: *Provided*, The plans, designs, and location for said memorial or statue shall be approved by the Commission of Fine Arts," so as to make the bill read:

Be it enacted, etc. That the Secretary of War, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House, the governor of the Commonwealth of Pennsylvania, and the general chairman of the committee on Meade statue of the Philadelphia Brigade Association be, and they are hereby, created a commission with power to select a site on property of the United States in the city of Washington, and secure plans and designs for and erect on the site selected a memorial or statue of Maj. Gen. George Gordon Meade, late commander of the Army of the Potomac; the foundation and pedestal for said memorial or statue to be furnished by the United States Government at a cost not in excess of the sum of $10,000, which sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said memorial or statue to be furnished by the State of Pennsylvania at an approximate cost of $20,000: *Provided*, The plans, designs, and location for said memorial or statue shall be approved by the Commission of Fine Arts.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the preparation of a plan and the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade."

BILLS PASSED OVER.

The bill (H. R. 6083) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 6028) for the relief of the heirs of the late Samuel H. Donaldson was announced as next in order.

Mr. SMITH of Georgia. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

SPECIAL EXCISE CORPORATION TAX.

The bill (H. R. 27323) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation tax, was considered as in Committee of the Whole.

It provides that any corporation, joint-stock company, association, or any insurance company subject to the special excise tax provided by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, which has been or may be compelled to pay or become liable for any additional tax within the provisions of subsection 5 of section 38, which additional tax has been or may hereafter be imposed for a neglect to file a return as provided in the corporation-tax law on or before the 1st of March of any year, may, within one year after the passage of this act, or within one year after the date of notice of assessment where such notice is given after the passage of this act, make application to the Commissioner of Internal Revenue for a refund of such additional tax, and directs the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, to remit, abate, or pay back all such additional taxes in excess of $100 for any single year whenever in any case it appears to his satisfaction that the additional tax was assessed or imposed solely because of a neglect to make a return at the time or times specified in the act, and without any intention or design on the part of any officer of such corporation, joint-stock company, association, or insurance company to

hinder or delay the United States in the collection of the tax originally assessed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 7878) for the relief of Severin and Bertha L. Evenson, dependent parents of Sigurd Evenson, was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 8404) for the relief of Jennie G. Lyles was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 8438) granting an increase of pension to Annie G. Hawkins, was announced as next in order.

Mr. SMITH of Georgia. Let it go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

TITLES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 23939) to legalize titles in the District of Columbia to certain citizens was considered as in Committee of the Whole.

It authorizes Catherine Maroney, a citizen of the United States and a resident of the city of Leadville, in the State of Colorado, to acquire, hold, and dispose of any and all real estate lying in the District of Columbia, as heir at law of Mary Shugrue, a citizen of the United States and late of the District of Columbia, notwithstanding the alienage of the common ancestor of said Mary Shugrue and Edward D. Brown, son of Catherine Maroney by her first husband, through whom she traces her right to acquire such real estate, and that all forfeitures incurred by reason of any act of Congress or law in force in the District of Columbia in respect of such real estate are hereby remitted; and the United States quitclaims and releases in favor of Catherine Maroney, her heirs and assigns, any and all title which the United States have in or to any real estate in the city of Washington and District of Columbia of which Mary Shugrue died seized and possessed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 8516) to amend sections 801, 808, and 1199 of the Code of Law for the District of Columbia was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

FIRE ESCAPES IN THE DISTRICT OF COLUMBIA.

The bill (S. 8306) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

Mr. WILLIAMS. Why?

Mr. SMITH of Georgia. It is a Senate bill. Certainly we can not pass such bills at this session.

Mr. WILLIAMS. It is a very important bill. The House might pass it.

Mr. SMITH of Georgia. I will let it be considered, then. My objection was upon the idea that it is a Senate bill and that we are just wasting time staying here and considering Senate bills.

Mr. GALLINGER. I trust the Senator will let that particular bill be passed.

Mr. SMITH of Georgia. Go ahead.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on the District of Columbia with an amendment on page 2, line 14, after the word "gongs," to insert "but fireproof buildings used for office purposes above the second floor or for mercantile or manufacturing purposes shall be provided with safe and sufficient means of exit of such dimensions, character, and number as the commissioners may determine," so as to make the bill read:

Be it enacted, etc., That sections 5 and 13 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907, be, and the same is hereby, amended as follows:

Amend section 5 so as to read:

"SEC. 5. That each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with fireproof doors.

"That a building used for office purposes above the second floor or for warehouse, storage, mercantile, or manufacturing purposes, and which is a fireproof building under the building regulations, shall be exempted from the requirements of this act as to fire escapes, guide signs, and alarm gongs, but fireproof buildings used for office purposes above the second floor or for mercantile or manufacturing purposes shall be provided with safe and sufficient means of exit of such dimensions, character, and number as the commissioners may determine: *Provided*, That where a wall of such building is within 30 feet of and faces a nonfireproof building each opening of such wall shall be protected with wire glass in fireproof sash and frames: *And provided further*, That the last-mentioned proviso shall not apply to buildings heretofore erected."

Amend section 13 so as to read:

"SEC. 13. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 21714) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia was announced as next in order.

Mr. ROOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 7891) to provide for annual assessments of real estate in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that go over, and the next one, S. 8227.

Mr. SMITH of Georgia. I desire to state to the Senators that I am objecting to all these Senate bills solely because I think it is useless to waste time with them; but in any case where a Senator has a special reason for wishing a bill disposed of, I will withdraw the objection.

PUNISHMENT FOR EMBEZZLEMENT.

The bill (H. R. 21709) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia was considered as in Committee of the Whole. It proposes to amend the Code of Law for the District of Columbia by adding to subchapter 2 of chapter 19 the following section:

SEC. 851a. Whoever shall be guilty of any offense defined in sections 834, 835, 836, 837, and 838 of the Code of Law for the District of Columbia shall, where the thing, evidence of debt, property, proceeds, or profits be of the value of not more than $35, be punished by imprisonment for not more than one year or a fine of not more than $500, or both.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESTERN AVENUE, DISTRICT OF COLUMBIA.

The bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia, was considered as in Committee of the Whole. It authorizes the Commissioners of the District of Columbia to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Western Avenue NW. from its present terminus at Beech Street northeastward along the northwestern boundary line of the District of Columbia, with a uniform width of 120 feet, to Rock Creek Park, but the entire amount found to be due and awarded by the jury in such proceedings as damages for and in respect of the land to be condemned for such extension, plus the costs and expenses of the proceedings, shall be assessed by the jury as benefits; and it proposes to appropriate, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings and for the payment of the amounts awarded by the jury as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. SMITH of Georgia. Mr. President, I wish to ask if this bill carries an appropriation; and if so, how much?

Mr. GALLINGER. It is only a trifle—to be repaid from the assessment.

Mr. SMITH of Georgia. I shall not object to it, then.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 234) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill and all the other bills on page 13 of the calendar may go over.

The PRESIDENT pro tempore. It will go over.

Mr. BURTON. I should like to have Senate bill 8002 considered. It is a very brief bill.

The PRESIDENT pro tempore. All the other bills on that page, at the request of the Senator from Georgia, will go over.

Mr. JONES. I desire to say to the Senator from Georgia, with reference to Senate bill 7889, that some of the Senators who are interested in that bill think they have the assurance of the committee in the House that they can pass it at this session.

Mr. SMITH of Georgia. Which bill is that?

Mr. JONES. The bill for widening Rhode Island Avenue.

Mr. SMITH of Georgia. Very well.

BYRON W. CANFIELD.

The bill (S. 8002) for the relief of Byron W. Canfield was considered as in Committee of the Whole. It provides that in the administration of the pension laws Byron W. Canfield, late captain Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on the 30th day of January, 1863, but no pension, bounty, pay, or other pecuniary emolument shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. That is not the bill to which I waived my objection. It was Senate bill 7889.

The PRESIDENT pro tempore. The senior Senator from Ohio asked the Senator from Georgia whether he would waive his objection to Senate bill 8002.

Mr. SMITH of Georgia. I would rather have it go over to-night. The Senator from Florida [Mr. BRYAN] is not here. He has been looking into these matters.

Mr. BURTON. It is not a pension bill.

Mr. SMITH of Georgia. It is not? Then I withdraw my objection.

Mr. BURTON. It is an act of belated justice. An order was made revoking the dismissal in 1868.

The PRESIDENT pro tempore. The objection is withdrawn.

Mr. WILLIAMS. What is that?

The PRESIDENT pro tempore. Order of Business No. 1097, for the relief of Byron W. Canfield.

Mr. WILLIAMS. One moment, Mr. President. I should like to ask the Senator from Ohio whether that is a pension bill, or what is it?

Mr. BURTON. It is not a pension bill, although the person for whose benefit the bill is introduced would be eligible for a pension; not, however, in the past. The man was taken prisoner during the Civil War, and was dismissed in the year 1868 while he was in prison by order of Gen. Grant. He was reinstated, but the department has held the order to be ineffectual.

Mr. WILLIAMS. I did not ask the Senator with a view of getting the details of the bill, but there are a number of pension bills here, several of which have been passed by the House, and general notice has been given that none of them would be permitted to go through by unanimous consent to-night.

Mr. BURTON. This is to correct the military record of the person named.

Mr. CATRON. It is not a pension bill at all. It is to correct a military record.

Mr. WILLIAMS. It ought to apply to all bills of this character. I have no objection to the bill, but it seems to me that we are acting in a manner that is discriminating.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. JOHNSON.

The bill (S. 7492) for the relief of John E. Johnson was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

RHODE ISLAND AVENUE.

The bill (S. 7889) to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment in section 1, page 2, line 9, after the word "benefits," to strike out "not less than one-half thereof shall be assessed against the Washington Railway and Electric Company" and insert "such proportional amount thereof as the jury herein provided shall determine shall be assessed by said jury as benefits against the City and Suburban Railway Company of Washington," so as to make the bill read:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening and opening of Rhode Island Avenue to it full width of 130 feet, as laid down on the permanent system of highways plan for the District of Columbia, from Fourth Street east northeasterly to the District line: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said widening and opening, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits: *Provided further*, That of the amount to be assessed as benefits such proportional amount thereof as the jury herein provided shall determine shall be assessed by said jury as benefits against the City & Suburban Railway Co. of Washington, to be collected as special assessments are collected.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOURS OF LABOR IN THE DISTRICT OF COLUMBIA.

The bill (S. 7723) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise, was announced as next in order.

Mr. McCUMBER. Let the bill go over.

The PRESIDENT pro tempore. The bill is objected to and goes over.

The bill (S. 7051) for the relief of I. H. Aiken was announced as next in order.

Mr. WILLIAMS. What became of Senate bill 7723?

The PRESIDENT pro tempore. It was objected to and went over.

Mr. WILLIAMS. I hope the objection will be withdrawn. This is a bill to regulate the hours of employment of females in the District of Columbia. It is possible that it might get through both Houses before adjournment.

Mr. LA FOLLETTE. There is a very excellent opportunity to have it passed by both Houses. If it could be passed here to-night, there is every reasonable expectation that it would pass the House.

Mr. WILLIAMS. I have known bills originating in one House to be passed there within three days before final adjournment and still they would get through. This is a bill of great public utility. It is a humanitarian bill.

Mr. O'GORMAN. Is there any opposition to it?

Mr. LA FOLLETTE. I do not know from whom the objection came.

Mr. O'GORMAN. I hope there is no objection to it. It is a very worthy measure.

Mr. LA FOLLETTE. I will inquire who made the objection?

Mr. McCUMBER. I made the objection, and I make it again.

Mr. LA FOLLETTE. I just wanted to know, that is all.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. LA FOLLETTE subsequently said: Mr. President, I ask leave to return to the bill (S. 7723) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise. The Senator from North Dakota [Mr. McCUMBER] made his objection under a misapprehension as to the character of the bill, and he has notified me that he withdraws it.

The PRESIDENT pro tempore. The bill will be read.

The bill was read and considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 2, after the enacting clause, to strike out "That no female shall be employed or permitted to work in any mill, factory, manufacturing or mechanical establishment or workshop, including among others any laundry, bakery, printing, clothing, dressmaking, or millinery establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of tele-

graph or telephone messages or merchandise," and insert "That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia," so as to make the section read:

That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than eight hours in any one day or more than six days or more than 48 hours in any one week.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to strike out:

SEC. 3. That where a female is employed in the same day or week by more than one concern or employer in any establishment or occupation named in section 1 of this act, the total time of employment must not exceed that allowed per day or week in a single establishment or occupation. It shall be the duty of the employer to make diligent inquiry as to such previous or other employment of such female employee elsewhere, and as to the hours of such employment. Any person who shall require or permit a female to work between the hours of 6 o'clock in the evening or 7 o'clock in the morning in violation of the provisions of this section shall be liable for a violation thereof, and the employment of such female employee in excess of the total time of employment permitted by law shall be presumed, in the absence of evidence to the contrary, to be with knowledge of such violation.

The amendment was agreed to.

The next amendment was, on page 3, line 8, to change the number of the section from "4" to "3."

The amendment was agreed to.

The next amendment was, on page 3, line 18, to change the number of the section from "5" to "4."

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 4, after the word "section," to strike out "The presence of any such female on the premises at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section," so as to make the section read:

SEC. 4. That every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 1 of this act in which any females are employed a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished by the inspectors authorized by this act. The employment of any such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspectors authorized to enforce this act may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 19, to change the number of the section from "6" to "5"; and, in line 21, after the word "stating," to insert "the wages paid," so as to make the section read:

SEC. 5. That every employer shall keep a time book or record for every female employed in any establishment or occupation named in section 1 of this act, stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record or makes any false statement to an official authorized to enforce this act in reply to any question put in carrying out the provisions of this act shall be liable for a violation thereof.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 8, to change the number of the section from "7" to "6," and in line 9, after the word "inspectors," to insert "two of whom shall be women," so as to make the section read:

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to appoint three inspectors, two of whom shall be women, to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

The amendment was agreed to.

The next amendment was, on page 5, line 12, to change the number of the section from "8" to "7."

The amendment was agreed to.

The next amendment was, in section 8, page 5, line 18, to change the number of the section from "9" to "8," and in line 22, after the word "therein," to insert "and also the provisions of an act entitled 'An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed,' approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also," so as to make the section read:

SEC. 8. That the inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section 1 as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 6, line 6, to change the number of the section from "10" to "9."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to regulate the hours of employment and safeguard the health of females employed in the District of Columbia."

THOMAS B. M'CLINTIC.

The bill (S. 7480) for the relief of the legal representative of Thomas B. McClintic, deceased, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

W. A. KELLY.

The bill (H. R. 25264) for the relief of W. A. Kelly was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

Mr. BRISTOW. That is a House bill, and a very worthy case. There is a Member of the House very much interested in it.

Mr. WILLIAMS. I withdraw the objection.

The PRESIDENT pro tempore. The objection is withdrawn.

The bill was read and considered as in Committee of the Whole. It proposes to pay $50 to W. A. Kelly, postmaster at West Frankfort, Ill., to reimburse him for postal savings stamps stolen while in the custody of the post office at West Frankfort, Ill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 21315) for the relief of Robert Ross was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

Mr. WILLIAMS. I want to explain why I object to it. There has been a general direction left here to object to all pension bills, and it seems to me it ought to be carried clear through.

Mr. BRISTOW. This is a House bill.

Mr. WILLIAMS. It ought not to be respected at all, one way or the other.

Mr. BRISTOW. This is not a pension bill. It is to correct a military record.

Mr. WILLIAMS. I know; but that means the pension, of course.

The PRESIDENT pro tempore. The next bill will be stated.

CHARLES DUDLEY DALY.

The bill (S. 7747) for the relief of Charles Dudley Daly was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles Dudley Daly to the grade of first lieutenant of Field Artillery, United States Army, to take rank on the list of first lieutenants of Field Artillery next after the name of Charles P. Hollingsworth, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARION B. PATTERSON.

The bill (S. 3201) for the relief of Marion B. Patterson was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. GAMBLE. I hope the Senator from Kansas will withdraw his objection. It is a very meritorious bill.

Mr. BRISTOW. I can not withdraw it. The bill would lead to a very long discussion.

The PRESIDENT pro tempore. The bill will go over.

Mr. GAMBLE. The junior Senator from Colorado withdraws his objection to Order of Business 1033, Senate bill 110.

The PRESIDENT pro tempore. The bill will be read.

Mr. SMITH of Georgia. We have already passed upon it. I think the objection had better stand.

The PRESIDENT pro tempore. Objection is made.

RALPH E. HESS.

The bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey was considered as in Committee of the Whole. It proposes to pay to Ralph E. Hess, of Visalia, Cal., the sum of $150 in compensation for two horses lost while hired by the United States Geological Survey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARKLEY S. DENISON.

The bill (H. R. 11627) to correct the military record of Barkley S. Denison was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCKEFELLER FOUNDATION.

The bill (H. R. 21532) to incorporate the Rockefeller Foundation was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

ROSEBUD INDIAN RESERVATION.

Mr. GAMBLE. The junior Senator from Georgia withdraws his objection to Order of Business 1033, Senate bill 110, and I would be very glad to have it disposed of.

Mr. BRISTOW. That is a long bill, and a Senate bill. Why should we waste time on it?

Mr. GAMBLE. I should like to have it disposed of. It is in the usual form.

Mr. BRISTOW. We have been kept here a long time.

Mr. SMITH of Georgia. It can be read very rapidly.

Mr. GAMBLE. It can be read rapidly because it is in the usual form.

The PRESIDENT pro tempore. The most of the bill has been read.

Mr. GAMBLE. I think the bill has been largely read.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 15, after the word "*Provided*," to strike out "That any Indians to whom allotments have been made on the tract to be ceded may, in case they elect to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation: *And provided further*," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Rosebud Indian Reservation in the State of South Dakota lying and being within the counties of Todd and Bennett, described as follows, to wit: Commencing at a point on the boundary line between the States of South Dakota and Nebraska where the third guide meridian west intersects the same; thence north on said guide meridian to a point where the same intersects the township line between townships 39 and 40; thence west on said township line to a point where the same intersects the boundary line between the Rosebud and Pine Ridge Indian Reservations; thence south on said boundary line between said reservations to a point where the same intersects the State line between the States of South Dakota and Nebraska; thence east along said State line to the place of beginning, except such portions thereof as have been or may be hereafter allotted to Indians or otherwise reserved and except lands classified as timber lands: *Provided*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other authority, of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site hereinafter provided for) as have heretofore been set apart to such organization for mission or school purposes.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 11, after the word "prescribe," to strike out "and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued by the Secretary of the Interior for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes, upon receiving satisfactory evidence that said towns have been duly incorporated"; in line 22, after the word "direct," to strike out ", and he shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located"; and on page 5, line 3, after the word "aforesaid," to strike out "less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements," so as to make the section read:

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the State of South Dakota shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of section 16 or 36, or any portion thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid shall be credited to the Indians, as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 11, after the word "Indians," to strike out "shall be at all times subject to appropriation by Congress for their education, support, and civilization" and insert "including the interest thereon, may be expended for their benefit or distributed per capita, in the discretion of the Secretary of the Interior," so as to make the section read:

SEC. 7. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians, including the interest thereon, may be expended for their benefit or distributed per capita, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the sale and disposition of the surplus and unallotted lands in Todd County, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect."

S. W. FENTON.

Mr. WILLIAMS. If it is in order, I ask the attention of the Senator from Kansas. If it is in order, I want to withdraw the objection I made to the bill (S. 4669) for the relief of S. W. Fenton.

Mr. BRISTOW. I am very much obliged to the Senator.

Mr. WILLIAMS. I want to explain why I withdraw it. I made the objection because I thought it was exceedingly unfair to have a general direction left such as that was and then to have bills that would terminate in the same object passed. But upon second thought it is not my business to be correcting it, and I withdraw the objection.

Mr. BRISTOW. Thank you.

I ask to return to Senate bill 4669, for the relief of S. W. Fenton.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The amendments of the Committee on Claims were, in line 4, after the name "Fenton," to insert "R. L. Fenton and Richard Wallace," and, in line 7, after the word "dollars," to insert "in such amount to each respectively as the Postmaster General shall determine," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. W. Fenton, R. L. Fenton, and Richard Wallace, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in such amount to each respectively as the Postmaster General shall determine, and said sum of $1,000 is hereby appropriated as reward for their services in capturing a robber who held up a train of the Missouri, Kansas & Texas Railroad Co. near Okesa, Okla., on October 4, 1911, and who robbed the United States mail thereon, in violation of the provisions of section 197, Penal Code, act of March 4, 1909.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of S. W. Fenton, R. L. Fenton, and Richard Wallace."

ROBERT ROSS.

Mr. BRISTOW. I should like to return to the bill (H. R. 21315) for the relief of Robert Ross. It is a very short bill, and the objection has been withdrawn.

Mr. SMITH of Georgia. I object.

The PRESIDENT pro tempore. Objection is made.

JOHN C. SULLIVAN.

The bill (H. R. 18294) for the relief of John C. Sullivan was considered as in Committee of the Whole. It authorizes the Secretary of War to reopen and reaudit the account of John C. Sullivan, of Oswego, N. Y., the contractor for the heating apparatus at Fort Ontario, N. Y., and if it shall appear that an unintentional mistake has been made on the part of said Sullivan or on the part of the officers of the War Department, that the amount of the claim found to be justly and equitably due said Sullivan, not exceeding $1,108.40, be, and the same is hereby, appropriated to pay said claim, out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 27874) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. SMOOT. The next two bills are pension bills, and they will go over.

The PRESIDENT pro tempore. The bills will be passed over.

MISSISSIPPI BRIDGE, MINNEAPOLIS, MINN.

The bill (S. 8377) to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT ROSS.

Mr. BRISTOW. I desire to state that the Senator from Georgia has withdrawn his objection to the bill for the relief of Robert Ross.

The PRESIDENT pro tempore. The bill will be read.

The bill (H. R. 21315) for the relief of Robert Ross was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, after "1862," to strike out "and that a certificate of honorable discharge from the United States Army be issued to him," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Robert Ross, now a resident of Ryan, Ky., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, on the 28th day of December, 1862: *Provided*, That no pension, emoluments, or allowances of any description shall accrue by reason of this act prior to date of approval thereof.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC HEALTH SERVICE.

Mr. OWEN. The Senate passed a short time ago the bill (S. 7722) to promote the efficiency of the Public Health Service, and the Senator from Florida [Mr. FLETCHER] offered an amendment to which I objected at the time. I wish to withdraw the objection with a like change. I should like to have it read.

Mr. SMOOT. The bill passed with certain amendments, and when the bill passed the Senator from Florida had an amendment, which he offered.

Mr. OWEN. The Senator from Florida had an amendment, which he offered, and I objected to it.

Mr. SMOOT. I will object to the amendment, so there is no need of reconsidering it.

The PRESIDENT pro tempore. Objection is made. What was the request of the Senator from Oklahoma?

Mr. OWEN. That we again return to the consideration of the bill (S. 7722) to promote the efficiency of the Public Health Service.

Mr. SMOOT. That bill has been passed with certain amendments.

Mr. OWEN. Yes; it passed; and the Senator from Florida [Mr. FLETCHER] had an amendment, which he offered to the bill and to which I objected.

Mr. SMOOT. I shall object to the amendment, so there is no need of reconsidering the vote by which the bill was passed.

MISSISSIPPI RIVER BRIDGE, BATON ROUGE, LA.

The bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 13) to regulate the practice of pharmacy and the sale of poisons in the consular districts of the United States in China was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 279) providing for the return of certain duties incorrectly collected on cutch was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 276) to create a tariff board was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny was announced as next in order.

Mr. CRAWFORD. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

HOMESTEADERS ON COEUR D'ALENE RESERVATION.

The joint resolution (H. J. Res. 326) providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho, was considered as in Committee of the Whole. It proposes that the provisions of an act of Congress approved April 15, 1912, authorizing the extension of time within which to make payments of certain moneys by homestead entrymen upon the Coeur d'Alene Indian Reservation, in the State of Idaho, be extended and held to apply to payments that became due prior to the passage of the act under the same conditions that apply to payments becoming due subsequent to the passage of the law, but this shall not affect any valid adverse claim initiated prior to the passage of the resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF LANDS BY NEVADAVILLE, COLO.

The bill (S. 8130) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 3, after line 20, to strike out section 2, as follows:

SEC. 2. That within one year after the passage of this act granting the foregoing-described property to the town of Nevadaville said town may purchase said lands by payment of the purchase price therefor, and the Secretary of the Interior is authorized and directed to cause the same to be patented to said town.

And in lieu thereof to insert:

SEC. 2. That within one year after the survey of the foregoing-described property proposed to be granted to the town of Nevadaville, said town may purchase said lands by paying the amounts prescribed in section 1 hereof, and the Secretary of the Interior is authorized and directed to cause the same to be patented to said town.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 1, before the word "used" to insert "so," so as to make the proviso read:

Provided, That the lands to be purchased as hereinbefore set forth and all portions thereof shall be held and used by said grantee for the purposes herein specified, and in case the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN TEXAS.

The bill (H. R. 27875) authorizing the President to convey certain lands to the State of Texas was considered as in Committee of the Whole. It authorizes the President of the United States to direct the Secretary of the Interior to convey to the State of Texas, for the use of the State experimental station in connection with the agricultural research and demonstration work, such portions of the old Fort Brown Military Reservation as he may deem advisable, and provides that should the State of Texas at any time fail or refuse to use the property authorized to be conveyed for the purposes above set out it shall revert to the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTIFIED CHECKS.

The bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues was considered as in Committee of the Whole. It provides that it shall be lawful for collecting officers to receive certified checks drawn on national and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, internal taxes, and all public dues, including special customs deposits; and proposes accordingly to amend the act of March 2, 1911, entitled "An act to authorize the receipt of certified checks for duties on imports and internal taxes."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 8324) to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list was announced as next in order.

Mr. CRAWFORD. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 7060) for the relief of Samuel H. Walker was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

JAMES PARSONS.

The bill (H. R. 24661) for the relief of James Parsons was considered as in Committee of the Whole. It provides that in the administration of the pension laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James Parsons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant of Company D, Second Regiment Colorado Volunteer Cavalry, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISIANA DISTILLERY CO. (LTD.)

The bill (H. R. 12339) to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $194.40 to the Louisiana Distillery Co. (Ltd.), of New Orleans, La., as a refund payment for excessive duty paid on importation of molasses.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPARROW GRAVELY TOBACCO CO.

The bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, was considered as in Committee of the Whole. It proposes to appropriate $176.99 to reimburse said Sparrow Gravely Tobacco Co., that sum having been erroneously paid by the company to the United States Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

BILLS PASSED OVER.

The bill (S. 7826) to provide for the participation of the United States in the Panama-Pacific International Exposition was announced as next in order.

Mr. ROOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 4662) for the relief of Charles Richter was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

MATHEW T. FULLER.

The bill (H. R. 16993) for the relief of Mathew T. Fuller was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

Mr. WILLIAMS. I hope the Senator from Georgia will not object to that bill. It is not in the same category as other bills.

Mr. SMITH of Georgia. I withdraw my objection.

Mr. WILLIAMS. The only responsibility I have is that I was on the subcommittee which reported it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "Infantry," to insert: "*Provided*, That no pension shall accrue or become payable prior to the passage of this act"; so as to make the bill read:

Be it enacted, etc., That in the administration of pension laws, Mathew T. Fuller shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier at the time of his capture by the enemy while serving as a member of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue or become payable prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 6775) to grant an honorable discharge to David Steers was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 8454) to amend section 914 of the Revised Statutes was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

Mr. O'GORMAN. What is that bill?

Mr. ROOT. Mr. President——

Mr. CRAWFORD. I will not object to the consideration of that bill.

Mr. ROOT. The junior Senator from New York asked what it was.

Mr. O'GORMAN. Yes.

Mr. ROOT. That is a bill to give the Supreme Court the same authority regarding rules in common law as in equity.

Mr. O'GORMAN. We are all agreed as to the wisdom of passing that bill.

Mr. ROOT. The Committee on the Judiciary are all agreed upon the wisdom of it. It is very simple.

Mr. BRISTOW. I will say that I was requested by a Senator who has left the Chamber to ask that the bill go over.

Mr. ROOT. I am very sorry.

The PRESIDENT pro tempore. The bill goes over.

EXECUTION OF JUDGMENT.

The bill (S. 3194) to revise section 985 of the Revised Statutes of the United States was announced as next in order.

Mr. SMITH of Georgia. That bill can not possibly pass at this time.

Mr. POMERENE. I hope the Senator from Georgia will withdraw his objection. It relates simply to the matter of execution.

Mr. SMITH of Georgia. I thought it could not possibly pass the House.

Mr. POMERENE. I am not so sure that it can not.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in section 1, page 1, line 5, after the word "amended," to strike out

"so as to read as follows" and to insert "by adding thereto the following," and on page 1, after line 6, to strike out:

SEC. 985. All writs of execution upon judgments or decrees heretofore or hereafter obtained in a circuit or district court of the United States in any State, and now or hereafter in force, may run and be executed in any district in that State or in any district of any other State or in any Territory, and such writ shall be issued from and be made returnable to the court wherein the judgment was obtained; but in case the writ is issued to another district in the same State, it may be executed by the marshal of the district wherein the judgment was obtained or by the marshal of the district wherein property is sought to be seized, and may be addressed to the marshal of said district or to "any marshal of the United States," and executions may be issued to different marshals at the same time, but there shall be but one satisfaction. In every case, before the clerk of any such court shall be required to issue such writ for execution outside of his district and before any marshal shall be required to execute such writ, the judgment creditor shall deposit with the clerk sufficient money to cover all costs likely to be incurred in the execution of said writ, and the clerk shall indorse on said writ that said amount to cover said costs is so on deposit, and on return of said writ, which may be returned by mail, said clerk shall forthwith transmit to said marshal the proper amount of costs due him.

And in lieu thereof to insert:

Whenever it is sought to execute any judgment or decree, for the payment of money, heretofore or hereafter rendered or entered in any circuit or district court of the United States in any district of any other State than the one in which the judgment or decree has been or shall be rendered or entered, the party or parties entitled to satisfaction may file in the office of the clerk of the district court of the United States in the district in which execution is sought a duly certified copy of such judgment or decree, with proof that there has been no satisfaction; and thereupon, after due application, the clerk shall issue an execution, directed to the marshal of that district, and it shall have the same force and effect, and all proceedings relating thereto, the levy thereof, the sale of property thereunder, and the rights of all persons affected shall be the same as though the judgment or decree had been rendered or entered by the court in the district in which the certified copy thereof is filed.

So as to make the section read:

Be it enacted, etc., That section 985 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"Whenever it is sought to execute any judgment or decree for the payment of money, heretofore or hereafter rendered or entered in any circuit or district court of the United States in any district of any other State than the one in which the judgment or decree has been or shall be rendered or entered, the party or parties entitled to satisfaction may file in the office of the clerk of the district court of the United States in the district in which execution is sought a duly certified copy of such judgment or decree, with proof that there has been no satisfaction; and thereupon, after due application, the clerk shall issue an execution, directed to the marshal of that district, and it shall have the same force and effect, and all proceedings relating thereto, the levy thereof, the sale of property thereunder, and the rights of all persons affected shall be the same as though the judgment or decree had been rendered or entered by the court in the district in which the certified copy thereof is filed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCES OF LAND IN NEVADA.

The bill (S. 7600) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada was announced as next in order.

Mr. ROOT. I think that bill had better go over.

Mr. O'GORMAN. I hope there will be no objection interposed to the consideration of that bill. The Senator will remember that the bill was unanimously reported by the Judiciary Committee. It is a bill introduced by the then Senator from Nevada, Mr. Massey, and the Senator from Nevada [Mr. NEWLANDS] and his colleague [Mr. PITTMAN] from Nevada are extremely desirous of having the bill passed at this session, if it is possible to have it acted upon. There is no objection to it. It is similar to a bill that we enacted a year ago.

Mr. NEWLANDS. I hope that the bill may be considered.

Mr. ROOT. I will withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 3, before the word "agreements," to insert "written"; in line 4, after the word "by," to insert "the Central Pacific Railway Co. of California"; in line 6, after the word "company," to strike out "or the Southern Pacific Co., or the Contract & Finance Co."; on page 2, line 7, before the word "agreements," to insert "written"; and in line 12, after the words "conveyances or," to insert "written," so as to make the section read:

That all conveyances or written agreements heretofore made by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Pacific Improvement Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way of said companies, or either of them, granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes," and all other acts of Congress amendatory thereof or supplemental thereto, and also all conveyances or written agreements heretofore made by said companies, or either of them, or the successors or assigns of any of them, of or concerning land forming a part of the right of way, and within the State of Nevada, of any of said companies granted by or held under any act of Congress, and all conveyances or written agreements confining the limits of said right of way, or restricting the same, are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein had been held by the corporation or person making such conveyance or agreement under absolute or fee-simple title.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALLKILL VALLEY CEMETERY ASSOCIATION, N. Y.

The bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. KINCAID.

The bill (H. R. 26078) for the relief of Charles S. Kincaid was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

Mr. KENYON. I hope the Senator will not object to that bill. It is similar in all respects to 10 or 12 bills that have been passed to-night. It is not a pension bill.

Mr. SMITH of Georgia. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the word "late," to strike out "of Company A, Thirty-seventh Regiment Iowa Volunteer Infantry; Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry; and"; and, in line 6, after the word "captain," to strike out "Company B," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Charles S. Kincaid, late captain Third Regiment Arkansas Volunteer Infantry, African descent, subsequently known as the Fifty-sixth Regiment United States Colored Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said Third Regiment Arkansas Volunteer Infantry on the 2d day of August, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. KENYON. I hope the Senate will not agree to the committee amendment. The amendment merely strikes out some descriptive words that are useless, perhaps, in the bill, but they can do no harm.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 6675) to grant an honorable discharge to Philip Cook was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, was announced as next in order.

Mr. JOHNSTON of Alabama. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States was announced as next in order.

Mr. SMOOT. At the request of the Senator from Arkansas [Mr. CLARKE], I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5107) for the relief of W. D. McLean, alias Donald McLean, was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LUMBER RIVER BRIDGE, LUMBERTON, N. C.

The bill (S. 8565) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, page 1, line 8, after "North Carolina," to insert "at a point suitable to the interests of navigation," so as to make the section read:

Be it enacted, etc., That the Virginia & Carolina Southern Railroad Co., a corporation organized under the laws of the State of North Carolina, is hereby authorized to construct, maintain, and operate a bridge and approaches across the Lumber River, at or near the town of Lumberton, or North Lumberton, State of North Carolina, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. D. M'LEAN.

Mr. STONE. Do I understand that the bill (S. 5107) for the relief of W. D. McLean, alias Donald McLean, was objected to?

Mr. CRAWFORD. I objected to it simply on the ground that it is a Senate bill, and of course it can not possibly get through the House.

Mr. STONE. There is a possibility, I will say to the Senator, of its getting through.

Mr. CRAWFORD. Then I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws W. D. McLean, alias Donald McLean, who was a sergeant in Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and sergeant of Company F, Tenth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named regiment on the 1st day of November, 1864.

Mr. LEA. On behalf of the committee I offer the amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. At the end of the amendment of the committee it is proposed to add the following:

Provided, That no pension shall accrue prior to the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP COOK.

Mr. CRAWFORD. I understand it is desired that the bill (S. 6675) to grant an honorable discharge to Philip Cook, to which I objected, be passed. It is the same kind of a bill as the one just acted upon, and I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 3d day of August, 1865.

Mr. LEA. On behalf of the committee I offer the amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

Provided, That no pension shall accrue prior to the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Philip Cook."

PEND OREILLE RIVER BRIDGE.

The bill (S. 8310) to authorize the construction of a bridge across the Pend Oreille River opposite the town of Newport, Wash., was announced as next in order.

Mr. POINDEXTER. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will go over.

LIEN FOR TAXES.

The bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 2, line 3, after the word "collector," to strike out "in the office of the registrar or recorder of deeds of the county or counties, or parish or parishes in the State of Louisiana" and insert "in the office of the clerk of the district court of the district"; and, in lines 8 to 12, to strike out the following proviso: "*Provided further*, That the provision herein relating to the filing of notice shall be applicable whenever, and only whenever, the laws of the State wherein the property is situated shall authorize the filing of such notice in the office of the registrar or recorder of deeds as provided herein," so as to make the bill read:

That section 3186 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to such person: *Provided, however*, That such lien shall not be valid as against any mortgagee, purchaser, or judgment creditor until notice of such lien shall be filed by the collector in the office of the clerk of the district court of the district within which the property subject to such lien is situated."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROBATION SYSTEM IN UNITED STATES COURTS.

The bill (S. 2890) for the establishment of a probation system in the United States courts, except in the District of Columbia, was announced as next in order.

Mr. CRAWFORD. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

MISSOURI RIVER BRIDGE AT WELDON SPRINGS LANDING, MO.

Mr. STONE. Mr. President, I ask the Senator from South Dakota to withdraw his objection to Senate bill 8443.

Mr. CRAWFORD. I will do it. I do not see the use of passing these Senate bills, however.

Mr. STONE. This is a bill for the construction of a bridge that must go through.

The PRESIDENT pro tempore. The objection is withdrawn. The bill will be read.

The bill (S. 8443) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with an amendment to strike out all of section 1 and insert:

That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved August 10, 1911, to be built across the Missouri River at or near the town of Weldon Springs Landing, in the State of Missouri, is hereby extended to one year and three years, respectively, from date of approval hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo."

JOHN H. FESENMEYER.

The bill (S. 7854) for the relief of John H. Fesenmeyer, alias John Wills, was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

IOWA JUDICIAL DISTRICTS.

The bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 4957) for the relief of Simon M. Preston was announced as next in order.

Mr. SMITH of Georgia. That is a Senate bill. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. SMITH of Georgia. I understand there is no chance to put it through. I make the objection simply to save time.

The joint resolution (S. J. Res. 163) amending and extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, was announced as next in order.

Mr. SMITH of Georgia. We can not do anything with that, either.

Mr. O'GORMAN. I think that ought to go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will go over.

The bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

OFFICERING AND MANNING OF VESSELS.

The bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 3, section 2, line 4, after the word "every," to strike out "ocean-going" and insert "ocean," and in line 5, after the word "coastwise," to insert "sea-going," so as to make the clause read:

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise sea-going merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN H. HOWLETT.

The bill (S. 228) for the relief of John H. Howlett was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

That concludes the printed calendar. There are certain bills reported to-day, which, without objection, will now be taken up.

ALONZO D. CADWALLADER.

The bill (H. R. 24296) for the relief of Alonzo D. Cadwallader was announced as next in order.

The Secretary read the bill.

Mr. SMITH of Georgia. Is that a new bill?

Mr. SMOOT. Mr. President, does that mean that the soldier did not serve 90 days, and that now we are going to place him on the pension rolls?

Mr. POMERENE. To whom is the question addressed?

Mr. SMOOT. Whoever reported the bill; I do not know.

Mr. POMERENE. It was reported by Mr. CATRON, from the Committee on Military Affairs, to-day.

Mr. SMOOT. He is not here. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

COURT LIBRARIES FOR NORTHERN DISTRICT OF OHIO.

The bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL BUTTER & CO.

The bill (H. R. 20511) for the relief of Samuel Butter & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 3, before the word "be," to strike out "Navy" and insert "Treasury," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse in the sum of $11,709.69 to Samuel Butter & Co., of the city of Boston, Mass., the same being on account of an overpayment by the said Samuel Butter & Co., and in excess of the value of certain condemned property sold and delivered to them by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 8497) to repeal section 3 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1900," was announced as next in order.

Mr. SMITH of Georgia. What is that bill?

The PRESIDENT pro tempore. The bill has been reported by the Senator from Florida [Mr. BRYAN] from the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia. I understand what it is, then. There is a provision of law with reference to a bridge at St. Louis, which, in the opinion of the Post Office Department, put an unjust burden on the Government. We have rectified it in our appropriation bill by declining to appropriate more than a certian sum—the sum we thought ought to be appropriated. This bill is to repeal the other law.

Mr. WILLIAMS. What is the calendar number of the bill?

The PRESIDENT pro tempore. It has just been reported to-day.

Mr. SMITH of Georgia. It has reference to mail service only. There is a statute authorizing the Postmaster General to pay $50,000 a year, or so much thereof as may be necessary, for the transportation of the Government mail from East St. Louis to central St. Louis. The Post Office Committee had this matter up before the Senate last year, and again this year. Last year we cut the appropriation to $35,000. This year we cut it to $20,000. There is a general law that authorizes the Postmaster General to go to $50,000. We think that law ought not to stand; that the $20,000 is ample. This bill is to conform the general law to the appropriation we passed this year, and repeal the provision of the general law that authorizes the payment of $50,000.

Mr. STONE. I should like to have an opportunity to examine that bill.

Mr. WILLIAMS. I should rather have it passed over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SMITH of Georgia subsequently said: Mr. President, the Senator from Missouri [Mr. STONE] withdraws his opposition to this post-office bill. It is just an effort on the part of the Post Office Committee to protect the general law, to repeal a possible arbitrary and unjust payment of rates.

Mr. WILLIAMS. I think that is the same bill to which I objected, is it not?

The PRESIDENT pro tempore. It is.

Mr. WILLIAMS. I think it is rather a bad precedent, anyhow, to bring up a lot of bills that are not upon the calendar, that nobody can understand. I think I shall object to all of these bills.

The PRESIDENT pro tempore. The bill will go to the calendar.

The bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," was announced as next in order.

Mr. BRISTOW. What is that bill? I do not understand the nature of it.

The PRESIDENT pro tempore. The bill will be read. The title does not disclose the nature of the bill.

The Secretary read the bill.

Mr. SMOOT. Let the bill go over.

ERNEST C. STAHL.

The bill (S. 7620) for the relief of Ernest C. Stahl was considered as in Committee of the Whole. It provides that in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, Ernest C. Stahl shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant serving in the Colored Infantry of the United States at Alexandria, Va., on January 12, 1866, but no back pay, bounty, or pension shall become due or available by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEVERIN AND BERTHE L. EVENSEN.

Mr. CRAWFORD. I ask unanimous consent to consider Order of Business 1070, being Senate bill 7878. I will say that I have no hope of its passing the House, but it is a worthy bill, and I want the Senate to act on it.

Mr. LEA. I ask that one more bill on the calendar be reported, and that the title be read, at least.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. The Chair understood the Senator from Mississippi to object to the consideration of bills not upon the printed calendar.

Mr. WILLIAMS. We have several days remaining in the session yet, and I would rather that the bills should go upon the calendar and be printed upon the calendar, so that we may know what they provide.

Mr. CRAWFORD. This bill is on the calendar.

Mr. WILLIAMS. Probably I may have no objection to the bill which the Senator from Tennessee [Mr. LEA] mentions, and none to a bill which I understand the Senator from Maine [Mr. JOHNSON] desires to have acted upon.

Mr. JOHNSON of Maine. I am sure the Senator would not object if he understood the bill.

Mr. WILLIAMS. It is a bad precedent, however. We can not be too careful about following the usual rules, so that we may know what is going on. It might be that bad bills might slip through in this way. So I shall object to all bills that are not printed upon the calendar.

The PRESIDENT pro tempore. The bills that have not been acted upon will go to the calendar.

Mr. CRAWFORD. I ask the Senate to consider the bill (S. 7878) for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Severin Evensen and Berthe L. Evensen, dependent parents of Sigurd Evensen, who was killed on the U. S. S. *Neptune* while employed in coaling the same at Melville, R. I., on the 18th of October, 1911, through an accident which occurred without negligence or misconduct of said Sigurd Evensen, the sum of $1,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEAMEN IN THE MERCHANT MARINE.

Mr. WILLIAMS. I wish to make an inquiry as to what became of House bill 23673.

The PRESIDENT pro tempore. The bill went over on objection.

Mr. SMOOT. It went over under objection.

Mr. WILLIAMS. I am very sorry if that is the case. It is a bill that abolishes involuntary servitude in the merchant marine.

Mr. SMOOT. I think there were some Senators interested in the bill who are absent, and they desire to be here when it is considered.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock midnight) the Senate adjourned until Friday, February 28, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 27, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God and our Father, whose tender mercies and loving kindness have been over Thy children from the beginning, shaping, guiding their destiny, continue, we beseech Thee, Thy care over us; give us plenteously of Thy grace that we may do justly, love mercy, and walk humbly with Thee, and hallow Thy name day by day. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. FITZGERALD, Mr. STEPHENS of Texas, and Mr. SPARKMAN rose.

The SPEAKER. The situation about this matter is there are three or four conference reports here, and the gentleman from New York [Mr. FITZGERALD] says it will not take over 30 minutes to get through with the deficiency bill, and while the Chair wants to expedite these matters he believes it will expedite business by allowing this bill to go on and therefore he will recognize the gentleman from New York.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28858, the general deficiency bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28858, the general deficiency bill, with Mr. ADAIR in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the fiscal year 1913, $75,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word of line 23. I notice this is a provision for deficiencies in the contingent fund of $75,000. May I ask first whether it is likely to be enough? Later in the bill you provide for the members elect of the present Committee on Ways and Means to expend not exceeding $10,000 out of the contingent fund, and then again still later the next paragraph authorizes an expenditure of some more money out of the contingent fund by the members elect of the Committee on the District of Columbia. Will this $75,000 be sufficient to pay the bills outstanding and incurred especially for the investigating committees and leave enough in the fund to take care of this $10,000 for the Ways and Means Committee and whatever sum may be required by the District Committee? I question whether that has been fully covered.

Mr. FITZGERALD. The chairman of the Committee on Accounts, from the best information that can be gathered from the several committees authorized to expend money out of the contingent fund, states that there has been contracted for and will be expended on those authorizations between $50,000 and $60,000. That would leave from $10,000 to $15,000 margin, which should take care of the items to which the gentleman refers.

Mr. MANN. Well, I should think it would be quite certain there will be some other expenses, and I take it it is desirable to give the gentleman from Alabama sufficient funds to do the work which he contemplates doing during the vacation before the extra session meets. It ought not to be stopped by lack of funds.

Mr. FITZGERALD. I think there will not be any lack of funds for this reason.

Mr. UNDERWOOD. Mr. Speaker, I was otherwise engaged at the moment; was the gentleman referring to an item in reference to the Ways and Means Committee?

Mr. MANN. Only whether there was money enough to meet it; nobody questioned the item. I was endeavoring to ascertain whether there was money enough in the contingent fund to meet it. Has the gentleman a list of the expenditures which have been incurred by the investigating committees which have not yet been paid?

Mr. FITZGERALD. We asked the Committee on Accounts to furnish that information. The District Committee was authorized to expend by House resolution 230, $5,000; by House resolution 536, $10,000; by House resolution 756, $10,000; in all, $25,000; and they expended out of the $25,000, $9,897.83. That would leave a little over $15,000.

Mr. MANN. There was only one resolution——

Mr. FITZGERALD. There are three resolutions.

Mr. JOHNSON of Kentucky. I can explain that.

Mr. MANN. I am not questioning the proposition, except whether there is money enough.

Mr. JOHNSON of Kentucky. There is nothing asked of one $10,000 appropriation. The committee spent less than $3,000, and that leaves more than $7,000 for an unexpended balance.

Mr. MANN. That will not be required.

Mr. JOHNSON of Kentucky. Not at all.

Mr. FITZGERALD. The Committee on Banking and Currency was authorized by House resolutions 465 and 519 to expend $60,000, and has expended $22,318.05 and has outstanding obligations in the neighborhood of $40,000, so that they will take the entire $37,601 of the balance not yet drawn. Merchant Marine and Fisheries, by House resolution 470, was authorized to spend $25,000, and has expended $9,145.48, leaving an unexpended balance of $15,854.52.

The Committee on the Judiciary, the Money Trust investigation, was authorized by House resolution 486 to spend $25,000, and has expended $1,601.24. For the committee investigating violations by steel companies amounts were author-

ized by House resolutions Nos. 173, 342, and 469 aggregating $39,000; amount expended, $38,976.50. For the committee to investigate the Sugar Trust the amount authorized by House resolution No. 184 was $25,000; expended, $11,486. For the committee to investigate a system of shop management the amount authorized by House resolution No. 328 was $10,000; expended, $4,395. For the Committee on Expenditures in the Interior Department the amount authorized under departmental special resolution No. 474 was $7,500; expended, $6,328.45. The total expended to date is $112,360.58.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman the record of the expenditures in the Shoe Trust investigation?

Mr. FITZGERALD. What investigation?

Mr. MOORE of Pennsylvania. Have you the record of the expenditures in the Shoe Trust investigation?

Mr. FITZGERALD. Was it paid out of the contingent fund of the House?

Mr. MOORE of Pennsylvania. I presume it was.

Mr. FITZGERALD. I do not know. I requested the Committee on Accounts to furnish the Committee on Appropriations with a statement showing the expenditures made ont of the contingent fund for the various investigations conducted under authority of the House.

Mr. MANN. That investigation was conducted by the Committee on Rules, and I think there was no resolution passed in regard to it.

Mr. FITZGERALD. The Committee on Appropriations made an exhaustive investigation as to the price to be paid for smokeless powder, and as a result of which it reported to the House in its bills, and there has been incorporated in bills reported by other committees, a limitation of 53 cents on the price to be paid per pound, a reduction of 7 cents. There was no expense incurred in that investigation. It was conducted by the committee that does all that work.

Mr. MOORE of Pennsylvania. Over $100,000?

Mr. FITZGERALD. One hundred and twelve thousand dollars.

Mr. MOORE of Pennsylvania. Can the gentleman tell the net result of those investigations?

Mr. FITZGERALD. Yes. One of them has disclosed an expenditure of $1,000,000 by the Federal Government for which no return has been had, but which will be reimbursed.

Mr. MOORE of Pennsylvania. Have any arrests been made of any criminals caught in the act as the result of the expenditure of the $112,000?

Mr. FITZGERALD. There was not any expectation that they would be arresting anybody as the result of these investigations. We have conducted them for the purpose of obtaining information, and if the gentleman had read as assiduously as I have the proceedings before these various committees he would now be possessed of an amount of information on a number of important subjects that he never dreamed existed.

Mr. MOORE of Pennsylvania. That is the trouble. There is so much to read that the common people can not begin to comprehend it.

Mr. FITZGERALD. In order to keep up with the procession, it is necessary to spend not only the days but long hours of the night in the performance of public duties here.

Mr. MOORE of Pennsylvania. Does the gentleman recall the arrest of a single millionaire or multimillionaire, or other malefactor of great wealth, as the result of the expenditure of the people's money in this search?

Mr. FITZGERALD. Has the gentleman any recollection of it?

Mr. MOORE of Pennsylvania. I would like a categorical answer to a very plain question.

Mr. FITZGERALD. Will the gentleman permit me to answer his question?

Mr. MOORE of Pennsylvania. The gentleman will not answer in my way.

Mr. FITZGERALD. If the gentleman can recall any intimation at any time that the purpose of these investigations was to apprehend, arrest, and incarcerate in jail some multimillionaire residing in the hallowed precincts of Philadelphia, I would be glad to have the information given to the House.

Mr. MOORE of Pennsylvania. Have any of the malefactors of great wealth who have been accused in any way as the result of these investigations, most of whom resided in the sacred precincts of the metropolis represented by the gentleman from New York [Mr. FITZGERALD], been apprehended?

Mr. FITZGERALD. They have come there doubtless after they have finished their iniquitous career in order to enjoy their ill-gotten wealth in a place where they can do it properly. Nobody ever dreamed of going to Philadelphia to spend the leisure part of his life in enjoyment. They leave Philadelphia as quickly as they can.

Mr. MOORE of Pennsylvania. And they usually go to New York to teach them how to do it.

Mr. FITZGERALD. They show good judgment by selecting New York.

Mr. CANNON. Mr. Chairman, does the gentleman from New York [Mr. FITZGERALD] want some more time?

Mr. FITZGERALD. Not unless somebody else desires to be further illuminated on this interesting subject. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to follow up that Shoe Machinery Trust investigation, if some one can tell us something about it. It was one of the most spectacular investigations ever started by this House.

Mr. FITZGERALD. I shall ask first for a vote.

Mr. CANNON. Mr. Chairman, I ask that the gentleman from Pennsylvania [Mr. MOORE] may have five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the newspapers were filled with columns of announcements every day of what the Democratic Party was going to do to this Shoe Trust; they told how the people of the country were being robbed right and left for the aggrandizement of the predatory millionaires. I recall very clearly that when the committee went to Philadelphia it stayed overnight, and then, like the Arab, "folded its tent and silently stole away," and after that we heard nothing of the Shoe-Trust investigation. [Laughter.] I ask, Why was this?

Mr. FITZGERALD. My recollection is that this administration brought some kind of a criminal proceeding against some people connected with the so-called Shoe Machinery Trust. I am not quite sure whether it was because of the lack of a good case or the incompetency of these high-priced Republican attorneys that the prosecution failed, and therefore I suggest to the gentleman from Pennsylvania that he pursue his inquiries at the Department of Justice, where, since 1902, they have had about $4,000,000 with which to suppress these illegal concerns that have been operating in defiance of the law. Whether the work that has or has not been done was successful or otherwise can best be judged by a careful analysis of the results of the election which took place last November. [Laughter on the Democratic side.]

Mr. MOORE of Pennsylvania. I am satisfied with the answer the gentleman has given, or has attempted to give, but can the gentleman answer one further question? Can he tell whether a distinguished gentleman who is announced as a probable member of the Cabinet in the incoming administration, was the counsel for the Shoe Trust or the counsel against the Shoe Trust, or whether he occupied both positions at one and the same time? [Laughter.]

Mr. FITZGERALD. Is the gentleman speaking of me, or of some other Member of this House?

Mr. MOORE of Pennsylvania. I am trying to get light on the subject.

Mr. FITZGERALD. The gentleman can get no light from me as to the personnel of the incoming Cabinet. I have made no request in that connection and have not been answered.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of Pennsylvania. The gentleman from New York stated that nobody expected that any malefactors of great wealth, either in Philadelphia or in Pittsburgh, would be arrested in consequence of these investigations. I hope the gentleman will strike out "Pittsburgh," for the reason that, although there are many men there of great wealth, there are no malefactors. [Laughter.]

Mr. FITZGERALD. I suppose that is applying a rule of a recent Republican administration, that there are good malefactors and bad malefactors, and all the malefactors of great wealth in Pittsburgh, in the estimation of the gentleman, are good ones and all the bad ones live elsewhere. [Laughter.] The bad ones all go to New York, I guess, under the theory of the gentleman from Philadelphia [Mr. MOORE].

Mr. BURKE of Pennsylvania. I accept the gentleman's explanation. [Laughter.]

Mr. CANNON. Mr. Chairman, I just came into the Chamber a few moments ago, but have been somewhat interested in the remarks of the gentleman from New York [Mr. FITZGERALD].

I want to say a word about the work of the Committee on Appropriations, if the gentleman from New York will give me his attention. As I roughly estimate, the Committee on Appro-

priations recommends to the House the expenditure of probably between $350,000,000 and $400,000,000 in the annual appropriation bills. Members talk about investigations. I just heard the gentleman from New York speak of the investigation made by the Committee on Appropriations touching powder. That investigation has resulted from time to time heretofore, and will no doubt again result in real legislation for the benefit of the Government to the advantage of the Treasury. That investigation as to powder, like all the investigations pursued by the Committee on Appropriations, has been prosecuted for real results.

A MEMBER. Good!

Mr. CANNON. We have not had any Associated Press dispatches given out and printed from day to day and no headlines in the yellow journals about the investigations made by the committee, either this year or in former years; and I want to do the gentleman from New York [Mr. FITZGERALD] and his colleagues the justice to say that to my knowledge, in the preparation of these great bills, the work of the committee has been exhaustive, without the employment of a band, or the beating of a drum, or the blowing of a fife, and all along the line the recommendations of that committee have borne real fruit, because its investigations have been conducted in real good faith for the benefit of the country. [Applause.]

I wanted to say that much. I will not pause to speak of other investigations, because I have not read all the evidence. But whenever I see a committee conducting investigations and get the first knowledge of them in the headlines of the yellow journals, I think I am justified in saying, from my former experience and recollection, that they are blowing. [Laughter and applause.]

Mr. MONDELL. Mr. Chairman, the two items just read appropriate $85,000 for deficiencies in the contingent fund of the House for the purpose of carrying on investigations by select and other committees. If these items are allowed, as I have no doubt they will be, they will complete a total of $330,000 for these purposes in the fiscal years 1912 and 1913, or $165,000 per annum. The expenditures under a Republican Congress for 10 years for these purposes averaged $95,000, so that this is an increase of $70,000 a year, or over 80 per cent in the expenditures of a Democratic Congress over the expenditures of a Republican Congress for these purposes.

I am not inclined to be captious with regard to these matters, because we are all favorable to all proper and necessary and helpful and useful investigations; but this item is reminiscent. It is reminiscent of those days in the beginning of the Congress when the gentleman from Missouri [Mr. LLOYD] and the gentleman from Pennsylvania [Mr. PALMER] and other gentlemen on that side of the House assured us of the wonderful economy that the Democratic Congress proposed to practice.

I am less inclined to be overcritical in view of the fact that there were some gentleman on that side, notably the gentleman from New York [Mr. FITZGERALD], the chairman of the Appropriations Committee, who did not join in the loud and hilarious applause with which the promise of Democratic economy was launched upon the House.

It may be claimed that these extravagant expenditures were necessary to uncover the widespread and deep-seated iniquities that had existed under long-continued Republican administrations, and we are reminded that the expenditure of $330,000 has at least developed the fact that there never was any "Dick to Dick" letter, and that it cost $2,605 to determine the condition of the throat of a multimillionaire.

So far as I now recall, these are the only really startling matters developed by the expenditure of this $330,000, and I am sure that all the patriotic gentlemen on the other side and all patriotic citizens everywhere will join with us in the pride we feel that the expenditure of these great sums, the broad casting of the dragnet, the use of the fine tooth comb, and the plentiful swinging of the bludgeon by these committees have failed to develop any wrongdoing on the part of Republican officials during the long period of Republican supremacy, and have not, in my opinion, uncovered any serious extravagances. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last part of the paragraph. I am one of those who do not criticize some of the investigations that have been carried on during the present Congress. I think, however, many of these minor investigations, particularly those conducted by the Expenditures Committees, have had too much politics ingrafted into them at the beginning and throughout their deliberations to be of any value to the country, but I do believe that the investigations of some of the great industrial and financial conditions of the country, carried on in what is known as the Steel Trust investigation and the Money Trust investigation, have brought to light and to the knowledge of Congress and of the country some important facts concerning present industrial tendencies. But I desire here to record my protest against the habit that has originated with our Democratic brethren, every time a committee of any importance is appointed or given authority to make investigations, of employing special counsel in those investigations. Take particularly the Money Trust investigation; the employment of counsel from the very locality to be investigated has practically made an overpowering influence in the committee that has been, I think, a humiliation to every Member of the House who wishes to bring out the important facts and to have a real congressional investigation. It has been currently reported—how true it is I know not, but I have never heard it denied—that even members of that committee have not felt at liberty to ask questions pertaining to facts involved in the investigation.

Mr. BARTLETT. Will the gentleman state what committee he refers to?

Mr. MARTIN of South Dakota. The Pujo committee, otherwise denominated the Untermyer committee. There are just as good lawyers in this House as there are out of it.

Mr. BARTLETT. I want to say——

Mr. MARTIN of South Dakota. If I may have an extension of my time, I shall be glad to yield.

Mr. BARTLETT. I ask the gentleman to allow me to interrupt him for a moment.

Mr. MARTIN of South Dakota. I yield to the gentleman with pleasure. I shall ask for further time.

Mr. BARTLETT. The gentleman referred to the investigation of the Steel Trust. We conducted that investigation clear through, and not a dollar was paid to any lawyer outside of the committee, and all questions and investigations were made by members of the committee.

Mr. MARTIN of South Dakota. I will not be certain about that committee, but some special committees have employed lawyers and paid large fees.

Mr. BARTLETT. I am certain about this committee because it is a fact that not a dollar was expended for a lawyer.

Mr. MARTIN of South Dakota. What the gentleman says about that particular committee may be true.

Mr. BARTLETT. It is not "may be true"; it is true.

Mr. MARTIN of South Dakota. The gentleman from Georgia acknowledges it, and that settles it. But, Mr. Chairman, I was not directing my attention to that committee; there are other committees that have been investigating here where the question of authority for employing counsel has been in dispute, and that they employed counsel and how they were paid has been a matter of mystery. But we have had before the House at another time, particularly the money trust committee, and they have employed expensive outside counsel to do the business of the House. Aside from being an extravagant expense—I do not know what the expense is, but it was reported that it was to be $15,000—aside from the extravagant expense of employing outside counsel in matters of that kind, when we have just as good attorneys in the House employed by the year and paid for, I want to say that the employment of special counsel for committees from the environment of the matter to be investigated destroys the value very largely of the work of the investigating committee. In this matter I refer to it has been currently reported that the distinguished counsel has been spending the last few weeks at Palm Beach writing out what the committee is supposed to report to this House, and I see in the newspapers this morning that it is doubtful whether they will accept what the distinguished counsel has prepared as final conclusions. When this House appoints Members to investigate a great and important subject in which the House and the country is interested, instead of getting the results of the work of the deliberation of that committee, it receives the investigation of the counsel taken from the environment of the matter to be investigated.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Georgia asks that the time of the gentleman from South Dakota be extended five minutes; is there objection?

There was no objection.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman a question. The gentleman from Wyoming says that the expenses of these committees was $300,000. Does that include the expense of public printing?

Mr. MONDELL. No.

Mr. MARTIN of South Dakota. The gentleman from Wyoming says it does not.

Mr. SAMUEL W. SMITH. It was reported that the physician who went to examine Mr. Rockefeller was paid $500 a day; is that the fact?

Mr. MARTIN of South Dakota. I know that when further appropriation was asked to cover expenses that had been incurred without authority, only two weeks ago, it was said that a throat specialist had been sent down there, at an expense of $500 a day and expenses, making $2,600 for five days' work. But I am referring particularly to the practice our Democratic brethren have drifted into of giving us special investigations under the domination of influences outside of the membership of this body. It gives us investigations that neither the House nor the country nor the people can have that complete confidence in that they are entitled to when we direct investigations of great subjects of this kind.

The committee has brought forth important facts, but they are facts that inhere in the very records of the financial institutions themselves. I think the important fact developed in that investigation is the interlocking of directorates. But that could have been found by simply obtaining a list of the great financial institutions and comparing the names of their directors. It is a fact that those who want to see the light thrown upon these great questions have deplored that some of the great interests centering in Wall Street have not been called before the committee at all. Apparently this lawyer appointed to take the part of the committee and question witnesses in his own way is preparing a report for the committee automatically to sign and to bring into the House.

If a lawyer in New York or elsewhere has important knowledge by virtue of his professional associations and his practice and close association with the facts, which this committee and this House are entitled to know, let him be called as a witness and let us put him on the stand here to tell what he knows, and let it be paid for at the rate of witness fees and expenses, instead of paying him a $15,000 fee for coming and dominating the spirit of the committee.

Mr. Chairman, I am one of those who is in sympathy with that investigation. I believe there are——

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Yes.

Mr. MADDEN. Does the gentleman think that any lawyer could dominate the membership of a committee if the committee knew its business?

Mr. MARTIN of South Dakota. Mr. Chairman, I think if the committee is attending to its business, and is capable of doing its business, there is no place for a lawyer to dominate it or control its proceedings. The lawyer in this case has been the whole show. The committee has sat there silent, dumb as oysters, as to the proceedings, and if any one of them wanted to know anything which the lawyer did not see fit to bring out, they have sent a paper up to him to ask if, in his discretion, he would not see fit to put such a question. I say that that is a humiliation to the dignity and the tradition of this great representative body, and I for one desire to file my protest and to state my resentment against it. [Applause on the Republican side.]

Mr. BARTLETT. Mr. Chairman, I do not desire to say anything in reference to what has been said by the gentleman from South Dakota [Mr. MARTIN] and others, except as to one item in this expense account and the contingent fund.

The committee to which I shall refer, and whose expense account is in this item, was a committee known as a committee to investigate the Steel Corporation of the United States. That investigation was conducted, with the exception of 2 months, for 11 consecutive months. There was appropriated by the House $39,000 for that purpose, and there remains unexpended of that sum $23.41. During that investigation, at the beginning of it, and through it, application was made to the committee to employ a lawyer to represent the committee, to conduct the questions, and to aid the committee in the matters before it. Under the resolution we had full authority to employ a lawyer. There arose before that committee questions of great importance, of great doubt, involving the constructions of contracts, the construction of the act of 1890, and the right of the committee to proceed after the suit had been instituted at the instance of the United States Government against the corporation. I take no credit to myself for what was done in respect to that matter, but I do know it to be a fact that there never was an effort made in that committee from the beginning to the end to employ counsel to assist it, and no counsel was ever employed. No lawyer was ever advised with, that I am aware of, in respect to a legal question coming before the committee or the examining of witnesses or for the purpose of getting an opinion as to what the committee had the right to do or what the law was or as to the business of that committee. The minority members and the majority members had among them some of the ablest lawyers in the House. They devoted their time and gave their information and their legal opinion, with reference to everything connected with it, and every member of that committee took part in examining the witnesses that appeared before it.

I will not say of what benefit that committee has been to the public, except to refer to a suit that is now pending in the State of New Jersey to dissolve this great corporation, which it was charged existed and carried on its business in violation of the laws of the United States. If any gentleman has read the testimony of the witnesses, and the procedure that has taken place there, he will find that the bill originally was filed upon the evidence obtained by that investigating committee, and that the suit is now being conducted by the Government, through the information and knowledge that we obtained, and that the witnesses that we examined are being examined in that suit.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I want to refer to some of those things. Not only that, but we found evils to exist, to which the attention of the public and the Congress has been called. Decisions of the court have not been able to reach the great evils that exist by reason of the law not being such that it could correct them, and that committee recommended to this House amendments to the antitrust law which would, if enacted into law and enforced, correct some of the crying evils in reference to the business of the country conducted by these great corporations. I need mention but one. I want to say that we had no lawyers to draw these bills or to suggest the provisions in them. They were drawn and suggested by the members of this committee, endeavoring to carry out our duty and the instructions of the House that after this investigation we recommend such legislation as we thought would reach the evil. A great evil has grown up all over the country by reason of the ownership by manufacturing corporations of railroads, of transport companies of terminal lines, through which a discrimination was made in favor of the corporation owning the railroads or the transport lines, it also being engaged in business in competition with others. That was one of the crying evils. We have recommended bills to the House which we believe if enacted into law will correct that great evil.

I do not intend to detain the Congress nor state what other bills we recommended, but that is one, and great benefit was received by the country from it. I did not intend to say anything with reference to this item, but merely to say and to challenge the criticism and the scrutiny of investigations by that committee in its action, so far as the expenditure of money is concerned, and to say that we undertook to carry the business on as economically as we could, and every dollar expended was spent in order to get information and for the necessary expenses of conducting this investigation, and no dollar was paid for attorney's fees. Then let me say, in reference to this committee known as the Money Trust investigation, I doubted the propriety of forming such a committee. I thought it ought to be done by the committees of the House which had charge of such things—the Judiciary Committee, the Committee on Banking and Currency—and I did not vote for the supplemental resolution that was brought in here in the House. I did not vote to pay this attorney's fee or the doctor's fee in this bill when it was before the House being so recommended, and therefore have recorded my objection to that without any criticism upon those gentlemen who did. I now yield to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. The gentleman has made a defense of the steel investigation?

Mr. BARTLETT. No; I have not made any defense at all; I have stated the facts.

Mr. MARTIN of South Dakota. The gentleman referred to the Steel Trust investigation and named one great investigation in which they had accomplished good, and he criticized in plain language the policy of employing counsel in the so-called Money Trust investigation to dominate that committee, and I would like to know whether the gentleman from Georgia justifies the course that has been taken in that investigation?

Mr. BARTLETT. I am not here to defend that action or charges made with reference to that committee. I voted against the policy of having it done, and I voted against this bill for doctor's and lawyer's fees. [Applause.] That is all the criticism I have for it.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments close.

Mr. WILLIS. I hope the gentleman will not do that for a moment, I desire to ask a question.

Mr. MANN. I would like to have a few minutes.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. I want not to exceed five minutes.

Mr. FITZGERALD. I will withhold for a few minutes, but I hope the gentleman will be brief.

Mr. MANN. Mr. Chairman, if I may divert the attention of the House from the great subject that it has just been considering relating to the method of investigation to minor questions which affect the integrity of the proceedings of the House, then I wish to submit a remark or two. One of these investigating committees, the Committee on Expenditures in the Post Office Department, some time ago authorized one member of that committee to carry on an investigation and without ever submitting any recommendation to the committee itself and without having any action taken by the committee itself, without the committee ever authorizing any report, a single gentleman, a Member of the majority, contrary to the rules and the practice of this House, submitted a report to the House which to my judgment is not warranted by the facts even if the committee itself had acted. I think that committee perhaps needs a counsel, for certainly no committee of this House will think that it has the authority to appoint one member of the committee to carry on an investigation and make a report to the House without any action by the committee itself. If that practice were to be indulged in it would violate every principle of proper legislation. If a majority of the committee can authorize one majority Member to carry on an investigation and report to the House without the minority having any chance to be heard by the committee or to make minority views, the bossism which has ever existed anywhere in the world would pale into insignificance with the bossism which grew up out of such a practice. Now, Mr. Chairman, sufficient for that. That report ought to be withdrawn if it was submitted through lack of knowledge of the Member of the House, or if it was submitted in violation of the rules and practice of the House it ought to be stricken from the files on a motion made by some one on the majority side of the House.

Mr. ADAIR. Will the gentleman yield?

Mr. MANN. Not just now; I have only a moment. Recently the House passed the Indian appropriation bill. It struck out on a point of order an item in that bill. When that bill was engrossed that item was still in the bill. When the bill was sent from the Clerk's desk to the engrossing room the item was still in the bill. The other day the House acted upon a Senate bill and by amendment struck out section 2 of that bill, another bill relating to Indian matters, but when the Senate act went from the Clerk's desk to the engrossing or enrolling room that section was not stricken out and was still in the bill.

And it was transmitted to the Senate without the amendment being shown.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

Mr. MANN. I will not.

Mr. STEPHENS of Texas. I supposed you would not.

Mr. MANN. I would like to be permitted to make an intelligent statement in the House. I am not proposing to criticize the clerks at the Clerk's desk. I think they are doing very efficient work. In our control of the House we had a Journal clerk and an assistant Journal clerk. Our economical friends on the other side, who have spent something over $100,000 in investigations of doubtful value, were so economically inclined that at the beginning of this Congress they dispensed with the services of the assistant Journal clerk and put a burden upon the Journal clerk attending to his own work, which is all or more than one man ought to carry. In the old days the Journal clerk and the assistant Journal clerk, when bills were under consideration and amendments were offered, used to aid the reading clerks in keeping track of the amendments and the changes which were made in the bill. Our two reading clerks have been worked pretty hard in this session of Congress. I have no criticism to make because they made a slip on these bills. Far from me to criticize the Journal clerk, but I criticize the majority for dispensing with the services of a needed man at the Clerk's desk.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I would like just one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. If we amend a bill in the House or in the committee and the amendment does not get in the bill, but goes to the other Chamber or stays in the act as it is enrolled, the integrity of the proceedings of the House can never be certain to be preserved. We have the right, both the minority and the majority, to have a sufficient force at the Clerk's desk to see that the proceedings taken by the House or the Committee of the Whole are properly recorded and preserved, so that men may have faith in the integrity of our proceedings.

Mr. WILLIS. Mr. Chairman, I would like to ask the gentleman from Georgia [Mr. BARTLETT] a question. I understand he was a member of the steel committee.

Mr. BARTLETT. Yes; I was.

Mr. WILLIS. I wondered whether it would be possible to obtain anything in the line of an itemized statement of the expenses of printing by that committee. The reason I am asking that is that I have received numerous requests for such information. I understand these hearings have been distributed from the room over at the House Office Building in enormous quantities, and it has been suggested they were distributed largely to aid the political fortunes, not of the gentleman from Georgia [Mr. BARTLETT], but of some of the other gentlemen of the committee. I wondered if we could have an itemized statement of the expense for the benefit of the country.

Mr. BARTLETT. I did not know the gentleman was going to ask the question or I should have endeavored to secure the information. The gentleman from Kentucky [Mr. STANLEY], the chairman, would doubtless know about that. The expense of that committee can be ascertained.

Mr. WILLIS. Can the gentleman give any estimate of it? It certainly must have been tremendous.

Mr. BARTLETT. No; I do not think so. I want to say, so far as I am personally concerned, I think there were seven copies allotted to me, and I have not sent out any more during the investigation. As the hearings were printed there were certain lists furnished by me of the names of about 100 of my constituents, to whom they were sent, and that is all the information in reference to the distribution that I can furnish. So far as being used for political purposes is concerned, I do not know that that is true. I would doubt it very much, unless the gentleman from Ohio [Mr. WILLIS] would assert it very positively. Of course, I can not answer for the gentleman from Kentucky [Mr. STANLEY], but, without reflecting upon the statement of the gentleman from Ohio, I doubt the truth of it.

Mr. BURKE of Pennsylvania. The gentleman from South Dakota [Mr. MARTIN], in connection with his discussion of the so-called Money-Trust committee, adverted to the conduct of the gentleman who had been retained as the special counsel for that committee, and I think, in passing upon these particular items in this bill, that it is a perfectly proper and logical plan for Members of this House to consider the question as to the propriety of sinking their individuality, either on this floor or in the conduct of the business of this House, through the agency of committees. I have no personal criticism to make of any gentleman on the Banking and Currency Committee if he sees fit to set aside the dignity that should attach to that committee and transfer the power and all the functions of that committee to an individual who is not connected in any way with this House. With other Members of this House, I have attended hearings conducted before that committee, and I want to say, not by way of criticism of the committee, but more by way of reference to the conduct of the gentleman who has been given this unbridled license, that his treatment of reputable gentlemen from various parts of this country was unbecoming a member of the bar. And it was doubly unbecoming a committee of this House to tolerate the manner in which he treated men who were brought here upon subpœnas issued by this House and who came in response to them.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURKE of Pennsylvania. Yes; I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Was not this same gentleman frequently acting as attorney for the very interests he was supposed to criticize?

Mr. BURKE of Pennsylvania. As to whether or not the gentleman who was employed as special counsel was acting as counsel for other parties, I am not prepared to say. But wholly apart from that, I am speaking from personal observation as a Member of this House when I say that the conduct of Mr. Untermyer before that committee was not, in many instances, in keeping with the proprieties and was not creditable to the committee that retained him.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURKE of Pennsylvania. I yield to the gentleman.

Mr. FITZGERALD. In what respect was his conduct out of keeping with the dignity of the House? The gentleman from Pennsylvania, instead of indulging in these general aspersions,

ought to point out individual acts, so that we can judge of them.

Mr. BURKE of Pennsylvania. If I had the time, I would be glad to enlighten the gentleman from New York.

Mr. FITZGERALD. But the gentleman should not indulge in this general denunciation in a place where his remarks are protected instead of specifying the action he takes exception to, so that the country might judge.

Mr. BURKE of Pennsylvania. If the gentleman from New York, as one of the leaders on the other side——

Mr. FITZGERALD. No; I did not say that——

Mr. BURKE of Pennsylvania. The leader of the other side for the time being [laughter], if he wishes to enter into a defense of the gentleman employed in that capacity as special counsel, and will give me the time a little later on, I shall be delighted to enlighten him in regard to the conduct of the gentleman whom I referred to.

Mr. FITZGERALD. Let us have one instance now, to see whether the gentleman deserves any time later on. [Laughter.] Give one instance that is discreditable to this House, showing the conduct of Mr. Untermyer in respect to that committee.

Mr. BURKE of Pennsylvania. Mr. Chairman, every expression of countenance, every intonation of voice, and every attitude of the special counsel, Mr. Untermyer, in that committee was on many occasions insolent.

Mr. FITZGERALD. Oh, the gentleman from Pennsylvania should not expect everybody to look as handsome, as pleasant, and as attractive as he does. [Laughter.] What the gentleman says is no indictment of the special counsel.

Mr. BURKE of Pennsylvania. I fear I never will attain the high standard of the gentleman from New York. [Laughter.]

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURKE of Pennsylvania. I yield.

Mr. CANNON. As I understand the gentleman, taking into account the whole scope of this investigation and the attitude and action he speaks of, he would be entitled to recover under the common counts. [Laughter and applause.]

Mr. BURKE of Pennsylvania. Yes, sir.

Now, Mr. Chairman, with reference to the necessity of the retention of that gentleman as special counsel of the investigating committee, I want to call the attention of the House to the committee as it is constituted—the majority of that committee—to show the lack of necessity of retaining the special counsel by the committee. The Democratic members of that committee were chosen by the majority side of this House. On the majority side of that committee there are eight lawyers, two bankers, and one physician——

Mr. GREEN of Iowa. Is he a throat specialist? [Laughter.]

Mr. BURKE of Pennsylvania. And that gentleman has been practicing medicine for 23 years. Yet they pay $2,650 to ascertain the physical condition of a gentleman who, for some reason or other, they hounded for a number of months.

Mr. FITZGERALD. What does the gentleman mean by "hounded"?

Mr. BURKE of Pennsylvania. Oh, well, I do not propose to interpret every word that is commonly used in the English language for the enlightenment of the gentleman from New York. The gentleman is familiar with that word and its meaning.

Mr. FITZGERALD. An attempt was made, Mr. Chairman, to execute the process of this House, and it was impossible to do so.

Mr. BURKE of Pennsylvania. I hope the gentleman will give me additional time to compensate for these interruptions.

Mr. FITZGERALD. Does the gentleman think that when the officers of this House are attempting to execute the orders of the House they are guilty of hounding somebody?

Mr. BURKE of Pennsylvania. Oh, no; I did not say that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Pennsylvania. Mr. Chairman, I ask for three minutes more.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman may have two minutes more. The gentleman did not make any response to my requests for specifications. I ask that he may have two minutes in which to close this illuminating debate.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Pennsylvania [Mr. BURKE] may have two minutes. Is there objection?

Mr. BURKE of Pennsylvania. I ask for five minutes, Mr. Chairman.

Mr. FITZGERALD. No; two minutes.

Mr. BURKE of Pennsylvania. I ask unanimous consent for five minutes.

Mr. FITZGERALD. Two minutes, or I shall object.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BURKE of Pennsylvania. If I can not have five minutes, Mr. Chairman, it will be of no use for me to proceed, and I yield the floor.

Mr. FITZGERALD. Mr. Chairman, I was not in sympathy with some of the proposed investigations or with the conduct of some of the committee making this particular investigation. I had heard repeated statements that Mr. Untermyer, the special counsel of the committee——

Mr. BURKE of Pennsylvania. Mr. Chairman, the debate having been exhausted on this amendment, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

Mr. FITZGERALD. I move, Mr. Chairman, to strike out the paragraph. That has not yet been discussed. Having heard, I say, of the conduct of Mr. Untermyer toward witnesses, I personally attended some of the hearings of the committee, sat there patiently through them, and so far as I am any judge, Mr. Untermyer treated the witnesses with the courtesy, respect, and deference to which they were entitled.

Now, the only complaint that can be specified by gentlemen is the one that is made by the gentleman from Pennsylvania [Mr. BURKE].

For some reason or other he thinks that Mr. Untermyer is not as pleasant in his manner as he ought to be. Mr. Untermyer has not the attractive and handsome features of the gentleman from Pennsylvania and other self-constituted judges who sit over there in judgment on that committee. I believe that this House can not attempt to determine the degree of pulchritude that an attorney must have in order to appear before committees of the House.

Mr. GARNER. Will the gentleman yield for an interruption?

Mr. FITZGERALD. Yes.

Mr. GARNER. Like the gentleman from New York I do not entirely agree as to the manner of expending the money for the investigation of the Money Trust, and I want to ask the gentleman from New York if that can not be guarded in the future, when a resolution is passed authorizing a committee to expend a certain sum of money, to provide also that before any money is expended, or before any obligation is incurred by that committee, it shall submit to the Committee on Accounts its estimate, and the items upon which the money is to be spent, so that the Committee on Accounts, in addition to this committee, may be held responsible for the manner of expending this money?

Mr. FITZGERALD. I think perhaps it would be too much to assume that all the virtue of the House is in the Committee on Accounts, and perhaps we ought to have some other committee to check it up; but that is apart from this. The chief grievance, the chief complaint, the only special case made in justification for this general assault upon Mr. Untermyer, is that gentlemen do not like his looks; and I submit to the House and to the country that that is not a sufficient justification for this wild, intemperate, and extravagant denunciation of his conduct toward witnesses.

Mr. BURKE of Pennsylvania. The gentleman has been a Member of the House a great many years. Has he ever served upon any committee at any time in connection with his responsible duties here when he, as a member of the committee, was not permitted to ask a question without first submitting it in writing to an employee of that committee?

Mr. FITZGERALD. No committee ever tried to do that to me.

Mr. BURKE of Pennsylvania. How long would the gentleman remain a member of any such committee?

Mr. FITZGERALD. I do not know that that has been done in any other instances, although I have served with some Republicans on committees where, if I could have had my way, I would have adopted a rule that they should not be permitted to ask any questions at all, because I thought it was a waste of valuable time.

Mr. BURKE of Pennsylvania. The gentleman visited the Money Trust Committee room during its proceedings?

Mr. FITZGERALD. Yes.

Mr. BURKE of Pennsylvania. Did he observe any member of that committee exercising his right to ask any question without first putting it in writing and submitting it for approval to Mr. Untermyer?

Mr. BARTLETT. That was the rule that was adopted. The minority members never complained of it.

Mr. FITZGERALD. I understand the committee adopted a rule that, in order to keep their hearings in some systematized shape and not have them incoherent, as frequently happens when a great many men attempt to conduct one investigation, they should have all their questions asked by one man. Now, if his name had been something else besides Untermyer, and if, instead of being a distinguished Democratic lawyer, he had been a prominent Republican lawyer, I am sure the procedure would have appealed to the gentleman from Pennsylvania [Mr. BURKE] as eminently proper, because the gentleman from Pennsylvania is about as partisan a Republican as I am a partisan Democrat, and beyond that it is difficult to go.

Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. CAMPBELL, Mr. KAHN, and Mr. MOORE of Pennsylvania addressed the Chair.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendments thereto be now closed.

Mr. MOORE of Pennsylvania. I am opposed to the amendment of the gentleman from New York, and think I have a right to speak.

Mr. FITZGERALD. Under the rule, after debate has been had it is in order to move to close debate.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. How far has the Clerk read?

The CHAIRMAN. The Clerk has read to the end of page 43.

Mr. MOORE of Pennsylvania. Which paragraph is to be stricken out?

Mr. FITZGERALD. None.

Mr. CAMPBELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. The gentleman from New York moves to strike out the paragraph, and upon that motion to address the Committee of the Whole for five minutes. I ask if it is not in order now under the rules of this House for a Member opposed to that motion to address the House?

Mr. FITZGERALD. Oh, no; after debate on an amendment under the rule it is in order to close debate by a majority vote, and I have made that motion.

The CHAIRMAN. The Chair holds that it is in order to close all debate on the paragraph.

The question was taken; and on a division (demanded by Mr. CAMPBELL and Mr. MOORE of Pennsylvania) there were 76 ayes and 52 noes.

Mr. MOORE of Pennsylvania. I demand tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Eighteen gentlemen have risen, not a sufficient number, and tellers are refused.

So the motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MOORE of Pennsylvania. I object. The paragraph ought to be stricken out.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For furniture, and materials for repairs of the same, $29,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The real question at issue is whether or not the Democratic Party was sincere in its professions of economy at the beginning of the last session. It wants more money to continue useless investigations; investigations that have proven themselves to be worthless in that they have effectuated no result whatever except scandal, annoyance, and disturbance in the business world. In the common parlance of the day, the whole performance of these investigations has been "bunk"; "bunk" pure and simple. It goes outside of this House, with its distinguished lawyers and its constitutional lawyers upon the other side, to employ great attorneys presumed to represent the common people to investigate the rights and wrongs of corporations, and what does it get? In the instance of the Shoe Trust, in which it failed lamentably, it secured one who, by reason of his legal reputation, is now proposed as a suitable person for a position in the Cabinet of the President, and yet he is being opposed all over New England because in the Shoe Trust investigation it appeared that he acted as counsel for both sides, representing first the antitrust people and then the trust people. In the instance of the Money Trust investigation, one of the hugest jokes before the country, out of which we have had nothing but the spew of the New York financial market and the effusions of those who represent "the common people" on the other side, where they were going to beard the financial lion in his den; they found that they had not a lawyer on the great Committee on Banking and Currency with sufficient legal ability to conduct an investigation, and so they went out to find one born of the soil, born of "the common people," to take up their cause against the mighty giants of wealth who have been putting their iron heels on the poor, downtrodden common people, giving them no right to live.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Not now. Whom did they select for this patriotic purpose? One of the common people, one who springs from the soil, one who comes out of the trenches, one who was born in a potato patch, one who comes from the apple orchards of Arkansas or Missouri? Where did they go to get a lawyer of sufficient legal talent to represent the poor people of the land? They got Samuel Untermyer, of New York; and who is Mr. Untermyer? We have his own language as it appears in "Who is Who"; and what is Mr. Untermyer's relation to the common people of the land?

Born in the city of Lynchburg, Va., migrating, as southern lawyers sometimes do when they want to make money, to the metropolis of New York, the center of great fortunes, represented on this floor by the distinguished gentleman, the chairman of the Committee on Appropriations of the House [Mr. FITZGERALD], he went through the regular law court sprouts and finally came out as the real friend of the downtrodden and the poor until the Democratic committee found him to champion their cause.

But let us find out what Mr. Untermyer says about himself. He was admitted to the bar in 1879, and has since been in practice in New York, and is now the senior member of the firm of Guggenheim—oh, what a horrid name to the common people of the country [laughter]—Untermyer & Marshall, these gentlemen representing the downtrodden of New York and of Kansas and Missouri and Alabama, but still this distinguished lawyer is the head of the concern of Guggenheim.

He organized and is counsel for many brewing companies—think of it—mining companies—and that means copper—industrial and railway corporations. Oh, if the common people of the land who are represented so profoundly in this body by the other side only knew how close was their alliance to these real corporation friends of the poor, how much more they could appreciate the service of the distinguished lawyer who is representing them all!

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. He represents all these great brewing companies, all these great manufacturing companies, all these great mining companies, all these industrial and railway corporations, and reorganizations—and in these days you do not reorganize unless somebody has looted a corporation. He is counsel for the Kansas City Southern Railway and the receivers of the Seaboard Air Line. Yes; some one talks about defunct corporations and reorganizations. Mr. Chairman, you do not get defunct organizations unless the common people have been skinned somewhere, and you usually get the ablest counsel to represent the defunct organizations while any of the assets last. He is counsel for and director of the American Lithographic Co. of New York, and how it did want the tariff put on to protect itself against German imports in the last session, and how it wants protection by the present Ways and Means Committee! He represents not only the New York breweries and the northeast breweries, but the United States Brewing Co., and yet our friends on the other side are preaching prohibition now and want to put it into effect, while in their ardor for the poor they solicit the counsel of all the brewing companies in the country. He represents the General Development Co., and under the title "General development" you can organize almost anything in the United States, from a mining company that advertises its fake schemes and takes the money of the poor to the extent of $160,000,000 a year in the United States, up to these magnificent land schemes that are worked up in Washington and other large cities to take the money of the school-teachers and the savings they lay away for a rainy day. He is not only counsel for the General Development Co. and many others, but he is a member of the Democratic Club of New York and of the Democratic national something, not clearly stated in the biography. Go on, friends of the poor, and keep Mr. Untermyer for your counsel.

Mr. DALZELL. Mr. Chairman, I would suggest to my friend from Pennsylvania that he will find a supplement to his biographical sketch of Mr. Untermyer in the editorial column of the New York Sun to-day.

Mr. MOORE of Pennsylvania. If I had the New York Sun I would read it now into the RECORD; but not having it, I ask unanimous consent to extend my remarks in the RECORD by printing the editorial.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The editorial referred to is as follows:

MR. SAMUEL UNTERMYER AGAIN ON THE STAND.

Q. We shall now, with your permission, Mr. Untermyer, resume the examination interrupted by your recent memorable official visit to Jekyl Island and your subsequent absence for rest and recreation on the Florida coast. If, however, there is anything in your physical condition making it dangerous to subject your memory to a strain at the present time the sworn certificates of three reputable physicians will be accepted as good reason for postponement. This is ordinary humanity, and not as indicating any relinquishment of interest in your testimony. Have you any objection to proceeding?—A. (By Mr. Untermyer.)——

Q. I find, Mr. Untermyer, in the autobiographical notice furnished by you to the book entitled "Who's Who in America" this eloquent description of yourself: "Champion of rights of minority stockholders, urging changes in laws for their protection; has put forth in public addresses and articles pleas for Federal regulation of trusts, reform in criminal laws, protection of minority stockholders, and kindred subjects." Did you write that description of yourself in earnest good faith, Mr. Untermyer, or have you an uncontrollable propensity to humorous utterance?—A. (By Mr. Utterance.)——

Q. Do you remember the deplorable attempt of one Stein and one Beard, with the assistance of astute legal counsel in New York City, to scoop in and combine in restraint of trade about 70 straw-paper mills operating in the Northwestern States, and thus to establish a monopoly or trust in the wrapping-paper business? Do you remember whether the projectors and directors of this scheme were particularly solicitous for the protection of the rights of minority stockholders?—A. (By Mr. Untermyer.)——

Q. Do you recall, Mr. Untermyer, the circumstance that this operation of promotion and combination in restraint of trade got to the high courts, both Federal and State, in cases arising from the invasion of the rights of owners and stockholders and from attempted performances of the general character eloquently described in one of your public addresses and articles on this and kindred subjects as "an economic curse to the country, destroying opportunity for the rising generation, paralyzing the economic laws of supply and demand and levying tribute upon us by sheer brute force, more cruel and ruthless than the forced tribute exacted by the robber barons of old"? This is a rather long sentence, and I will gladly repeat the question if your attention has not grasped its significance at the first recital.—A. (By Mr. Untermyer)——

Q. Do you remember, for example, that one Dickerman and other minority stockholders of the Columbia Straw Paper Co. filed in the Federal courts a petition setting forth that they, with other stockholders of the mortgagor company—the Columbia Straw Paper—had been injured by the alleged fraudulent manner in which its securities had been issued; that the mortgagor was controlled by the bondholders and that its directors were not fitted to conduct the suit by reason of their adverse interests?—A. (By Mr. Untermyer)——

Q. Do you remember, Mr. Untermyer, that when the case reached the Supreme Court of the United States the history of this transaction was set forth in an opinion rendered in 1900 by Mr. Justice Brown and reported in 176 U. S., 181? Do you remember that Mr. Justice Brown said, among many other severe things:

"Instead of calling the mill owners together and organizing a new corporation, Beard and Ramsdell turned over the options to Stein, and articles of incorporation were drawn by a member of the New York firm under the laws of New Jersey, which were executed by Beard, one Taylor, a clerk in the office of the New York firm, and one Heffenheimer, a New York lawyer, residing in New Jersey, each of these subscribing for 4 shares, aggregating 12 shares out of a total issue of 40,000."

Is that the sort of thing you had in mind when you used the phrase "champion of the rights of minority stockholders"—incorporation by 12 shares out of 40,000?—A. (By Mr. Untermyer)——

Q. I shall trouble you, Mr. Untermyer, to listen a little further to Mr. Justice Brown's remarks from the bench of the Supreme Court:

"The three incorporators met immediately in Hoboken as stockholders and elected themselves as directors, with six others, two of whom were members of the New York firm, and the others clerks in their office. Not a single mill owner who expected to become a stockholder was placed on the board at this time, although representations had been made by the syndicate that the stockholders would be mill owners. Philo D. Beard was elected president and Samuel H. Guggenheimer secretary.

"Immediately thereafter, and on December 10, 1892, Stein, who held all the options, assuming to act as an independent owner, though he had obtained the options for the benefit of the company and had promised to pay for them in the stock of the company, made a proposition in writing drawn by a member of the New York firm to this board of directors to sell the 39 mills to the paper company for $5,000,000, being an advance of $2,113,000 over what he had agreed to pay for them. This proposition was drafted by the New York firm, and the stockholders, upon the day the proposition was received, held another meeting and instructed themselves as directors to accept. They authorized Beard as president to enter into a contract with Stein, which was accordingly done."

Not intimating any present interest of your own in this judicial narrative, Mr. Untermyer, but addressing you only as a champion of stockholders' rights and an expert in their protection, what do you really think of the business? Do you agree with Mr. Justice Brown, who followed still further into its financial details this story of promotion and then remarked from the bench:

"Bound as these promoters were to deal fairly and honestly with the stockholders in the new corporation, they were guilty of apparently inexcusable conduct in excluding the mill owners from all participation in organizing the new corporation, putting in their own clerks as directors and paying off the mill owners in stock which was really of little more than half the value they must have expected to receive. If they were able to obtain options upon only 39 out of the 70 mills they should have made known this fact, or at least given these mill owners the benefit of the surplus stock. * * * We think that no legal knowledge was necessary to apprise these parties that they were not dealing fairly with the owners of the mills in concealing from them the facts connected with this purchase and in dealing with the property as if they themselves were the only parties in interest."

Severe words, Mr. Untermyer, although not all the names are here mentioned. Does not this characterization of the business by the Supreme Court of the United States awake your indignation and zeal as a champion of stockholders' rights?—A. (By Mr. Untermyer)——

Q. By the way, Mr. Untermyer, can this be the same transaction that was denounced in another case, See, receiver, v. Heffenheimer, by Vice Chancellor Pitney, of New Jersey, when he said in a written opinion:

"At the suggestion of Stein they then entertained the notion of consolidating the plants of these straw-paper makers into a corporation. Mr. Beard waited upon Mr. Samuel Untermyer, of the law firm of Guggenheimer & Untermyer, of New York City, and he undertook that his firm should act as counsel in organizing for that purpose under the laws of New Jersey. He had had much experience in that kind of business and gave to the affair in hand his personal attention from that time on."

Personal attention as a champion of stockholders' rights, Mr. Untermyer, and as an expert in their protection?—A. (By Mr. Untermyer)——

Q. And still quoting Vice Chancellor Pitney:

"These stockholders and directors were the associates and employees of Untermyer, who was the managing genius of the whole transaction, and they were chosen by Untermyer and Beard especially for the purpose of accomplishing at once, and without any lengthy investigation, the manifest object of the proceeding, viz, the purchase of those properties at the round sum of $5,000,000, payable in cash and securities, of which little more than one-half was to go to the real owners. * * * The whole transaction was planned by Stein, Beard, and Samuel Untermyer. They then certainly occupied the position of promoters of the corporation, and at the same time as vendors to it."

I shall not quote further here from the vice chancellor's remarks, Mr. Untermyer. He used some very ugly language about you and your associates—particularly about you—language which would be extremely libelous if written and not judicially privileged. Is it not a fact, Mr. Untermyer, that when the vice chancellor's opinion was published by the New York Herald in 1906 you so accurately perceived the serious character of the implication that you wrote to that newspaper styling the opinion a mere "document," on the ground that the suit had been settled with the court's approval two months before the official publication of Judge Pitney's opinion, and warning the Herald that it was "not protected in it as being the record of a judicial proceeding"? Did you ever bring that libel suit, Mr. Untermyer? And how about the opinion of Mr. Justice Brown of the Supreme Court of the United States?—A. (By Mr. Untermyer)——

Q. If you have nothing to offer as a champion in stockholders' rights and an expert in protection against astute promoters, you are excused from the stand for the present, Mr. Untermyer, particularly as you must be very busy with the members of the Pujo subcommittee now preparing their report on evil financial methods.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is no attack upon Mr. Untermyer, of Wall Street, this is no attack upon Mr. Brandeis, but it is an attack upon that condition of affairs which the Democratic Party thrust the country into at the beginning of its administration in this House, when it made the bald pretense that it proposed to economize; when it told the people of the country it was the friend of the poor and the downtrodden. It is humiliating that the committee should now be compelled under dire necessity, for lack of ability amongst the great Democratic lawyers here, to obtain the services even of so distinguished a champion of the poor as Mr. Samuel Untermyer, of New York.

Mr. ALLEN. Mr. Chairman, my colleague from Pennsylvania [Mr. MOORE], coming from the quiet city on the Schuylkill, has again broken loose this morning, and his tirade to-day is principally against the great Commonwealth of Massachusetts. Now, the great Commonwealth of Massachusetts needs no defense from me, but the truth of the matter is I have a very warm spot in my heart for that rugged, rocky north shore above Boston. Once upon a time I made a speech to a young lady way up on those rocks, and that young lady is now my wife. I am reminded of the story that is told of a young lady from the city of Philadelphia who was visiting her school friend in Boston. She had strolled around that city for a few days and finally one morning said to her friend, "Elizabeth, how in the world do you ever get around in this city with its crooked streets and byways? Every time I go out I have to hold on to the buildings to be sure that I am on the same side of the street that I started out on. Now, down in Philadelphia everything is laid out as nice and straight as could be, and you just ought to come down there and let me show you around." Her Boston friend replied, "Well, Mary, when Boston is as dead as Philadelphia, she will be laid out nice and straight too." [Laughter.]

But to the question at issue, I think the American people are well satisfied with the work and results of our investigating committees.

Mr. HEFLIN. Mr. Chairman, the wail of the gentleman from Philadelphia [Mr. MOORE] is pathetic. The gentleman mournfully complains of the work done and being done by the investigating committees appointed by the Democratic House. The Republican Party had been in control so long that it was absolutely necessary to make these investigations so that we could have the facts of conditions before us when we were

ready to remedy the evils that have sprung up under Republican administrations. [Applause.] These committees have brought to light information that the people were unable to obtain before the Democrats got control of this House. This information will be of great value to the President and the Congress during the Wilson administration. In these closing hours of a Republican administration, Republicans squirm under the white light of Democratic investigations, and, Mr. Chairman—

The Republican swan,
In his latest breath,
Chants bitterest strains
And sings himself to death.

[Laughter and applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the paragraph. In a criticism, which I think was entirely warranted, I have succeeded in drawing forth considerable discussion, culminating in one of the entertaining stories we are always glad to get from the gentleman from Alabama. But I do not want this discussion to be left at this point and to overlook the real vice I undertook to point out in my opening remarks. We appointed a committee to investigate the Money Trust. I thought at the time it ought to be a special committee selected for that particular purpose, but the Banking and Currency Committee insisted upon the exercise of their function and considered they had jurisdiction. A limit of expenditures was put upon the committee, as I remember, of $25,000, and they proceeded with their work—and the methods of procedure were somewhat astounding—which culminated in the presentation of a bill or request for further authorization of something like $26,000, covering confessedly unauthorized expenditures that they had obligated themselves to make, and it appeared that $15,000 of that item was for the employment of counsel and some $2,600 for the work of a throat specialist. Now, I believe there was a great opportunity for this committee to perform a good task. I believe they brought out some things of value to the country, but nothing compared with what they could have done if they had given a real congressional investigation without the dominating direction of special counsel selected from the very environment of the things which they were expected to investigate. Have you heard of any Guggenheims, a name prominent in financial circles, testifying before that committee as to whether there is a Money Trust? Have you heard testifying among the bankers one of the largest and, so far as I know, most respectable, Kuhn, Loeb & Co.? I protest, simply as a Member of the House who sincerely voted for the investigation of the Money Trust, against the method which has subverted the purposes and intentions of that investigation. Now, then, if that committee of 8 lawyers in a Democratic membership of 11, and 1 physician and 2 bankers is not able to properly go into these facts without the necessity of employing special counsel, I would have suggested—and I presume it would have been suggested if the committee had frankly come before the House before they increased their obligations beyond the limit which the resolution authorized them—I would have suggested that if that committee found it necessary, with eight lawyers, to employ another one, that they should procure a lawyer outside of the environment of the things to be investigated.

Mr. FITZGERALD. The original resolution, voted for by the gentleman, authorized the employment of counsel.

Mr. MARTIN of South Dakota. But the amount of appropriation was limited, and then I did protest in a mild way against that——

Mr. COVINGTON. I am sure the gentleman from South Dakota does not want to put the Committee on Banking and Currency in a false attitude. He certainly must be informed that the great head of the firm of Kuhn, Loeb & Co., Jacob H. Schiff, was before the committee and was exhaustively examined. The ramifications of that firm extend to financial groups in Wall Street beyond the sphere of Morgan & Co.

Mr. MARTIN of South Dakota. I certainly do not desire to place any Member of this House, nor any other person, in any false light, and if I am mistaken it is on account of my limited knowledge of Wall Street; and in regard to the firm of Kuhn, Loeb & Co., I am not making any animadversions upon the firm. I understand it is one of the best, but I am talking about the partial investigation that always results from the taking of a man from the very environment which the investigation is intended to cover.

Mr. HARDWICK. The gentleman voted for the resolution authorizing this investigation?

Mr. MARTIN of South Dakota. Certainly; but I did not vote for the $26,000 expended by it without authority.

Mr. HARDWICK. But the gentleman voted for the provision that this committee should have counsel, undoubtedly?

Mr. MARTIN of South Dakota. Yes; I voted for the resolution.

Mr. HARDWICK. Then you voted for this provision?

Mr. MARTIN of South Dakota. I have not anything to clear my skirts from.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. MARTIN] has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. If it became necessary to employ counsel for the committee, which I deny—and the suggestion is a reflection upon the great ability of the lawyers on that committee and others of the House—the proprieties of the case should have suggested that the committee go outside of the particular locality, namely, Wall Street, which was to be investigated, to employ their counsel. And then there was impropriety, the counsel being selected from that locality, in turning the whole investigation over to him, the questioning of witnesses, adopting a resolution that no Member should be expected to question witnesses, and then in allowing the counsel to proceed down to Palm Beach, and in the quietude of his vacation to prepare words to put in the mouth of the legislators of this body. This is a degeneration of the proper proceeding of a congressional committee. I want to record my protest against it, and to suggest that any further expense money that may be asked for that sort of proceeding ought to receive the condemnation of this body.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 28750) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For folding speeches, to continue available during the fiscal year 1914, $3,000.

Mr. OLMSTED, Mr. BUTLER, and Mr. KAHN rose.

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I have listened with a great deal of pleasure to this debate this morning, and I believe the House is entitled to know and should know who received any emoluments from any of these investigating committees. I have spoken to the chairman of the Committee on Accounts, the gentleman from Missouri [Mr. LLOYD], who told me that that committee does not print the names of persons who have received and are receiving pay during these investigations. I think the House is entitled to know and should know who was in the employ of the various committees of investigation. The gentleman from Wyoming [Mr. MONDELL] says that $330,000 was expended in these investigations. I am told that there was a gentleman named McRae who received $15,000.

Mr. FITZGERALD. If the gentleman had been in here earlier, he would not have made that statement. I stated the amount expended by each committee, and it aggregates $112,000.

Mr. GILLETT. That does not include printing, does it?

Mr. FITZGERALD. No. The expense of printing is never included in that way.

Mr. GILLETT. That is a very large expenditure, is it not?

Mr. FITZGERALD. Yes.

Mr. KAHN. I understand the gentleman from Wyoming——

Mr. FITZGERALD. I can not accept statements of gentlemen who are not informed concerning these matters.

Mr. KAHN. I accept the statement of the gentleman from New York [Mr. FITZGERALD].

Mr. MONDELL. That statement I made is correct—$330,000 in two years.

Mr. KAHN. The gentleman from Wyoming [Mr. MONDELL] again asserts that in two years $330,000 has been spent. The gentleman from New York states that $112,000 has been spent. In either case, it was a very large amount. The discrepancy shows that it would be well if the amounts paid to all employees of investigating committees were printed in itemized statements. I believe the House should know who received every dollar of the amount expended and every purpose for which money has been expended during these numerous investigations.

Mr. GARNER. Will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. GARNER. In this particular instance that is being discussed the gentleman from Louisiana [Mr. PUJO] did put in the RECORD the items for which this money was paid out and gave the names of the gentlemen who were to receive it.

Mr. KAHN. True, in that particular instance, he did; but there have been dozens of investigations in this Congress. This Congress has been called "the Congress of a thousand investigations."

Mr. LLOYD. If the gentleman desires, if he will read the report that is made by the committee in this particular case in the bill now pending, he will find the statement of every dollar that has been expended by these investigating committees, and it does not amount to as much as $100,000.

Mr. KAHN. Are those expenditures itemized?

Mr. LLOYD. Yes, sir. Look at the hearings, on page——

Mr. GARNER. May I say to the gentleman——

Mr. LLOYD. It is an itemized statement, so far as the amount is concerned, which has been expended by each investigating committee. If the gentleman wants to know just what has been expended by any committee, if he will come downstairs to the Committee on Accounts, he will find the books are open, and he can examine for himself and ascertain every dollar that has been allowed to anybody and for what purpose.

Mr. KAHN. I do not criticize the Committee on Accounts; I have the highest regard for the chairman and all the members of that committee. They perform a difficult duty, and perform it well; but I think the House has a right to know the name of every individual who received any of this money.

Now, I am told—I do not know, but I am told—that there was a gentleman by the name of McRea, who was employed by the steel investigating committee. He received something like $15,000 as an expert accountant, and I am told that the full result of his expertness was in digging up some facts that the Steel Trust itself was willing to volunteer, and did volunteer. I do not know whether that be true or not, but I have heard that statement made. At any rate, I think this House is entitled to know the name of every man who received any money as an employee, as an expert, or as an accountant during these investigations.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. I yield to the gentleman; certainly.

Mr. BARTLETT. I want to say in reference to the employment of Mr. McRea that he was employed by the authority of the full committee, participated in by both the minority and majority of the committee, and that his bill for services was first approved, after it was rendered, by a special committee, in which the minority was represented, and before the subcommittee would recommend its payment it was carried before the full committee and investigated and approved.

Mr. KAHN. How much was it?

Mr. BARTLETT. I think the gentleman has stated it correctly, $15,000 for a year's work.

Mr. KAHN. I think he was employed at the rate of $50 a day. I think that was the agreement, and the total amount paid him was $15,000.

Mr. BARTLETT. That is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KAHN. I am told that in the Sugar Trust investigation there was a gentleman paid $700 for indexing, and that the index work is not yet done for the second volume.

Now, the House has a right to know these things. Gentlemen on the other side have seen fit to cast a doubt on the integrity of many worthy men employed in the Government service in various capacities, and a multitude of investigations were ordered. They have found practically nothing, and yet it has cost the country thousands, yes, hundreds of thousands, of dollars.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Certainly.

Mr. SHERLEY. Was there any one of these committees that did not have a minority Republican representation on it?

Mr. KAHN. Oh, there is no doubt but that the committees did have minority Republican representation. But the full result of the work of the committees is nothing. You found absolutely nothing, although you tried to work a big political scheme by muddying the waters and leading the people of the United States to believe that there was rottenness in the Government. [Applause on the Republican side.] And after investigating all the departments and bureaus of the Government for two years you have found practically nothing upon which to predicate a single substantial charge against any employee of the Federal Government. [Applause on the Republican side.]

Mr. SHERLEY. Now that the gentleman has gotten rid of his opinion, may I ask him as to one other matter of fact? Has any Republican member of any investigating committee of which the gentleman complains risen in his place on this floor to complain of an expenditure as being unjust or unwarranted? And if he has not, why not, if the gentleman's position is right?

Mr. KAHN. Oh, the gentleman must know that I do not complain of these expenditures myself. I simply say that the House and the country have the right to know who were the recipients of the salaries and allowances that were made by the committees.

I will say, further, that, notwithstanding you have made all kinds of investigations, you have unearthed not a single thing that was worth the time or the expenditure that you permitted during this entire Congress. [Applause on the Republican side.]

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FITZGERALD. Mr. Chairman——

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman from California yielded to me.

Mr. FITZGERALD. The gentleman's time is up.

I just wish to say this: If the gentleman were as familiar with the facts as he is glib with his statements, he would be more careful as to what he says to the House.

As the result of the investigation of the Steel Trust, it may be of interest to the gentleman from California [Mr. KAHN] to know that a suit was precipitated against the United States Steel Corporation by the Attorney General to anticipate what was being done, and a distinguished former member of a Republican Cabinet was retained as a special counsel. This bill carries the balance of the money necessary to pay him $40,000 for his services up to date.

Another investigation originating on this side of the House resulted in the retirement of a member of the Cabinet during the present administration. The gentleman speaks of no results having been attained by these investigations. He should not forget some things very unpleasant to his own party.

Now, Mr. Chairman, I move that all this debate be closed.

Mr. BURKE of South Dakota. Mr. Chairman, I want just half a minute.

Mr. FITZGERALD. I yield to the gentleman.

Mr. BURKE of South Dakota. The gentleman from Kentucky inquired if any Republican member of one of these committees had ever protested against the expenditures of these investigating committees. I want to state that, as one member of a Committee on Expenditures, I have repeatedly protested against the expenses that were being incurred by that committee and against the employment of counsel.

Mr. SHERLEY. What committee?

Mr. BURKE of South Dakota. The Committee on Expenditures in the Interior Department.

Mr. SHERLEY. That was in connection with the investigation by the committee of which the gentleman from Illinois [Mr. GRAHAM] was chairman?

Mr. BURKE of South Dakota. Yes.

Mr. GARNER. That was paid out of the contingent fund.

Mr. FITZGERALD. I will say for the benefit of the gentleman from California [Mr. KAHN] that I hold in my hand the annual report of the Clerk of the House, in which are printed vouchers containing the names, services, and amounts paid to every person and chargeable against the contingent fund of the House; the gentleman, without any more than a due amount of industry, by obtaining the annual report of the Clerk of the House, can procure in print all of the information for which he is clamoring. My impression is that gentlemen do not wish information so much as they desire an opportunity to make sensational and unfounded statements.

Mr. KAHN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KAHN. I want to say to the gentleman that I am as earnest in seeking information as he is and that my purpose was not to make any sensational statement. I went to the chairman of the Committee on Accounts to find out whether these items were printed. He told me they were not, and I believed and still believe they ought to be printed, and I am glad to learn that they are printed.

Mr. FITZGERALD. They had not been printed at that time. They are printed at the end of the fiscal year.

Mr. MANN. The chairman of the Committee on Accounts has nothing to do with the printing.

Mr. KAHN. I asked the chairman of the Committee on Accounts this morning.

Mr. LLOYD. If the gentleman will permit me, there is no difference between us when we understand each other. The gentleman from California asked me if these accounts were printed, and I said, "No; they are not printed yet, and they will not be printed until the report of the Clerk is printed at some time in the future."

Mr. KAHN. Then, I am right, and the gentleman from New York is wrong.

Mr. LLOYD. The gentleman from New York is right, because all these things will be printed in their regular order. We have now the report of the expenditures during the last fiscal year.

Mr. MANN. They are printed annually.

Mr. FITZGERALD. Of course, they can not be printed before they are made.

Mr. MANN. The accounts can not be printed before they are made up.

Mr. FITZGERALD. Mr. Chairman, I am going to insist now that the debate be germane to the bill. We have had enough irrelevant debate.

Mr. OLMSTED. Mr. Chairman, I have an amendment.

Mr. FITZGERALD. If the gentleman from Pennsylvania has an amendment, I am not going to preclude him from discussing it.

Mr. OLMSTED. Mr. Chairman, I move to amend the paragraph as follows.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 44, line 4, by striking out the last word.

Mr. OLMSTED. Mr. Chairman, I have moved to strike out the much-abused last word for the purpose of putting in what may be my own last word.

Whatever items in this bill may be proper subjects of criticism, it should be remembered that they were not put there by the Committee on Appropriations until they had been authorized by this House. Therefore the blame, if any, does not rest with that committee.

On the 21st of December, 1911, I notified my worthy constituents by open letter published in all the newspapers of my district that I should not again be a candidate for election to this House. I shall retire from this body next Tuesday. This bill, upon which we shall vote in a few minutes, is the last of the great appropriation bills to be passed in this Congress, and is therefore the last in the passage or preparation of which I shall take part.

I have been a member of the Committee on Appropriations for some time, and wish to say that if there is any gentleman in this House or out of it who thinks that Congressmen do not earn their salaries, he ought to sit for a time on that committee. Its labors and investigations extend to every item of property owned by the Government and to every activity of the Government on land and on sea, and in every island of the sea over which our flag floats. These labors are not always pleasant. They are always arduous, but often the committee gets more kicks than compliments for its very best service.

I remember to have met some years ago a member of the President's Cabinet in very bad humor. He had been before the Committee on Appropriations. They had questioned him sharply and cut down his estimates. "Confound JOE CANNON," he began, and then he stopped and added, "but I love him for his rugged honesty and for his unfaltering courage." [Applause.] "And I guess he has saved this country millions of dollars, for probably, if every department got all it wanted, we would soon empty the Treasury."

The distinguished gentleman who, as chairman of the Appropriations Committee, saved hundreds of millions of dollars to the Treasury, and then was elected and served four terms as Speaker of this House, is now the ranking minority member of the committee and, although in his seventy-seventh year, is as active and attentive to his duties to-day as any member of the committee or of this House. He is there by day and there by night. The labors of subcommittees frequently do extend into the night. I desire also to say for the present chairman, the distinguished gentleman from New York [Mr. FITZGERALD], that he is faithful, earnest, intelligent, industrious, painstaking, and patriotic in his labors. And so are all the members of the committee, as much so as possibly could be expected of any set of men. [Applause.]

I could not leave the House without this word of commendation. The committee is composed of 14 Democrats and 7 Republicans, but I have never heard in that committee room a single suggestion of partisanship; it has never entered into the consideration in the framing of any bill since I have been a member.

Now, Mr. Chairman, on Tuesday next I shall retire from this House after a service of 16 years, from a district which has never before returned a man more than for two consecutive terms. These 16 years have been wonderful years in the history of this country. Arising from the depressed conditions of 1896, it entered upon a period of unexampled prosperity and has experienced a growth of national power and greatness unparalleled in the history of nations.

Within that period we have successfully carried on a foreign war, concluded an honorable peace, paid the expenses of the war and repealed the war taxes, wrested Cuba from the cruel hand of Spain and established there a new Republic, freed the Philippines and Porto Rico from the same grasp and given them freer and better forms of government than they had ever before enjoyed and with as much of self-government as they are at present fitted to enjoy, we have annexed Hawaii and made it a Territory of the United States, and by creating three new States we have added three stars to the flag.

Within that period we have firmly established the currency upon a gold basis. We have created two new great departments of Government, thus adding two members to the President's Cabinet. We have established new and important bureaus in other departments; we have commenced and carried well toward completion the Panama Canal, that stupendous undertaking which is destined to be of great and lasting benefit to the whole country; we have established and carried into operation throughout the land the rural free-delivery service, bringing the American farmer into touch with all the world; we have established the postal savings-bank system; we have established the parcel post; a deficit in the National Treasury has been converted into a surplus; within that period of 16 years we have passed constructive, progressive, remedial, regulative, and beneficial laws which, if we except those incident to the Civil War, exceed in importance all the previous legislation of Congress from the time when Frederick Muhlenberg of Pennsylvania, the first Speaker, ascended that rostrum and assumed the gavel, which you, Mr. Speaker, now so skillfully wield.

Within that period our population has increased 50 per cent; the amount of money in circulation in this country has more than doubled; the amount paid out annually in wages for labor has more than doubled; the annual value of our agricultural products has more than doubled; the business of our railroads and the products of our mines and of our factories has more than doubled; our exports and our imports have each more than doubled—in short, the great volume of our commerce, both foreign and domestic, has more than doubled within the past 16 years.

We upon this side of the aisle think that the great growth and prosperity of the country is attributable in large measure to Republican ascendancy in the National Government. Some of you upon that side think that it has occurred in spite of such ascendancy. You hope and believe that after the 4th of March there will be continued growth and prosperity because of Democratic control. We have some misgivings, but hope that prosperity will continue notwithstanding Democratic control.

We all struggle for the same end although we differ in regard to methods and principles of government. Speaking for myself, and I believe for every gentleman upon this side of the House, we can not agree with you in your policies, but we credit you gentlemen upon the other side with the same patriotic desires and impulses which actuate us. We all hope and pray for the prosperity of our country.

I wish to express my appreciation of the many kindnesses and courtesies received at the hands of my fellow Members. I shall return to my home bearing in my heart the kindest feelings toward each and every one, and the associations and friendships formed here will be with me as precious memories to the end of my days. [Loud applause.]

Mr. MONDELL. Mr. Chairman, after the beautiful speech of the gentleman from Pennsylvania [Mr. OLMSTED], whose coming departure we all regret, I am not disposed to further refer

to matters in controversy. I should not do so if it were not for the fact that some figures I quoted a short time ago seem to have been questioned. The item on which I made my statement is this:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, fiscal years as follows.

Following which are two items, one of $75,000, a deficiency in 1913, and one of $10,000, a deficiency in 1912. This is a regular item of appropriation carried on appropriation bills for many years. Under this item of appropriation the expenditure for 10 years prior to 1912 under Republican administrations averaged $95,000 per annum. On the other hand, in the year 1912, during this Democratic House, the appropriation was $75,000 and the deficiency was $105,000, or a total of $180,000. For 1913 the appropriation was $75,000, and the deficiency now asked and just granted is $85,00, a total of $160,000, being a total for two years not of $330,000, as I stated a moment ago, but $340,000. That makes $170,000 per annum for special and select committees under Democratic economy, as compared with $95,000 per annum under so-called Republican extravagance.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. LLOYD. The gentleman does not wish to leave the impression upon the House that the $95,000 expended under Republican administration was for select committees of investigation, and I take it that the gentleman does not want to leave the impression upon the House that the $170,000 to which he refers is on account of select and special committees, but it is the whole of the contingent fund. It includes any expenditures which may be made out of that fund. It includes the amount expended on account of the death of employees; it includes expenditures on account of telephones, telegrams, and a great many other items which I shall not take the time to enumerate.

Mr. MONDELL. Mr. Chairman, the gentleman from Missouri is usually accurate, and always wants to be, but he is unfortunately inaccurate in this matter. I read the item of appropriation, and, so far as I know, it has not been changed in years:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered——

Mr. LLOYD. Mr. Chairman, I am not questioning the gentleman's statement. I am only asking him, if he can, to make a segregation of expense. The first part of this item is miscellaneous expense, and as I remember it the items under the last Republican administration of $95,000 were nearly all miscellaneous expense.

Mr. MONDELL. Mr. Chairman, if the gentleman is through with his exposition of lack of information, I will proceed. I again say, and I read from the RECORD, that the items to which I formerly referred, the item to which I now refer, is as follows, and I know that no Republican Congress ever violated the terms of the law. What a Democratic Congress may have done in violation of it I know not. The item is:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor,

And so forth.

Under a Republican administration for 10 years we spent $95,000, approximately, per annum, and under Democratic so-called economy and muck-raking we have spent last year and this $170,000 per annum.

The gentleman from New York [Mr. FITZGERALD] and the gentleman from Georgia [Mr. BARTLETT], both of whom are generally very frank—neither of whom I charge with any responsibility for this extravagance—have pleaded guilty on behalf of their party to the charge of extravagance and unwisdom, shall I say, lack of wisdom in the expenditure of these sums?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, my time was largely taken by an interruption of the gentleman from Missouri [Mr. LLOYD]. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. In order that I may not be compelled to take the time of the committee in discussion of an item soon to be reached, I desire to call attention to the fact that this bill carries a deficiency of $285,000 for the Printing Office. I do not know how much of this deficiency is by reason of the printing of the voluminous reports of these special committees, but I am of the opinion that practically all of it is due to such printing. Therefore, we must add to the very great sums I have just referred to, this additional item of $285,000 for printing.

Mr. MANN. Mr. Chairman, is the gentleman aware that one Member of this House is said to have sent many carloads of printing, as the result of one of these investigations, into his own State?

Mr. MONDELL. I was not personally aware of that fact, though I have heard rumors of it.

Mr. MANN. Mail sacks by the hundreds went out under frank of one Member of this House.

Mr. MONDELL. I am glad to have that interesting information.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have no question as to its accuracy, for I know, and we all know, that tons of literature have been sent out, due to the activities of these special committees.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have only five minutes.

Mr. HARDWICK. I was not here when the gentleman began. I take it the gentleman does not refer to me. I was at the head of one of these investigating committees——

Mr. MANN. The gentleman did not refer to the gentleman from Georgia.

Mr. MONDELL. I want to say that, in my opinion, the investigation conducted by the gentleman from Georgia and his committee was conducted economically and was a very useful investigation indeed——

Mr. HARDWICK. I am obliged to the gentleman.

Mr. MONDELL. And brought out many interesting facts. Now, it has been said here we have not protested against these expenditures. The gentleman from South Dakota and I have repeatedly protested against the expenditures of a committee of which I was a member. It is a fact that any crank, any evil-disposed person, haunting corridors of the Capitol, no matter how irresponsible, could secure the ear and attention of the majority members of these committees, and, absolving Members from any disposition to do anything but perform their duty, I know, and I think others know, that many of these investigations were instituted on the suggestion of people who had miserable personal grievances to air and who had no desire to serve the public interest. The expenditures made and the time wasted do not reflect credit on the American Congress. Some of these investigations started with a flourish of trumpets and beat of drums suddenly subsided into stillness compared with which the voiceless silence of a clam is a cyclone. The Dick-to-Dick letter, the investigation of Controller Bay heralded throughout the Nation and suddenly never heard of more, the Chief Executive of our great Nation brought into question in regard to his veracity and good faith, the newspapers carrying it to the ends of the earth, all based upon a miserable falsehood—these are samples of some of the things done under these appropriations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Chairman, I withdraw my amendment and ask unanimous consent that I may extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For expenses under the resolution of the House of Representatives adopted January 10, 1913, to procure and install the necessary furniture and furnishings for the Hall of Representatives in accommodating and seating the Members of the House of the Sixty-third Congress and to do all such other things as may be necessary in the preparation of the Hall of Representatives for the assembling of the Sixty-third Congress, under the direction and supervision of the Commission to Rearrange and Reconstruct the Hall of the House of Representatives, $25,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, after line 14, insert: "The Maltby Building is transferred to the control of the commission in charge of the House Office Building, and rooms therein shall be assigned for use of Members of the House of Representatives who can not be accommodated in the House Office Building in the same manner and under similar conditions as rooms are assigned in the House Office Building."

Mr. MANN. Of course, I understand the purpose of this is to take care of the surplus Members in the Maltby Building who can not be accommodated in the House Office Building. Is there sufficient room in the Maltby Building which will be ready by the 1st of April to provide rooms for all the Members of the House who desire them in that building?

Mr. FITZGERALD. The Superintendent of the Capitol informs us that there is, and also the necessary furniture, and that it requires only a little work in cleaning up.

Mr. MANN. These rooms in the Maltby Building are of sufficient size to take care of the Members?

Mr. FITZGERALD. I understand so. I have not examined it, but the Superintendent of the Capitol did; and he says the

rooms are ample and that the accommodations will be very suitable.

Mr. MANN. As a matter of fact, those Members who have not yet been accorded filings in the House Office Building are not likely to suffer materially by going to the Maltby Building?

Mr. FITZGERALD. They will be very comfortably located; but most of the Members seem to be desirous of being in the House Office Building. All of the rooms there are assigned, and it is impossible to obtain more than 14 or 15 additional in the present building.

Mr. MANN. Well, the Members like to go to the House Office Building now, but I recall when I had the chairmanship of the committee on the assignment of rooms in the House Office Building very few of those who were in the Capitol Building wanted to get out. It seems like home now, and yet they want to be there; but these new Members—and, necessarily, they will be new Members in the main—in the Maltby Building when they are located there will feel like they are at home there; and I think will be perfectly satisfied, as much as they would be in the office building.

Mr. FITZGERALD. Well, it is the only accommodation that can be afforded.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 10, after the word "Congress," insert a comma and the following: "To fumigate and thoroughly cleanse the Hall of Representatives and all the furniture thereof."

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope the gentlemen of the Appropriations Committee can see their way clear to permit this amendment to be made. It does not do violence to the paragraph, and would be in line of direction to those who are charged with the care and cleaning of the House.

I call the attention of the committee to the fact that we have just passed a paragraph which provides allowances for widows of several Members of the House who died during the third session of this Sixty-second Congress, four of them Democrats and three of them Republicans. Since the Sixty-second Congress began the mortality rate here has been tremendous, greater than it has been for very many years. We have lost altogether 18 Members of the House, while 7 Members of the Senate have died. Now, some of the Members who have died have died of tuberculosis. Every Member understands full well that the air of this Hall becomes very much congested toward the end of the day. We have here an average attendance on the floor and in the galleries of probably 600 every day, and toward the evening, and after a hard day's work, the close, tight air becomes enervating and depressing, and perhaps the beating of the carpets by the pattering of the footsteps up and down stir up the sputum and the dirt and the filth that naturally cling to this carpet, and these germs probably rest on the ledges and hold there from Congress to Congress until some breath of air scatters them through the House.

This could be remedied very readily by fumigation, with very little expense, and it would remove all possibility of danger in the House.

Mr. FITZGERALD. If that be necessary, the Superintendent of the Capitol has the authority, and this appropriation is all that is needed to meet the obligations that have been incurred. It should not be inserted here.

Mr. MOORE of Pennsylvania. It would add to the other work that would be done during the interim.

Mr. MANN. This room during the recess will be stripped apart, the carpets will be taken up, and the floor will be taken up and made over again. What would you fumigate?

Mr. MOORE of Pennsylvania. Does the gentleman mean to say the mere taking up of these carpets and bringing them back would remove live germs?

Mr. MANN. The floor will be taken up.

Mr. MOORE of Pennsylvania. Are these carpets to be returned?

Mr. FITZGERALD. No; they are not. There are to be new carpets.

Mr. FOSTER. Mr. Chairman——

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. I would like to ask the gentleman from New York if it is contemplated in the rearrangement of the House to put carpets upon the floor as they are now?

Mr. FITZGERALD. It is; yes.

Mr. FOSTER. Have any steps been taken looking to the matter of providing some different covering for the floor in place of carpet, as we have now?

Mr. FITZGERALD. It has been discussed frequently. It was suggested, for instance, that in the special session it might be desirable to put in matting, but these rises in the floors are circular, and you could not get matting so it would fit. A year or two ago the Superintendent of the Capitol investigated the question of substituting some different floor material, but he was unable to reach the conclusion that it would be a desirable change to make.

Mr. FOSTER. It seems to me if there is any material different from a carpet, which holds all the dirt, as suggested by the gentleman from Pennsylvania [Mr. MOORE], it ought to be looked into and we ought to secure that kind of a covering for the room. It is well understood now and every good woman, who has charge of a house, and everyone who is looking after sanitary conditions, believes that with carpets such as this is here, which is necessary to remain on the floor all the time, with the constant walking over them, which stirs up the dust, we are continually breathing the impurities that may be on the floor of the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. FOSTER. Mr. Chairman, I would like to have about three minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Illinois [Mr. FOSTER] yield for one question?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman recall the meeting at which Col. Gorgas spoke here one evening and remember how packed the place was both on the floor and in the galleries, and how there was a constant hacking and coughing throughout the whole evening by men and women, simply because these germ particles had arisen from the carpets and had penetrated their nostrils and their throats?

Mr. FOSTER. There is no question about that, and people walking through the halls coughing may not expectorate on the carpets; but the very fact of them coughing and that some sputum may come from the mouth, which becomes pulverized and dried, and then stirred up by walking, it is likely to be breathed. I am not able to tell how many people may contract tuberculosis in that way, but it is a well-settled fact now that in all cities, where they look after the sanitary conditions, they try to get rid as much as possible of that kind of material where it would harbor any dust that might convey germs.

Mr. MANN. Mr. Chairman, will my colleague yield?

Mr. FOSTER. Yes.

Mr. MANN. Of course my colleague is familiar with the House Office Building and with the floors in the rooms there and how they are covered. Does the gentleman know of any room where the Member occupying it is doing without a rug and is using the concrete floor—itself rather artistic, and certainly free from dust?

Mr. FOSTER. Well, I will say that there are not so many people in any individual room in the House Office Building as there are in this House.

Mr. MANN. That is true.

Mr. FOSTER. And there is not the trampling in the rooms of the House Office Building that there is here, stirring up the dust; and surely my colleague will agree with me that this carpet is not a good covering to have on the floor if we can secure anything else.

Mr. MANN. Well, when the House Office Building was established I was rather insistent on having floors of concrete placed there and painted, without any other covering, on the ground of health.

Mr. FOSTER. Yes.

Mr. MANN. The floors there are of concrete, painted, and ready to be scrubbed.

The CHAIRMAN (Mr. CULLOP). The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that my colleague have five minutes more. I took some of his time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks that his colleague [Mr. FOSTER] be permitted to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Chairman, every Member of the House desired to have a rug on the floor of his room over there, and usually he had some particular notion as to what the color of the rug should be. When I went into my quarters in a committee room over there some years ago I nearly paralyzed an officer of this House when I asked him to take the carpet off the floor.

Mr. FOSTER. I think my colleague is very sensible on that.

Mr. MANN. And, notwithstanding that, during my service in the House I am growing fat.

Mr. FOSTER. I realize that, and I realize that a man may grow fat on account of some disease that he has contracted. But that does not affect the argument that these carpets may breed disease. If that is not true, then all the sanitary science of the country must be thrown away, and every man must go out and live according to his own notions. My colleague is not in favor of that, I am sure. In the House Office Building we have rugs, it is true, but they are easily removed, and the floor cleaned and the rugs cleaned, so that the situation there is not like what it is in this House of Representatives.

Mr. WILLIS. Mr. Chairman, the gentleman is speaking very interestingly on the subject of sanitation, and he is an authority on that subject.

Mr. FOSTER. No; I do not pretend to be.

Mr. WILLIS. Yes; I think he is. I would like to have his opinion about the chances of contamination from the use of the public drinking cups here in this House. There is not a schoolhouse——

Mr. FITZGERALD. Oh, I hope the gentleman will not interject that into this discussion.

Mr. WILLIS. Just a moment.

Mr. FITZGERALD. I am opposed to that.

Mr. WILLIS. There is not a schoolhouse or public place in the country where they pretend to enforce public sanitation but where the public drinking cup, which is an abomination, has not been put out of use. What does the gentleman think of that?

Mr. FOSTER. I think the suggestion of the gentleman from Ohio is a very pertinent one, and if I had my way I would do away with every public drinking cup in this building and supply sanitary drinking cups at the expense of the Government, so that every person visiting this Capitol could secure one.

Mr. MARTIN of South Dakota. I suppose the gentleman has noticed that that has been done at the Senate end of the Capitol. How long does the gentleman think it will take the House to catch up with the Senate?

Mr. FOSTER. Well, I could not tell.

Mr. LAFFERTY. Mr. Chairman——

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. What is the motion pending before the House?

The CHAIRMAN. The amendment of the gentleman from Pennsylvania. The debate on the amendment has expired. The proceedings are now going on by unanimous consent.

Mr. BARTLETT. I ask for a vote.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks for a vote.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oregon moves to strike out the last word.

Mr. LAFFERTY. Mr. Chairman, I do not suppose there is a public hall in the United States that is as poorly ventilated as this Hall, provided for the Representatives of the people.

Mr. MANN. Will the gentleman yield?

Mr. LAFFERTY. Yes.

Mr. MANN. Has the gentleman ever examined the ventilating apparatus of this Hall?

Mr. LAFFERTY. Oh, we have a little ventilation, with impure air coming up from the subway through underground passages.

Mr. MANN. The gentleman evidently has not examined the ventilating apparatus of this House. I venture to say that there is not another building on earth that has as perfect ventilation as this Hall of the House of Representatives.

Mr. LAFFERTY. After the gentleman has served here for many years I find that his megaphone is in very poor condition.

Mr. FITZGERALD. Much better than when he came here, I will say.

Mr. LAFFERTY. It must have been in an awful fix when he came, then.

Mr. MANN. Unlike some Members of the House, I do not carry a megaphone. [Laughter.]

Mr. LAFFERTY. Eighteen Members of this House have died during this session, and it is authoritatively stated that many of them died from lung disease.

Mr. MANN. During this session?

Mr. LAFFERTY. During this Congress. This Hall is located inside of other rooms. We have not a single outside window opening into this Hall. No ray of sunlight can penetrate this Hall at any angle. I say that this ancient roof, although it bears the coats of arms of many of the States, should be completely removed and a modern roof put on it, so that it can be raised during the long, hot, summer months, and let the pure air of heaven and the purifying rays of the sunlight come into this old musty Hall and give health and vigor to the men who are sent here [applause]; because I know that there is no place in the United States where men are compelled to work harder than they do as Members of the House of Representatives. [Applause.]

Mr. MANN. Mr. Chairman, many Members of the House who have not served here very long, and who have given very little attention to what is actually around the House, have the impression that the Hall of this House is badly ventilated. No system of ventilation is possible which will keep the air pure in a room filled with a large number of men without creating a draft, which is objectionable to them. Underneath the floor of this Hall is a room that is as clean as clean can be. Into that room air is conducted from a distance from the building on the outside, through a clean conduit, bringing absolutely fresh air from the outside, air as fresh as can be found anywhere near the Capitol. That is brought into the room beneath the floor of this Hall. There the air is warmed. It comes up through the floor of the House. At the top there is a fan which would blow my heavyweight friend from Oregon [Mr. LAFFERTY] out of the building if he should get in front of it; as strong an exhaust as can be had without creating an objectionable draft. Now, the opening of the roof to the outside, instead of aiding the ventilation of the building, would destroy it; because then the exhaust, instead of taking the air from the lower part of the room, would take the pure air from the roof and from the outside, and give no circulation at all.

Mr. BURKE of Pennsylvania. I understand the cold air comes from below and the hot air from right here on the floor.

Mr. MANN. When the gentleman speaks, that often happens. [Laughter.]

Mr. SHERLEY. Mr. Chairman, I agree with much that the gentleman has said, but there is one thing that I think could be devised that would remedy conditions very much here if, instead of the laborers coming in here and sweeping after adjournment and then sealing up the place and getting out as quickly as they can, they had a modern method of cleaning the floor by suction.

Mr. MANN. Throwing open the windows would not help the ventilation, because the ventilation is going on all the time and taking the air from the bottom, where the foul air is. Gentlemen assume that they want outside windows open. The commission on remodeling the Hall of the House had that under consideration for a long time. I venture to say that no committee appointed by this House to consider the subject would in the end move any wall of this room to the outside.

Mr. AKIN of New York. Will the gentleman yield?

Mr. MANN. Yes.

Mr. AKIN of New York. Can not some arrangement be made to carry off the bad air that occurs in the House by putting it into the CONGRESSIONAL RECORD?

Mr. MANN. Much of it is done that way, and the gentleman from New York contributes his share.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Pennsylvania.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For the construction of additional rooms at the House Office Building and for each and every purpose connected therewith, to be expended under the commission in control of the House Office Building, $220,370, to continue available until expended.

Mr. MILLER. Mr. Chairman, I notice that this item is quite a large one, over $220,000.

Mr. FITZGERALD. This is to put an extra story on the court side of the House Office Building, providing 49 additional rooms.

Mr. MILLER. I notice the language is "for each and every purpose connected therewith." Will that make available any of this fund for furniture in any of the offices now existing?

Mr. FITZGERALD. No; this is not for furniture. This is to enable the Superintendent of the Capitol to employ additional technical service, to do whatever is necessary in the work of construction, without having his accounts held up by the auditor.

Mr. MILLER. It may not be applicable here, but I would like to ask the gentleman, if he can answer, out of what fund are bookcases and things like that purchased?

Mr. FITZGERALD. The item of "Furniture and materials for repair of same," on the top of page 44.

Mr. MILLER. I would like to ask the gentleman if there has been any increase in the amount?

Mr. FITZGERALD. There is a deficiency of $29,500, $4,500 of which is for new carpet in the Hall of the House and $25,000 on account of typewriters purchased and additional ones which must be purchased at the beginning of the session.

Mr. MILLER. In my humble judgment, there is nothing more seriously needed in the House Office Building than some refurnishing.

Mr. FITZGERALD. In what particular?

Mr. MILLER. Some of us have been trying for four years to get a bookcase, but are always informed that there are no funds available, and that one bookcase is all that is allowed.

Mr. FITZGERALD. That is all that is necessary.

Mr. MILLER. I beg the gentleman's pardon; it may be for some, but not for others.

Mr. FITZGERALD. We can not have a library in every office.

Mr. MILLER. I do not care to have a library, but a little cheap bookcase is hardly sufficient.

Mr. FITZGERALD. Those bookcases are not cheap.

Mr. MILLER. If they can be made any cheaper, I do not know how.

Mr. FITZGERALD. They are mahogany. That is a matter entirely under the direction of the Clerk of the House as to the furniture to be placed in the rooms.

Mr. MILLER. The Clerk of the House always says he would be glad to do it, but he has no appropriation.

Mr. FITZGERALD. He is given all he asks for.

Mr. MILLER. Then the matter of the filing cabinets—they are extremely antiquated.

Mr. FITZGERALD. A good deal of criticism of the furniture has been made, but the Clerk informed the committee that he was supplying to the best of his ability the modern filing cases for Members.

Mr. MILLER. I would like to know how to secure one.

Mr. FITZGERALD. The gentleman should apply to the Clerk.

Mr. MILLER. What words shall I use in order to get one, for I have not been successful so far?

Mr. FITZGERALD. I have not procured anything for myself, I will say to the gentleman.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman allow me to make a suggestion?

Mr. MILLER. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, it is not necessary at all for the gentleman from New York [Mr. FITZGERALD] to tell the gentleman from Minnesota how to get things.

Mr. FITZGERALD. That is correct.

Mr. BURKE of South Dakota. I have noticed that the gentleman knows, without any suggestions from anybody, how to get anything he wants.

Mr. FITZGERALD. If the gentleman fails to get anything around here, I do not know anyone who succeeds.

Mr. MILLER. Mr. Chairman, I appreciate the kindness and the generosity of the gentlemen in their feeling toward me. I am merely bringing this up to call to the attention of the House many things that I think ought to be changed. The gentlemen who are fortunate enough by virtue of their ability and position to occupy chairmanships of committees are not in any of these straights. They have ample quarters, all of the fixtures that they need, and have excellent up-to-date filing cases, but with the average new Member, and some who are not so new, he finds himself confronted with office fixtures and furniture not up to date and not usable in handling business expeditiously.

Mr. FITZGERALD. The particular article of furniture to which the gentleman refers——

Mr. MILLER. There is no filing cabinet originally provided in these rooms that is fit to be used anywhere.

Mr. FITZGERALD. I was not on the commission that selected the furniture. It was supposed to be a desirable piece.

Mr. MILLER. It is a beautiful piece of furniture, but it is not usable.

Mr. FITZGERALD. It has not turned out to be satisfactory. The Clerk says that he is furnishing, as quickly as possible, the modern flat filing cabinet.

Mr. MILLER. I will ask the gentleman if in his judgment he does not think it wise to appropriate either in this bill or in the legislative bill in the next Congress, a few thousand dollars for extending the up-to-date filing devices to other Members who have not heretofore been successful in getting them.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

The Chair would call the attention of the gentleman from New York to what is evidently a misprint. The Chair refers to the word "purposes" in line 16, page 44. The "s" should be stricken out there, leaving the word "purpose," and without objection it will be so amended.

There was no objection.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I desire to get the attention of the gentleman from New York [Mr. FITZGERALD]. I notice that on page 44, lines 15 to 19, inclusive, there is a provision for $220,370 for the construction of additional office rooms in the office building. What is the proposition?

Mr. FITZGERALD. It is to raise the attic story of the interior of the building. It gives another story on the court side of the building.

Mr. MADDEN. On the interior?

Mr. FITZGERALD. Yes; on the court side.

Mr. MADDEN. Is not the court side of the building as high as the outside of the building at the present time?

Mr. FITZGERALD. I do not remember, but at any rate, the statement is made that the additional story can not be seen from the outside. The roof is so arranged that it can not be seen from the outside.

Mr. MANN. The court side, of course, as far as the roof is concerned, is the same, but the outside of the building is raised high enough, as far as the front is concerned, to permit of the construction of this extra story without its being seen from the outside.

Mr. FITZGERALD. That was the intention in the original structure.

Mr. MADDEN. So that they can carry up the outside wall around the court to the height of the outside wall on the street side and make an additional story?

Mr. MANN. On the inside.

Mr. FITZGERALD. Not exactly. It makes an additional story on the interior, but not on the exterior of the building.

Mr. MADDEN. So that there will be five stories on the inside and four stories on the outside?

Mr. MANN. That is right.

Mr. MADDEN. Can that be done without destroying the symmetry of the building as you look upon it from the street?

Mr. FITZGERALD. That is the statement of the Superintendent of the Capitol.

Mr. MANN. One can not see it at all. That was contemplated when the building was constructed.

Mr. COOPER. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] has asked the same question that I was going to put. Is it possible to put an additional story around that court without its being observable from this end of the plaza?

Mr. FITZGERALD. That is the statement I make, for I asked that question myself.

Mr. COOPER. The gentleman will remember that for a time they did have something on top there over the elevator shafts. It looked very bad indeed from this end of the plaza.

Mr. FITZGERALD. The original plan of the building contemplated this additional story on the interior of the court.

Mr. MANN. I can say to the gentleman this will not require the raising of the center of the roof at all. The roof there runs down from the center toward the front and toward the court, and the court side can be raised a full story without raising the center of the roof at all.

Mr. MADDEN. That is because of the fact the wall on the outside is so far above the top of the fourth story.

Mr. MANN. There is no trouble at all.

Mr. COOPER. Have Carrere & Hastings, the architects of the building, been consulted about this?

Mr. FITZGERALD. This is the plan of Mr. Woods, Superintendent of the Capitol; it is his creature.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the gentleman from New York a question. Has the committee taken into consideration any provision for the transportation of Members from the Capitol to the House Office Building?

Mr. FITZGERALD. The appropriation for that purpose was made two years ago, and only one bid was submitted; the commission rejected that bid and decided to take no further action.

Mr. BARTHOLDT. Does not the gentleman think something ought to be done, something like that which the Senate has provided for its convenience?

Mr. FITZGERALD. I do not think so. I was over in that building for several years and——

Mr. BARTHOLDT. Of course the gentleman does not feel the necessity as we do.

Mr. FITZGERALD. I had my office over there, and it was one of the farthest from this building; I had to come over frequently in response to calls, and I have traveled on the Senate side. The commission went over the matter and decided not to make the expenditures authorized.

Mr. BARTHOLDT. I will say 20 years ago I would not have minded it as much as I do now. There are quite a number of gentlemen on both sides of the House who feel a great inconvenience in being called upon to walk three or four times a day——

Mr. FITZGERALD. They should not be called upon; the gentlemen should remain here while the House is in session, and then they would not be compelled to come over here three or four times; I do not favor anything that would induce Members to remain over in that building and not stay here when the House is in session. We have enough trouble to keep a quorum now.

Mr. BARTHOLDT. How often does the gentleman go into his committee room?

Mr. FITZGERALD. My committee is practically in session all during the session of the House.

Mr. BARTHOLDT. Then the gentleman does his business there——

Mr. FITZGERALD. I do no work in my committee room while the House is in session except as a member of the committee. After the House adjourns I then do my work.

Mr. BARTHOLDT. I certainly trust, Mr. Chairman, that the committee will take into consideration in the future the necessity of providing transportation to the Members from the Capitol to the House Office Building. I do not care to offer an amendment now.

The Clerk read as follows:

To pay South Trimble, Clerk of the House of Representatives, the amount due for services in compiling, arranging for the printer, reading proof, indexing of testimony, stenography and typewriting, supervision of the work, and expenses incurred in the contested elections of the Sixty-second Congress, as authorized by an act entitled "An act relating to contested elections," approved March 2, 1887, the sum of $2,153.90, and an additional sum of $1,400 to such persons as were actually engaged in the work designated by the said South Trimble, and in such proportions as he may deem just for assistance rendered in the work; in all, $3,553.90.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Has this item ever appeared in a deficiency before?

Mr. FITZGERALD. I has appeared every two years.

Mr. MANN. I had the impression it was paid out of the contingent fund.

Mr. FITZGERALD. No; we looked that up in committee.

Mr. MANN. Well, I think I am right, just the same. I O. K'd the Clerk's bill for six years on these contested-election cases.

Mr. FITZGERALD. It was put in the deficiency bill.

Mr. MANN. Well, I of course accept the word of the gentleman from New York and also the clerk of the committee.

Mr. FITZGERALD. I make the statement so positively because, as a matter of fact, in the committee there was considerable discussion, and the clerk had to trace it back, and my recollection is it went to 1888.

Mr. MANN. I am quite clear that when I certified these accounts I used to have a quarrel with the clerk about it because I did not allow him as much as he wanted and he did not wish to put it in any bill at all—got it out of the contingent fund without any advertising.

Mr. SISSON. Will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. SISSON. I think the gentleman is mistaken, at least for the last few years, because this matter was thoroughly investigated in the subcommittee, and we found it was carried in this bill. I will state to the gentleman this is one of the items in the bill which was called to my attention, and it is so much larger than usual we had the matter investigated to see whether or not the item had been carried in other bills. We went into a very thorough investigation.

The Clerk read as follows:

To pay A. A. Steele for indexing the Judicial Code for the use of the Committee on the Judiciary, $200.

Mr. MANN. Mr. Chairman, I reserve a point of order on this item. Why should it be in this bill?

Mr. FITZGERALD. It was put in at the request of the Committee on the Judiciary.

Mr. MANN. If it is a proper item, why was it not paid out of the contingent fund?

Mr. FITZGERALD. My recollection is they went to the Committee on Accounts first and were sent to the Committee on Appropriations.

Mr. MANN. Do I understand it to be the policy of the present Committee on Appropriations to insert any items in the bill for extra expenses which a committee asks for?

Mr. FITZGERALD. No; the policy is just the contrary. This seemed to be such an extraordinary case, where somebody had been burglarized, that the committee thought they ought to make this recommendation. The Committee on the Judiciary claims that this man did the work. The Senate has paid some one on the Senate side for doing it.

Mr. MANN. What is the occasion for having two men do the work?

Mr. FITZGERALD. They did not have two men. The House committee contends that Mr. Steele did the work.

Mr. MANN. I apprehend whoever had jurisdiction over the matter did the work. We heard that story once before, that somebody was paid and somebody else did the work, but I notice we are paying just as much now for having the work done as we were then. Of course the item is small, and I am not going to insist on the point of order.

Mr. FITZGERALD. The gentleman from Pennsylvania [Mr. MOON], who knew all about it, and the gentleman from Alabama [Mr. CLAYTON]——

Mr. MANN. Do not the distinguished lawyers on the Committee on the Judiciary know that they had no authority to engage anyone to do this work until they had received permission from the House?

Mr. FITZGERALD. They understood that, but they were using this judicial code, and it had not been indexed.

Mr. MANN. I know; but they could apply at any time to the Committee on Accounts.

Mr. FITZGERALD. This is in the nature of a number of matters in this bill, where the officials act in advance and make their claims later.

Mr. MANN. The officials of the Government, many of them, do not know what the law is until they run against a decision of the auditor and the comptroller, and that happens frequently; and my only regret in this matter, for I shall withdraw the point of order, is that the 21 distinguished lawyers on the Committee on the Judiciary had not learned, or some of them had not learned, that they had no authority under the law to incur an expense of this kind which had not been authorized by the House. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

After March 4, 1913, those members of the Committee on Ways and Means who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on Ways and Means during the first session of that Congress, are authorized to employ such expert, clerical, and stenographic services, and to gather such information, through Government agents or otherwise, as to them may seem fit in the preparation of a bill or bills for the revision of the present tariff law; and they are authorized to have such printing and binding done, and to incur such other expenses as may be deemed necessary; all the expenses hereunder, except for printing and binding, not exceeding $10,000, shall be paid out of the contingent fund of the House on the usual vouchers approved as now provided by law.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I notice in this paragraph, as well as in the paragraph that follows it on page 46, that provision is made for action by the Committee on Ways and Means and in the other case by the Committee on the District of Columbia, "or a majority of them." Will the gentleman state whether it is customary to use that language "or a majority of them"?

Mr. FITZGERALD. This is the customary provision inserted prior to a session in which it is understood there is to be a revision of the tariff, and the work in the preparation of the bill is always done by the majority of the committee.

Mr. MOORE of Pennsylvania. It means the majority of the committee is authorized to go ahead and make expenditures to do the work without regard to the minority?

Mr. BARTLETT. Oh, no.

Mr. FITZGERALD. A majority of the members, not the majority members of the committee.

Mr. MOORE of Pennsylvania. In other words, it is written here in the law that the majority of the committee shall rule. That is substantially the situation?

Mr. FITZGERALD. The gentleman is mistaken. Unless "or a majority of them" is inserted it will require acquiescence of every Member elect who is now on the Committee on Ways and Means to do anything. This authorizes a majority of those who will be in the next House who are now on the Ways and Means Committee to act. Otherwise one cantankerous individual could hold everything back.

Mr. MOORE of Pennsylvania. I am one of those of the minority who believe the majority should rule. I have no objection to the use of this term, except it intends to keep out the minor-

ity, which might have some suggestions to make. But it seems to me the use of the term in this particular instance may lead to some embarrassment from a political point of view. That is to say, there is a very serious question which may be determined against the so-called "party in power" now—the Democratic Party—as to what is the real majority in this country and what is the real majority in the House.

A very excellent tabulation of the popular vote has just been made, apparently with authority of the House, by the Clerk of the House of Representatives, by which it appears that Mr. Roosevelt received for President 4,121,036 votes, and that Mr. Taft received 3,485,776 votes, that Mr. Debs received 888,029 votes, and that the Prohibition candidate and "miscellaneous" received 233,929 votes, a total of 8,728,770 votes, while Mr. Wilson, who has been declared elected President of the United States and who is to take his seat on March 4 next, received a total of 6,293,270 votes, or 2,435,500 less than a majority.

Mr. FITZGERALD. But he got enough. [Laughter.]

Mr. MOORE of Pennsylvania. Therefore Mr. Wilson would appear to have been the minority candidate, and it is a grave question whether the other side really represents the sentiment of the majority of the people of the country.

Mr. FITZGERALD. We shall take our chances. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Taft and Mr. Roosevelt combined received sufficient votes to overtop Mr. Wilson by 1,313,542. I draw attention to these facts, which are very significant at this time, in order to relieve the Ways and Means Committee and the Committee on the District of Columbia and the eloquent gentleman from Alabama [Mr. HEFLIN] and others who defend the Democratic position in this House from any possible embarrassment that may arise hereafter from writing in the law at this time that the majority shall rule, when the popular majority is not on the other side but with the Republicans. [Applause.]

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word.

I want to say to the gentleman on the other side [Mr. MOORE of Pennsylvania] that Gov. Wilson has back of him a majority of the voters of the country. The Southern States, from Texas on around were solidly Democratic. When the election came on the cotton fields of the South were white. The people of the South were very busy. Nobody thought that there was any danger in any one of those States of a Republican victory. Accordingly thousands of people who would have gone to the polls if it had been necessary did not go, and if they had gone and we had polled our full strength in those solidly Democratic States Mr. Wilson would have a majority now instead of the vote that he did have, and he has back of him the support, the prayers, and good wishes of a majority of the voters of America. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, if all of the people in the South who would be entitled to vote under manhood suffrage, which gentlemen on that side of the aisle frequently favor in our foreign possessions, had been given the right to vote and had exercised it in the Southern States Mr. Wilson would not only not have received a majority of the popular vote but he would not have received a majority of the popular vote in many of the Southern States.

Mr. HARDWICK. Who would those fellows have voted for? Teddy?

Mr. MANN. And I doubt whether the distinguished gentleman from Alabama [Mr. HEFLIN] would be giving us the pleasure of his company. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, we got enough for the present. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

After March 4, 1913, those members of the Committee on the District of Columbia who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on the District of Columbia during the first session of that Congress, are authorized to expend, for the purposes stated, and under the conditions stipulated in the resolutions of the House Nos. 154 and 200, adopted June 6 and 12, respectively, 1912, out of the contingent fund of the House, a sum not exceeding the balance unexpended on March 4, 1913, of the whole amount authorized to be expended under said resolutions.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 46, in line 17, strike out the word "and," where it last occurs at the end of the line, and insert the words "five twenty-six," and in line 18, after the word "June," insert the word "first."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUDGMENTS, COURT OF CLAIMS.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1378, namely:

Under War Department, $11,017.65.
Under Navy Department, $5,113.97.
Under Department of Justice, $230.
In all, $16,361.62.

Mr. MILLER. Mr. Chairman, I would like to ask the gentleman from New York, in charge of the bill, a question.

Mr. FITZGERALD. Very well.

Mr. MILLER. My colleague on the Committee on Indian Affairs [Mr. BURKE of South Dakota] intended to propound this inquiry, but he temporarily stepped from the room and will be back in a moment. When he comes back he will proceed.

There has been recovered by the United States in favor of the Ute Indians approximately $3,000,000. The usual procedure in cases of this kind is for the amount of the judgment to be incorporated in the general deficiency bill and paid. That judgment was recovered many years ago, but it has not been paid.

Inquiry was made a year ago when this bill was up for consideration as to why it was not incorporated in the bill, and such excuse as the committee had to give was then offered. It did not appear entirely satisfactory to some of us, at least, but the impression we then gained was that this year the matter would receive better treatment.

I notice, Mr. Chairman, that this bill does not contain any provision for paying that judgment. These Indians are in need. The amount of this judgment is approximately their total wealth, exclusive of the lands upon which they reside, and which form a part of their reservation, lands that are not immediately productive, that are arid or semiarid, and at best can yield such scanty sustenance only as can come by the grazing of sheep. The country was shocked a few weeks ago to learn of an armed conflict between portions of these Utes and officials. A Mexican sheep herder was killed, and there was something like an insurrection there because of an effort on the part of the authorities of that locality to apprehend the men who had committed the crime. Those men resisted arrest, because, under their ideas and as they understood the law and their rights, the intruders had no business there, and they took the only means they could use to prevent the taking of their property and their lands. Now, I should like to ask the chairman of the committee why it is that this item is not incorporated in the bill.

Mr. FITZGERALD. The department submitted its estimate in such form that it was ascertained, upon an examination of the provision, that it would permit the use of part of the principal of this judgment in a manner not now authorized by law.

Mr. MILLER. Do I understand the gentleman to refer to that portion which would go to pay attorneys for their services?

Mr. FITZGERALD. No; I refer to the use of the principal of the judgment in a way not authorized. The committee ascertained that there was carried in the current law, in the Indian appropriation bill, $100,000, which is reimbursable out of interest on this judgment, and the present Indian bill has $100,000 additional. In view of the situation, the committee found itself unable to reach an understanding and decided to let the matter go over for the present.

Mr. MILLER. Is it the contention of the committee that this item was not incorporated in the bill solely because the estimates submitted by the department were not in proper form?

Mr. FITZGERALD. No; that was not the reason.

Mr. MILLER. That was what I understood the gentleman to say.

Mr. FITZGERALD. That was something that made it very difficult for the committee to act. It involved the examination of a very considerable number of documents in order to ascertain exactly the form in which it should be placed, and the committee decided that as the Indians would not suffer for the present it could be deferred. The judgment must be paid. There is no doubt about that.

Mr. MILLER. Can the gentleman inform the House how long a time has elapsed since that judgment was rendered?

Mr. FITZGERALD. I do not recall exactly. I think two years.

Mr. BARTLETT. September, 1911.

Mr. FITZGERALD. About two years.

Mr. MILLER. Does the gentleman think this is a matter that should be quibbled about?

Mr. FITZGERALD. I think it has not been quibbled about. I think there was a very serious question raised last year as to whether Congress should not compel the Attorney General to take an appeal on behalf of the United States. He wrote to me and, I think, to the gentleman from Illinois and to the

gentleman from Massachusetts a very voluminous explanation of the reasons that induced him to believe that it was in the interest of the United States not to appeal rather than to appeal.

Mr. MILLER. My colleague on the committee, the gentleman from South Dakota [Mr. BURKE], has now returned to the Chamber. He is very much interested in this item, and I yield the floor to him.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. This is an item that was discussed last summer at the time the deficiency appropriation bill was pending in the House. I brought it to the attention of the committee and the chairman of the Committee on Appropriations, and my understanding at the time was that unless some reason which did not then appear should manifest itself at this session of Congress an appropriation to pay the judgment would be made.

The facts of the matter are that under the treaty of 1880 these Indians had a paper credit in the Treasury of $1,250,000, upon which they were paid 4 per cent interest annually, and received every year $50,000. When the jurisdictional act was passed sending the matter to the Court of Claims it provided that in any judgment that might be rendered the $1,250,000 should be merged. A judgment was rendered, and the $1,250,000 was a part of the judgment, and the $50,000 a year which the Indians had been receiving ceased.

So, after some time in 1910, the Indians ceased to receive $50,000, which they had been receiving annually under the treaty made in 1880—since that treaty or agreement was ratified.

In addition to losing the $50,000 there was taken from their money $211,000 and paid to some attorneys in this city who had rendered service in lobbying and obtaining legislation, which was the jurisdictional act, and subsequently taking the case through the Court of Claims.

What I fear is that if this matter is allowed to drag along these same attorneys or lobbyists will show up here with another contract, and that when the appropriation is made for the judgment of the Court of Claims, the time for appeal having expired, they will get $211,000 more. I say that having taken from the Indians the $50,000 they were receiving annually and then taking $211,000 for attorney's fees is a matter that can not be defended and is nothing short of an outrage.

In the last Indian appropriation bill we put in an item in conference because there was a Senate amendment on the appropriation bill of three millions and some odd hundred thousand dollars to pay the judgment. It did not properly belong on the Indian appropriation bill, and in conference the gentleman from Texas and the gentleman from Oklahoma, Mr. CARTER, and myself, in lieu of the Senate amendment, agreed to an item of $100,000, making it reimbursable from an appropriation that may be made at some future time to pay the judgment, so as to give the $50,000 a year to the Indians for two years and providing that it should be spent by the Secretary of the Interior in his discretion for their relief. As I understand it now there is nothing in the Indian appropriation bill.

Mr. FITZGERALD. I understand there is $100,000.

Mr. BURKE of South Dakota. I want to say to the gentleman from New York that there is nothing that can be said about that jurisdictional act and how the judgment was obtained that I will not acquiesce in fully, but here is a final judgment from the Court of Claims of three millions and some odd hundred thousand dollars which must be paid. My hope is that it can be and will be paid before a contract is made to pay lobbyists or attorneys a commission amounting to another large sum of over $200,000.

Mr. FITZGERALD. I want to say that when the item is finally appropriated it will have a provision that no part of it shall be paid to any attorney. I agree with the gentleman fully as to the character of the fees that were paid.

Mr. BURKE of South Dakota. I think that if the gentleman from New York has looked into this matter since the last session—I have looked into it very thoroughly—he will find that while there was some disposition to criticize the Court of Claims the fact is that the Court of Claims was directed by the jurisdictional act in such a way that it was absolutely impossible for the court to do otherwise than it did and render a larger judgment which, in my opinion, was a much greater sum than was owing to the Indians if they had any claim at all except the $1,200,000.

Mr. STEPHENS of Texas. Mr. Chairman, there were $211,000, out of the $3,000,000 judgment rendered in favor of these Indians, obtained by attorneys. The money had not been appropriated by Congress. The Indians have received nothing from the judgment, but the law was so framed that the attorneys could get their fee at once, and their percentage fee amounted to $211,000. This judgment prevented the Indians from getting the gratuity of $50,000 that had been given to them annually, but this gratuity was merged in the judgment, and they were afterwards prevented from obtaining the annual $50,000 gratuity. The attorneys got the $211,000 that has been paid on that judgment, and the Indians have been damaged to the extent of losing the amount that they were drawing annually before the rendition of the judgment. Last year the Indian appropriation bill carried a provision for the payment of this judgment under the direction of the Secretary of the Interior. It was stricken out because it properly belonged to this committee and should have been in this bill. But we find it missing from the bill this year, and it is not in the Indian appropriation bill. We will be compelled to give them a gratuity in lieu of taking the $3,000,000 out of the Treasury that should be paid to them. If the Indian Committee had jurisdiction, we could control the matter, but the jurisdiction being between the two committees there seems to have been no concert of action, and the Indians are the sufferers thereby.

Mr. CANNON. Mr. Chairman, I was somewhat familiar with this situation at the last session of Congress, although I do not say that I was fully familiar with it. I have a habit, which is growing upon me, of forgetting from one year to another the details touching appropriations like this. My recollection is that under the treaty with the Ute Indians this judgment was alleged to have been had. It seems to me, if I recollect right, while I do not desire to mention the name of any attorney or attorneys representing the Indians in securing the legislation under which the judgment was rendered, it was a regular lobbying association for the legislation, and the judgment followed as a matter of course, and this, too, under conditions where the House was deceived as to the effect of the legislation.

Mr. BURKE of South Dakota. Mr. Chairman, I would suggest to the gentleman from Illinois that these Committees on Expenditures in the Interior Department, which are now termed investigating committees, might have profitably expended some time in going into the details with reference to the legislation which resulted in this large judgment and in the payment of this fee of $211,000.

Mr. CANNON. From my recollection about it I think the statement is justified, providing that it is desirable after a thing has happened to go into an investigation of that kind. I am under the impression, without mentioning any names, that if the facts could be known through an investigation, many eminent gentlemen in the United States who shared in the division of the spoils of the lobby might be called upon to rise and explain.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. STEPHENS of Texas. I desire to state that we find that this appropriation is carried in the bill under the heading of Utah, so that we will have jurisdiction of it.

Mr. CANNON. Here is a large judgment. These Ute Indians have an empire still remaining, to which under treaty they have title. This represents a small part of that magnificent grant that they have. I want to ask the gentleman from South Dakota if this appropriation is made under existing law and treaty whether it will remain in the Treasury, the interest thereon to be paid to these Indians for their subsistence?

Mr. BURKE of South Dakota. Mr. Chairman, I will say in response to that that I have just had a conversation with the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], in which we mutually agreed that when this appropriation is made the money should be placed in the Treasury subject to further action by Congress and not paid out to the Indians.

Mr. CANNON. I should think it ought to go further than that.

Mr. FITZGERALD. Mr. Chairman, under the agreement the proceeds of the judgment was to be placed to the credit of the Indians and the interest is to be paid to them annually in lieu of the annuities which they heretofore received. The department this year and last year in submitting the estimate submitted it in such form that the entire principal could be expended by the department in the discretion of the Secretary of the Interior for the benefit of these Indians, and I am in accord with the gentleman from South Dakota [Mr. BURKE] that when we pay this judgment we should pay it in accordance with the terms of the agreement, and whatever disposition is to be made in the future should be made as the result of legislation which will originate in the Committee on Indian Affairs and be prepared and prescribed with all of the information in their possession.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman, if the gentleman from Illinois [Mr. CANNON] will permit, that this legislation that resulted in this judgment

and the payment of this fee was an amendment placed upon the Indian appropriation bill in another body. The gentleman knows how things go in conference. It became a part of the bill when it became a law. I want to say this, however, that at that time I was not a member of the Committee on Indian Affairs. Neither was I a Member of the House. It happened in the Sixtieth Congress. Therefore, there is no responsibility upon me individually for that legislation.

Mr. CANNON. That I quite understand, and I am only anxious from the standpoint that with these Indians, with an empire yet belonging to them, under the treaty and with this large judgment, in their condition, unless the whole matter is properly husbanded, then in the lifetime of the gentleman these Indians will have lost all of this judgment and all of this property, and will be subsisting by charity through appropriations made by Congress.

If I had full power at this time to write the proper guards to the appropriations upon this bill I would be glad to see it done now, but I trust that while the gentleman from South Dakota is still in Congress and the gentleman from New York [Mr. FITZGERALD] is still in Congress and at an early session this matter will be buttoned up so they will get the interest.

Mr. BURKE of South Dakota. Mr. Chairman, I think the gentleman can rest assured that when the appropriation is made it will be safeguarded, because I know the chairman of the committee feels as I do about it.

The Clerk read as follows:

For fuel, lights, and water for public buildings, $248.24.09.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 51, at the end of line 2, strike out the figures "09."

The question was taken, and the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I ask to return to page 43, to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 43, strike out lines 2, 3, 4, and 5, and in line 8 strike out the sum "$33,815.07" and insert in lieu thereof the sum of "$23,815.07."

Mr. FITZGERALD. Mr. Chairman, at the last session of Congress the House authorized the Committee on Elections to certify expenses for these four gentlemen after the deficiency bill had passed the House, and at my request the Senate inserted them in that bill.

Mr. MANN. And now you propose to strike out something?

Mr. FITZGERALD. To strike out lines 2, 3, 4, and 5. They have been recertified this year.

Mr. MANN. Mr. Chairman, these items were in the bill last year and have been placed in this bill. Of course the Committee on Elections ought not to have certified them to the Committee on Appropriations, but I am not at all surprised mistakes are made. Last night the distinguished gentleman from New Jersey [Mr. HAMILL], in a discussion which related to an item in this bill, made a statement in reference to a question asked by me that the contestant Prioleau received several thousand votes; and on a further question, and some doubt expressed on my part, stated he knew he received more than 1,000 votes. The gentleman was a member of the committee that had heard the case. I find from the record which was before the committee that the contestant in this matter received 75 votes in the entire district, and hence I am not surprised when a Member comes in and defends an item in the bill, and states it has received full consideration, that he can not differentiate between knowing that the contestant received more than 1,000 and the record, which shows he received only 75 votes in the entire district, and therefore I am not surprised that they make another mistake.

Mr. FITZGERALD. Mr. Chairman, in justice to the gentleman from New Jersey, the gentleman did not certify these items.

Mr. MANN. Well, I do not say he did; I do not know who certified them. Gentlemen in discussing items of this sort ought to be pretty careful in making positive statements to the House. Fortunately the House last night did not take the gentleman too seriously upon the subject. The House has had long experience with this contestant. It had had his case before the House many times, and, I think, 75 votes in the district is the most the contestant had ever received notwithstanding the judgment of the gentleman from New Jersey that the contestant had received thousands of votes.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to substitute the following paragraph for the one adopted by the committee last night, in lines 14 to 17, page 43. The amendment proposed by the gentleman from Missouri was not accurate, and this is to take its place.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 43, by inserting the following as a substitute for lines 14, 15, 16, and 17: "To continue the employment of 7 messengers, at $100 per month each, in the post office of the House of Representatives from April 1 to November 30, inclusive, 1910, $5,600."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, the bill is completed, and I wish to make this brief statement. This bill carries $24,235,740.17 as reported from the committee—$15,100,000 is for pensions, $900,000 for the postal service, and about $5,000,000 for the Army and Navy, or a total of $21,000,000 out of $24,000,000 to supply deficiencies for the current fiscal year.

There was no urgent deficiency bill at this session of Congress. For all of the services for which appropriations are made in bills reported from the Committee on Appropriations this bill carries less than $3,000,000 to supply deficiencies in those appropriations. It is the most conclusive refutation of the charge that is sometimes made, that at the last session of Congress the Committee on Appropriations deliberately appropriated insufficient funds for the maintenance of the service for this fiscal year, because of an approaching election, and with the intention of supplying large deficiencies at this session. It is the lowest amount required for deficiencies in these services in any year in my experience in the House.

Mr. RODDENBERY. Mr. Chairman, I want to inquire of the gentleman relative to the paragraph beginning with line 10, on page 13, or rather the two paragraphs, providing a deficiency appropriation for institutions adjudged to be under sectarian control.

Mr. FITZGERALD. Under the law the Board of Charities can not send children to any institution which is known as sectarian. As far as possible, they endeavor to send young children to institutions conducted under the auspices of the religious denomination of the parents of the child. The number of children which, at the contract rate, require this support have been sent to such institutions. They are taken into those institutions with the understanding that the limit is fixed and that Congress is under no obligation to make the appropriation to pay them for the services rendered. But it has been the custom of Congress for a number of years, since there is no other institution to which these children may be sent, to enlarge the amount. I think it is chiefly a Catholic orphan asylum to which the children are sent, supported largely by charity.

Mr. RODDENBERY. While they are small items, yet it appears to be just on or over the border line of the general policy of our Government toward contributing to sectarian institutions.

Mr. FITZGERALD. It is. The policy has always been to put the children in the institution of the same religious faith as their parents.

Mr. RODDENBERY. While I agree with the charitable and benevolent spirit involved, and while the amounts appropriated are small, yet it occurs to me that it is a very dangerous line of departure from a fundamental principle of our Government to engage in. The purpose is the very best.

Mr. FITZGERALD. The trouble is that the Government has no place of its own. The children have to be put some place, and these are the only institutions in which they can be placed.

Mr. RODDENBERY. The Government has institutions.

Mr. FITZGERALD. No; it has no institutions with the accommodations.

Mr. RODDENBERY. You mean to say there are no institutions which have the accommodations for this peculiar class of cases?

Mr. FITZGERALD. There are none for any of these.

Mr. RODDENBERY. The gentleman has already stated that Congress is under no obligations to make the appropriation, but that it is a custom of Congress to do so.

Mr. FITZGERALD. It is. There is no doubt about it at all. Mr. Chairman, I move that the committee do now rise——

Mr. STANLEY. Mr. Chairman, before the committee rises, I ask unanimous consent to address it for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. HUMPHREYS of Mississippi. Reserving the right to object, I will ask the gentleman if he can not defer that until a little later on? There is a conference report here that is very necessary to get through. I will ask the gentleman from New York [Mr. FITZGERALD], after the gentleman from Kentucky [Mr. STANLEY] addresses the committee for 10 minutes, Then what?

Mr. FITZGERALD. Nothing; I am going to move to rise.

Mr. HUMPHREYS of Mississippi. We have been waiting here now three days trying to get this conference report through, with the understanding that just after this the report would come up. I shall, at the end of the 10 minutes, Mr. Chairman, if this unanimous consent is given, insist upon the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. STANLEY]?

There was no objection.

Mr. STANLEY. Mr. Chairman, I regret that I was not in the House this morning at the time of the discussion of the expenses incident to various special committees authorized by this House. I see from excerpts from various speeches made here that it has been charged that many hundreds of mail bags bearing the frank of a member of one of these committees have been sent out, and the statement made, as it is, without specifying the document or specifying the Member whose frank was used, carried with it a veiled intimation that some member of one of those committees, for the purposes of personal aggrandizement or personal exploitation, has made misuse of the mails and misuse of the expenditure intended for the public. If I am the gentleman referred to, I will say now that I do not know but that I might say thousands of sacks of mail in the last few years have gone out from this building bearing my frank.

When I was made chairman of the committee that investigated the affairs of the United States Steel Corporation, it is a fact, known to 80 per cent of the Members of this House, that I was flooded with requests for copies of those hearings. There is not a Member from Pennsylvania who did not make requests. My friend, Mr. BURKE, if I am not mistaken, and my good colleague, Mr. MOORE, and my colleague, Mr. OLMSTED, and others——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. MOORE of Pennsylvania. I think I responded to the call of the gentleman from Kentucky, who asked me for some of my copies.

Mr. STANLEY. Yes; and I appreciate it. I am speaking now only of the requests made of me during the investigation. Those requests were for from 10 to 200 copies, to be sent by the Members to their constituents. I replied to each one of those Members, without regard to his party, that I had a force of folders and addressers in my office and that I would be pleased to send those documents to the Member's office or to such persons as he would designate. That report authorized the publication of 10,000 copies of the hearings. Those hearings were sent out as they were published on requests. Ninety per cent of those hearings went to the persons requesting them. I have in my files now over 3,000 separate letters asking for copies of those hearings. Every one of those hearings was addressed and sent to the person requesting them under my frank. If that be treason, they may make the most of it. [Applause.]

It is charged by the gentleman from Wyoming [Mr. MONDELL] that these investigations were instituted upon the suggestion of people who had miserable personal grievances and had no desire to serve the public interest, and that the expenditure carried on and the time wasted constituted a disgrace to an American Congress. He says that some of those investigations started out with a flourish of trumpets and a beating of drums and blaring of bands and then suddenly had quieted down from the roaring of a current or a cyclone to a stillness like that of the voice of a clam, and so on.

If the gentleman means to impute to the chairman of this committee any personal grievance, he has failed to show any evidence of it. I did not personally know any man connected, directly or indirectly, with the United States Steel Corporation. The records of this committee show that with the exception of Mr. Perkins—no; not even with the exception of Mr. Perkins—that every one who was called before that committee thanked the chairman of that committee for courtesies extended to him while he was a witness before it. There is nothing in these hearings to show any desire to gratify a personal ambition or grievance. I have no grievance now against any of the financiers connected with that corporation.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman yield for a moment?

Mr. STANLEY. Certainly.

Mr. BURKE of Pennsylvania. The gentleman saw fit to mention the fact that he had accorded to me a courtesy and that I asked to participate in the distribution of the mail. Of course the gentleman does not mean to insinuate that I made any criticism of his committee, because I did not.

Mr. STANLEY. No. I simply referred to the gentleman because I knew he was one of a great number of gentlemen who had requested copies of the hearings.

Mr. BURKE of Pennsylvania. I did participate in the discussion this morning and made a criticism of the special counsel of another committee.

Mr. STANLEY. It is charged that there is now in the room of a member of this committee a vast number of these hearings, to be sent out for his benefit. There is not in that room a single copy of the hearings of the committee. They have all been exhausted in pursuance of requests. There are several thousand copies of the report. Each Member of this House was allowed 35 copies of that report. A great many of the Members, having no calls for the reports, they have, at my request, turned them over now for distribution. That is done in the case of every eulogy that is printed in this House.

But to return. If the gentlemen mean to claim that this investigation started with any animus or any mean personal motive of revenge or a desire to produce embarrassment, they are entirely mistaken.

That investigation was conducted with the precision of an indictment. The charges were made that certain violations demanded the attention of Congress. In the resolution it was specifically stated wherein and how the United States Steel Corporation was operating in violation of the law, and before that orderly investigation had concluded its work a petition was filed, not by my party but by the party of the gentleman from Ohio and the gentleman from Wyoming, repeating and reiterating the identical charges made in my resolution asking for an investigation of the United States Steel Corporation. Was the Attorney General moved by motives mean and despicable, or by a desire for self-exploitation? In that petition, asking for a dissolution of the United States Steel Corporation, page after page of the hearings were copied bodily. Does the gentleman mean to charge that the ex-Secretary of War, that great and profound jurist, Mr. Dickinson, was moved by mean and despicable motives of self-glorification, self-aggrandizement, or revenge when he filed that petition?

I have here a letter from Mr. Dickinson himself, the ex-Secretary of War, at present the leading counsel of the Government in the case of the United States against The United States Steel Corporation. I have Mr. Dickinson's consent to make public this letter:

DEPARTMENT OF JUSTICE (WASHINGTON),
Nashville, Tenn., September 4, 1912.

Hon. A. O. STANLEY,
Henderson, Ky.

DEAR MR. STANLEY: I received your report and the minority reports on the Steel Trust when I was in the Tennessee mountains, and it has not been convenient for me to write before this. I congratulate you most heartily and sincerely upon the very able and patriotic work that you have performed. Probably no one is in better position than I am to judge of the ability, energy, and courage which have been brought by you to this stupendous task. The country owes you a debt of gratitude which I believe but few fully appreciate. * * *

With best wishes, I am,
Yours, very truly, J. M. DICKINSON.

Why this outcry, this pained, frantic protest against the distribution of a report, every page of which is replete, not with abuse or traduction but with the cold facts of an indisputable proof that the laws of my country are violated by a $2,000,000,000 corporation? [Applause.] There are those who love darkness rather than light. There always were and there always will be. All this report contains is a flood of light upon the deeds of wealthy malefactors. I am not surprised that those who are guilty, that those who are facing sentences of imprisonment, that those who are facing the dissolution of their business, that those who are about to have wrung from their powerful hands the right to exploit the American people should protest, but I am amazed that Members of this House should rise and condemn the action of the chairman of this committee, the action of this House, in taking the American people into their confidence and making public the record of the deeds of the United States Steel Corporation. [Applause.]

Mr. MANN. Mr. Chairman, I move any pro forma amendment that may be necessary.

I made the remark in the House a while ago that a Member of the House has sent out carloads of hearings. I did not name the gentleman from Kentucky. Since he himself has brought the matter to the attention of the House, I desire to make a little statement.

My office is not in the House Office Building, but I am occasionally over there. One day some time ago, during this session of Congress, I was passing through one of the corridors of the House Office Building, and noticed piles of mail sacks in the corridor, and had curiosity to ascertain where they came from. I did not know where the room was that the gentleman from Kentucky has charge of over there—that the documents were

in. I noticed that all of the mail sacks that I looked at were addressed to Kentucky, and naturally assumed that some Member, interested in his constituents, was mailing out public documents of some sort. I stepped into a room there and asked in regard to the matter, and ascertained that they were stated to be copies of the Stanley report. I made a request of a gentleman to count the sacks of mail there, all of them large mail sacks, and was informed, I think, that there were 120 or 130 of them in the hall at that time. I was further informed that there had been more than 100 sacks sent out before, all addressed to the State of Kentucky. Now, I do not say that the gentleman sent these surplus documents to the State of Kentucky. I do not know how many went to the State of Kentucky. It somewhat excited my curiosity, because I had not supposed that there was that large number of steel mills in the State of Kentucky, which would excite unusual curiosity on the part of the people of that State concerning the technical investigation of the Steel Trust, but I am quite content with anything that the gentleman from Kentucky has done in reference to the diffusion of information. My sympathy is with the people to whom he sent the documents. [Laughter.]

Mr. STANLEY. Mr. Chairman, this talk here is about the hearings. As I explained to the gentleman in the beginning of my address, there were several thousand extra copies of the report, not of the hearings, but of the report, a little pamphlet of a couple of hundred pages. Thirty-five copies of that report were given to each Member of this House, just as copies of eulogies are given. I wrote the Members of this House telling them that in the event they had no calls in their district for it, and some of them have no steel interests in their districts, they could transfer the reports to me. Those reports were reports distributed to Members of this House, and by the Members of the House transferred to the chairman of the committee. Is there a Member of the House who has not received eulogies from other Members and distributed them in this way? I ask the gentleman from Illinois if he has not distributed documents presented to him by his colleagues in the same way, and I ask him if he means it to be inferred that there is anything illegal or not ethical in the act?

Mr. MANN. Mr. Chairman, I am not inferring anything; I am stating facts. All the reports that were printed could be put in less than 10 mail sacks. I am referring to the sending out of great volumes of hearings to people who did not want them, making, as it seems to me, not only a useless expenditure of money in printing, but worse than a useless expenditure of money in sending them through the mails at the high rates to people in Kentucky and elsewhere.

Mr. STANLEY. Mr. Chairman, I will say that I have already explained the manner in which the hearings were distributed.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and, the Speaker having resumed the chair, Mr. ADAIR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, and had directed him to report the same back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERY. Mr. Speaker, I make the following motion to recommit.

The SPEAKER. Is the gentleman from Georgia opposed to the bill?

Mr. RODDENBERY. I am not.

The SPEAKER. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

Mr. RODDENBERY moves to recommit the bill H. R. 28858 to the Committee on Appropriations to report back forthwith the bill amended as follows:

Strike out all of lines 10 to 17, both inclusive, on page 13, as follows:

"Authority is hereby granted to pay, in addition to the sum of $1,500 heretofore authorized, a further sum not to exceed $6,000 to institutions adjudged to be under sectarian control, fiscal year 1913.

"Authority is hereby granted to pay, in addition to the sum of $5,500 heretofore authorized, a further sum not to exceed $1,055.61 to institutions adjudged to be under sectarian control, fiscal year 1912."

Mr. FITZGERALD. On that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were 1 aye and 121 noes.

Mr. RODDENBERY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-eight Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. All those in favor of the motion to recommit will answer "aye," and those opposed will answer "no."

The question was taken; and there were—yeas 4, nays 288, answered "present" 8, not voting 81, as follows:

YEAS—4.

Roddenbery	Stephens, Miss.	Tribble	Witherspoon

NAYS—288.

Adair	Doughton	James	Prouty
Adamson	Draper	Johnson, Ky.	Rainey
Aiken, S. C.	Driscoll, D. A.	Kahn	Raker
Ainey	Dupré	Kendall	Randell, Tex.
Akin, N. Y.	Dwight	Kennedy	Ransdell, La.
Alexander	Dyer	Kent	Redfield
Allen	Edwards	Kinkaid, Nebr.	Rees
Anderson	Esch	Kinkead, N. J.	Reilly
Anthony	Evans	Kitchin	Roberts, Mass.
Ashbrook	Faison	Knowland	Roberts, Nev.
Austin	Farr	Konig	Rodenberg
Ayres	Fergusson	Konop	Rothermel
Barchfeld	Fields	Kopp	Rouse
Barnhart	Finley	Lafferty	Rubey
Bartholdt	Fitzgerald	La Follette	Rucker, Colo.
Bartlett	Flood, Va.	Lamb	Rucker, Mo.
Bates	Floyd, Ark.	Langham	Russell
Bathrick	Focht	Langley	Sabath
Beall, Tex.	Fordney	Lawrence	Saunders
Berger	Fornes	Lee, Ga.	Scott
Blackmon	Foss	Lee, Pa.	Scully
Boehne	Foster	Lenroot	Shackleford
Booher	Fowler	Lever	Sharp
Borland	French	Lewis	Sherley
Brantley	Fuller	Lindbergh	Sherwood
Browning	Gallagher	Linthicum	Simmons
Buchanan	Gardner, Mass.	Littlepage	Sims
Bulkley	Gardner, N. J.	Lloyd	Sisson
Burgess	Garner	Lobeck	Slemp
Burke, Pa.	Garrett	Loud	Sloan
Burke, S. Dak.	Glass	McCall	Small
Burke, Wis.	Goeke	McCoy	Smith, S. W.
Burleson	Good	McCreary	Smith, N. Y.
Burnett	Gould	McGillicuddy	Smith, Tex.
Butler	Graham	McKellar	Sparkman
Byrnes, S. C.	Gray	McKenzie	Speer
Byrns, Tenn.	Green, Iowa	McKinley	Stanley
Calder	Greene, Mass.	McLaughlin	Stedman
Callaway	Greene, Vt.	Macon	Steenerson
Campbell	Gregg, Tex.	Madden	Stephens, Cal.
Cannon	Griest	Maguire, Nebr.	Stephens, Nebr.
Cantrill	Gudger	Mann	Stephens, Tex.
Carlin	Guernsey	Martin, Colo.	Stevens, Minn.
Carter	Hamill	Martin, S. Dak.	Stone
Cary	Hamilton, Mich.	Matthews	Sulloway
Clark, Fla.	Hamlin	Miller	Switzer
Claypool	Hammond	Moon, Tenn.	Taggart
Clayton	Hardwick	Moore, Pa.	Talcott, N. Y.
Cline	Hardy	Morgan, La.	Taylor, Ala.
Collier	Harrison, Miss.	Morrison	Taylor, Ark.
Cooper	Hart	Moss, Ind.	Thomas
Copley	Haugen	Mott	Tilson
Covington	Hay	Murdock	Townsend
Cox	Hayden	Murray	Turnbull
Crago	Hayes	Neeley	Tuttle
Crumpacker	Heald	Nelson	Underhill
Cullop	Helgesen	Norris	Underwood
Curley	Helm	Nye	Vare
Currier	Henry, Conn.	Oldfield	Volstead
Dalzell	Henry, Tex.	Olmsted	Warburton
Davidson	Higgins	O'Shaunessy	Watkins
Davis, Minn.	Hill	Padgett	Weeks
Davis, W. Va.	Hinds	Page	Whitacre
De Forest	Hobson	Palmer	White
Dent	Holland	Patton, Pa.	Wilder
Denver	Houston	Payne	Willis
Dickinson	Howell	Pepper	Wilson, Ill.
Dies	Howland	Peters	Wilson, Pa.
Dixon, Ind.	Humphrey, Wash.	Plumley	Woods, Iowa
Dodds	Humphreys, Miss.	Post	Young, Kans.
Donohoe	Jackson	Powers	Young, Mich.
Doremus	Jacoway	Pray	Young, Tex.

ANSWERED "PRESENT"—8.

Andrus	Heflin	Needham	Riordan
Francis	McMorran	Porter	Talbott, Md.

NOT VOTING—81.

Ames	Curry	Fairchild	Hamilton, W. Va.
Ansberry	Danforth	Ferris	Harris
Bell, Ga.	Daugherty	George	Harrison, N. Y.
Bradley	Davenport	Gill	Hartman
Broussard	Dickson, Miss.	Gillett	Hawley
Brown	Difenderfer	Godwin, N. C.	Hensley
Candler	Driscoll, M. E.	Goldfogle	Howard
Conry	Ellerbe	Goodwin, Ark.	Hughes, Ga.
Cravens	Estopinal	Gregg, Pa.	Hughes, W. Va.

Hull	McKinney	Pou	Taylor, Colo.
Johnson, S. C.	Maher	Prince	Taylor, Ohio
Jones	Mays	Pujo	Thayer
Kindred	Merritt	Rauch	Thistlewood
Korbly	Mondell	Reyburn	Towner
Lafean	Moon, Pa.	Richardson	Vreeland
Levy	Moore, Tex.	Sells	Webb
Lindsay	Morgan, Okla.	Slayden	Wilson, N. Y.
Littleton	Morse, Wis.	Smith, J. M. C.	Wood, N. J.
Longworth	Parran	Stack	
McDermott	Patten, N. Y.	Sterling	
McGuire, Okla.	Pickett	Sweet	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. JONES with Mr. WOOD of New Jersey.

Mr. ESTOPINAL with Mr. MERRITT.

Mr. MCDERMOTT with Mr. HAWLEY.

Mr. CONRY with Mr. DANFORTH.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. HUGHES of Georgia with Mr. MICHAEL E. DRISCOLL.

Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).

Mr. HULL with Mr. NEEDHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. CANDLER with Mr. MCKINNEY.

Mr. FRANCIS with Mr. PORTER.

Mr. BELL of Georgia with Mr. AMES.

Mr. BROUSSARD with Mr. BRADLEY.

Mr. BROWN with Mr. CURRY.

Mr. DAVENPORT with Mr. HARRIS.

Mr. FERRIS with Mr. HUGHES of West Virginia.

Mr. GOODWIN of Arkansas with Mr. LONGWORTH.

Mr. GREGG of Pennsylvania with Mr. MCGUIRE of Oklahoma.

Mr. HOWARD with Mr. MONDELL.

Mr. HENSLEY with Mr. PICKETT.

Mr. KORBLY with Mr. PRINCE.

Mr. MAHER with Mr. REYBURN.

Mr. GOLDFOGLE with Mr. SELLS.

Mr. PATTEN of New York with Mr. J. M. C. SMITH.

Mr. POU with Mr. STERLING.

Mr. RAUCH with Mr. TAYLOR of Ohio.

Mr. TAYLOR of Colorado with Mr. TOWNER.

Mr. WEBB with Mr. VREELAND.

Mr. DIFENDERFER with Mr. HARTMAN.

Mr. GODWIN of North Carolina with Mr. LAFEAN.

From February 27 to Monday, March 3:

Mr. MOON of Pennsylvania with Mr. SLAYDEN.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. BORLAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

RIVER AND HARBOR BILL.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill H. R. 28180, the river and harbor bill, disagree to the Senate amendments, and ask for a conference.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. To make a point of order against the motion of the gentleman from Florida.

The SPEAKER. The gentleman will state his point of order.

Mr. RODDENBERY. The point of order is that on February 25 Mr. SPARKMAN addressed the Speaker and asked unanimous consent to take from the Speaker's table the bill H. R. 28180, to disagree to the Senate amendments, and to ask for a conference. Mr. MANN objected, and the Speaker announced that the gentleman from Illinois objects. Under Rule XXIV, paragraph 2, the bill sought to be called up by unanimous consent having been objected to went under the rule to the committee, and the motion made by the gentleman from Florida at this time is not in form, and therefore not in order.

Mr. MANN. Mr. Speaker, I do not know what the RECORD may show, but when the gentleman from Florida asked unanimous consent I stated I should have to object to that, and he did not ask that the bill be taken from the Speaker's table.

The SPEAKER. The bill was not referred, and it is on the Speaker's table, answering the point of order of the gentleman from Georgia. The gentleman from Florida moves to take from the Speaker's table the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. And the gentleman moves to suspend the rules to disagree to the Senate amendments and ask for a conference. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Florida has 20 minutes and the gentleman from Illinois 20 minutes.

Mr. SPARKMAN. Mr. Speaker, I have adopted the course of asking to suspend the rules because it seems to be the shortest way of getting this bill into conference, something that is very necessary, at the very earliest possible moment, if we are to get this bill through at this session of Congress. There are 133 Senate amendments, many of which are unobjectionable, while some are very objectionable from my standpoint, and, I think, from the standpoint of this House. When the bill goes to conference, of course, we will deal with all those items, and we hope to eliminate the objectionable ones before we return to the House with a report.

Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I realize that at this time in the session, if a river and harbor bill is to be enacted at all, it will need to be sent to conference at an early hour. There are a number of Senate amendments to this bill which I think the House ought to have an opportunity to vote upon before they are agreed to. There is amendment No. 11, carrying what is called the Connecticut River Dam; amendment No. 64, carrying a provision for the erection of a dam by the Municipal Electric Light Co., of Minnesota; amendment No. 77, providing a report relating to the contract system; amendment No. 78, providing for the appointment of a river regulation commission; amendment No. 126, providing for the renting of Government dredges to private parties; amendment No. 133, authorizing the Secretary of Commerce and Labor to define and establish anchorage grounds throughout the United States. These amendments are of great importance. The first one, No. 11, intending to establish practically the policy of the United States or of Congress in regard to the construction of dams for power purposes by themselves, in the main, has no relation to a river and harbor bill. They are not river and harbor items. May I ask my distinguished friend from Florida if he is willing to say to the House that these amendments will not be agreed to by the House conferees in conference without the House hereafter having an opportunity to express its opinion upon each of them?

Mr. SPARKMAN. I can say in answer to that, most emphatically, yes. Personally I am opposed to each one of the items to which the gentleman has referred being in this bill, whatever their individual merits may be, and I certainly should not agree to any of those amendments without referring them back to the House and taking the sense and the instructions of the House upon them.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that the House is in such disorder that we can not hear the gentleman.

The SPEAKER. The House will be in order.

Mr. SPARKMAN. I say in reference to the question propounded by the gentleman from Illinois as to whether the House would have an opportunity to vote upon the items to which he refers before a final agreement is reached by the conference committee unless they are eliminated in conference. Whatever their individual merits, I do not believe they should appear in this bill.

Mr. MANN. With that statement, so far as I am concerned, I am quite content, and if anyone else desires time in opposition to the motion I am perfectly willing to yield it.

Mr. GALLAGHER. Mr. Speaker, I would like to ask the gentleman from Illinois a question. I want to ask him if he will not include amendment 57 in that request? If he does not, I wish to try to include it.

Mr. MANN. The gentleman can make the request himself. I have not read amendment No. 57.

Mr. GALLAGHER. I ask that amendment No. 57 be included in that request.

Mr. SPARKMAN. I can make the same answer in reference to that item. Of course, I understand that while some Members here may favor the item, there are others who object to it, and though I might favor it I should not in view of the known hostility to record it here concur without resubmit-

ting the question to this House and obtaining the instructions of the House in the premises.

Mr. MOORE of Pennsylvania. Will the gentleman kindly tell us what he is talking about now? Is he talking about Senate amendment No. 57?

Mr. SPARKMAN. Yes; relating to the Grand Calumet River.

Mr. GALLAGHER. I would like to know if I can not get three or four minutes' time of the gentleman from Illinois [Mr. MANN]?

Mr. MANN. I yield four minutes to the gentleman.

The SPEAKER. The gentleman from Illinois [Mr. GALLAGHER] is recognized for four minutes.

Mr. GALLAGHER. The amendment I wish to call to the attention of the House, Mr. Speaker, is No. 57, and the reason I do this is because the Senate last summer passed a bill—in fact, the very same bill—that is included in the river and harbor bill now. Under amendment No. 57 it came to the Rivers and Harbors Committee, and we asked that it be laid over for the purpose of looking into the matter. The steel company never came before the committee, and there never has been any action by the committee since that time. The reason I want to call the attention of the House to this amendment is because it provides for the taking over of the Calumet River, an important navigable river of the United States, after they have filled it in for several miles and have given us instead a ditch. Now, what I desire is that we make certain provisions so far as this ditch is concerned, if you are going to pass this law, so that it can be made a navigable part of this river. There has been no consideration of this project, so far as the Government is concerned.

Mr. MADDEN. Will my colleague yield?

Mr. GALLAGHER. Yes.

Mr. MADDEN. I understand the United States Steel Corporation at Gary have already built a number of coke ovens on what was originally the bed of the river.

Mr. GALLAGHER. The river at this point on the original map, showing the meander lines, was a thousand feet wide. The river bed has been filled in for several miles. A ditch remains on one side in place of the former river channel.

Mr. MADDEN. And buildings erected——

Mr. GALLAGHER. And buildings and coke ovens and other factory buildings have been placed where the river originally was.

Mr. MADDEN. And there was no provision by any legislative authority for the construction of the buildings?

Mr. GALLAGHER. The steel company never recognized the rights of the Government. I want the House to consider this question before the amendment is included in any bill of this kind and before we are forced to swallow it because the Senate has tacked it on.

Mr. MADDEN. Mr. Speaker, will my colleague [Mr. MANN] yield to me for a minute or two?

Mr. MANN. I yield three minutes to the gentleman.

Mr. MADDEN. Mr. Speaker, I think the Committee on Rivers and Harbors ought not to agree to amendment 57 in this bill. The United States Steel Corporation at the city of Gary, Ind., have presumed to take absolute control over the Grand Calumet River at that point, and have filled it in, constructing buildings upon it, and then, in place of the river itself, have dug a ditch which they propose to turn over to the public in place of the river. There is nobody here who knows whether the quantity of land taken by the steel company is proposed to be given back to the people or not, and surely legislation of this kind ought not to be enacted without some consideration by some committee of this House. They have had plenty of opportunity to appear before the Committee on Rivers and Harbors, plenty of chance to have consideration given to this important subject. I believe that such consideration ought to be given to the subject before legislation is enacted upon it. I think it is a piece of presumption on the part of the steel company to take the land of the public and put their buildings on it. This was a navigable stream. They have filled it up, and nobody knows now whether, if this law is enacted, the ditch which they have dug, which is an artificial stream, can be used for navigation in the future.

I sincerely hope that if the Committee on Rivers and Harbors of the House or the conferees are not able to have this item stricken out, they will bring the bill back to the House, so that the House may have an opportunity to strike it out.

Mr. CRUMPACKER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CRUMPACKER. I desire about three minutes' time on this question.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for three minutes.

Mr. CRUMPACKER. Mr. Speaker, the question under discussion is simply the change of the bed of the Grand Calumet River for about 2 miles, to avoid a crook, which, if the Government ever undertakes to improve the river, would have to be cut off. The Grand Calumet River at that point is not navigable, and, as a matter of fact, never has been navigable. It is in a basin, a swampy basin, most insanitary. The United States Steel Corporation, or the Indiana Steel Co., in constructing its works, filled up the marshy bottom and the old stagnant bed of the river and cut a channel 150 feet wide straight across from one bend to the other, and the local engineer at Chicago, after investigating the situation, recommends the enactment of this bill. It is also the recommendation of the War Department.

The bill was introduced in the Senate in 1911 by Senator SHIVELY, of Indiana, and in the Committee on Commerce Senator BURTON, whom all the Members of this House know, investigated the subject and made a report recommending the enactment of this legislation. He said it would save the Government between $95,000 and $100,000 in the way of cost for excavation which the company had already done.

The bill was prepared in the Engineers' Office in the War Department, and it passed the Senate in June, 1911, and was sent to the Committee on Rivers and Harbors of the House, and in the early months of 1912 I went personally with Mr. Gilbert, of Chicago, before the Committee on Rivers and Harbors and laid the matter before that committee, and demonstrated to its members that the Government was receiving benefits to the amount of about $95,000 and was yielding substantially nothing, and urged its report. The committee never took any action on it.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Does the gentleman want any more time?

Mr. CRUMPACKER. Let me have two minutes more.

Mr. MANN. I yield two minutes to the gentleman.

The SPEAKER. The gentleman from Indiana is recognized for two minutes.

Mr. CRUMPACKER. This, Mr. Speaker, is an important local matter, and the only possible objection to it is that the Indiana Steel Co. may desire it. In my judgment, if it were requested on the part of any other company or individual, no man could investigate the facts without reaching the conclusion that the Government should ratify the change.

The report of the engineers stated that this cut would have to be made in any event if the river were ever improved for navigation. The talk about it being a ditch is hardly fair. It is 150 feet wide.

Mr. MADDEN. How wide is the bed or channel of the river?

Mr. CRUMPACKER. Before the filling was made it was a tortuous channel running up to a bayou and back.

Mr. MADDEN. It was about 1,000 feet wide, was it not?

Mr. CRUMPACKER. Oh, not by any means. It was only about 50 feet wide. It was navigated only by small boats for muskrat and duck hunters. There has not been a pound of commerce on that stream, and the engineer of the War Department, who investigated it, said that if it is ever improved this cut must be made. If the Government refuses to accept this cut, when the time comes for its improvement, the Government must make the cut itself. The Indiana Steel Co. has already made the cut, and simply asks that whatever has been done shall be legalized. When the company filled the swampy basin and old tortuous channel it had no idea that the so-called river was regarded as navigable. It is safe to say that 40 public bridges have been built over the river without authority of law and with no thought it was a navigable stream. I received a letter only yesterday stating that a public bridge was being constructed over the river—never thinking it was navigable—and he requested me to secure the necessary authorization from Congress before next Tuesday.

The SPEAKER. The time of the gentleman has expired. The question is on the motion to suspend the rules. Shall the rules be suspended, these amendments disagreed to, and a conference asked for?

The question was taken; and (two-thirds voting in the affirmative) the rules were suspended and the motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. SPARKMAN, Mr. RANSDELL of Louisiana, and Mr. LAWRENCE.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the Indian appropriation bill, now on the Speaker's table, and to move to suspend the rules, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 26874) making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

The SPEAKER. The gentleman moves to suspend the rules, disagree to the Senate amendments, and ask for a conference. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of Texas. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. STEPHENS of Texas. Mr. Speaker, this bill has been amended in the Senate, and I find 127 amendments placed upon it by that body, embracing claims of every kind and character, and in all instances of changes of amounts I find increases of the amounts allowed by the House.

The full amount of gratuity appropriations passed by the House was $6,302,000. The Senate has increased this amount to $8,801,000.

Glancing through all the other items I find $5,278,593 added in the Senate, carried in these 127 amendments. I have not yet had time to digest all of these amendments, but as far as I have gone with them I am satisfied that the House has allowed all that was necessary in this bill, and I think this $5,000,000 and over added in the Senate is unjustified and should not have been added. I therefore hope that this House will disagree to all of the Senate amendments and that the bill be sent to conference at once.

Mr. RODDENBERY. Will the gentleman yield for a moment?

Mr. STEPHENS of Texas. Certainly.

Mr. RODDENBERY. How much was your bill below the estimate as it passed the House?

Mr. STEPHENS of Texas. Nearly $2,000,000.

Mr. RODDENBERY. What was the amount of the bill as it passed the House, in comparison with the amount carried in the bill for the current year?

Mr. STEPHENS of Texas. It was a few hundred thousand dollars less.

Mr. RODDENBERY. And as it comes back from the Senate, how much is it increased?

Mr. STEPHENS of Texas. It is increased $5,278,000.

Mr. RODDENBERY. And in these increases you wish to nonconcur?

Mr. STEPHENS of Texas. To nonconcur, and send the whole matter to conference.

Mr. RODDENBERY. Is the gentleman of the opinion that we could have separate votes on these different items?

Mr. STEPHENS of Texas. I will state to the gentleman that a great many of these Senate items probably can be agreed upon by the conferees. Some of them may be necessary. Evidence may have come to the Senate committee that was not possessed by our committee. Of course we will take these matters into consideration and do what we think is best and right and just to the Indians and to all parties concerned. We want to go into conference unhampered, so as to make the best bill that we possibly can.

Mr. MANN. Mr. Speaker, as one examines this Indian appropriation bill, with the Senate amendments, one would think that the House bill was like the skeleton of a fat man, with the Senate amendments adding all the flesh and sinew. Most of the bill now consists of Senate amendments. The gentleman from Texas [Mr. STEPHENS] says he has not had time to digest the Senate amendments. No one has had time to digest them, and no one will have time between now and the end of this session. So far as that is concerned, I do not know that there is anything to be done except to send the bill to conference.

When this bill was under consideration in the House I made a point of order against an item providing an appropriation, as a gift, of $300,000 for the public schools in Oklahoma. The Chair sustained the point of order. Through the inadvertence of the clerks at the desk, when the copy of the bill was sent to the engrossing room it was not shown that that item was stricken out on a point of order. That might easily happen, and did happen. The bill went to the Senate. It was subsequently discovered that this item was in the engrossed copy of the bill sent to the Senate, and the gentleman from Texas [Mr. STEPHENS], chairman of the Committee on Indian Affairs, offered in the House a concurrent resolution with a view to having that corrected in some way. It frequently happens between the two bodies that one House or the other makes some mistake or error in connection with a bill during its passage or engrossment, and it is the usual practice to request its correction, either by a return of the bill or by concurrent action of the two bodies.

I never have known an instance before in the history of Congress when either the House or the Senate declined to permit the other body, where an error had been committed, to have it corrected. But in this case, with what seems to me to be gross discourtesy on the part of the Senate, no action has been taken by that body on the resolution which was sent by the House to the Senate for the purpose of making a correction in the copy of a bill which had been passed by the House and erroneously engrossed and sent improperly, so far as its contents were concerned, to the Senate.

In my judgment, what the House ought to do is to return this bill to the Senate and insist that the Senate take action upon the resolution which the House sent to the Senate. It is true that the Senate has, by amendment, stricken out that language and then reinserted it. But the striking out of the language was dependent upon a vote of the Senators and in no way preserved the integrity of the proceedings between the two bodies. If they make an error in a bill which they send to us and ask to have it corrected, it goes as a matter of course that it is corrected.

I remember on one occasion when the House was exceedingly anxious to agree to a proposition in a bill sent to us from the Senate, the Senate asked its return, and there was no objection made to the return, because Members of the House considered that that would be a violation of the necessary courtesies between the two bodies constituting the Congress. It has remained for the Senate to refuse to permit the correction of an engrossed copy of a House bill where everyone admits that a plain error was made, and the Senate ought not to throw that in the face of the House.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Does not the gentleman believe that the striking out of the matter by the Senate and putting it in as an amendment would put the matter into conference, so that the conferees would have jurisdiction to make such changes as they deem proper, and would it not be proper to have a vote in the House before any disposition of this item is made?

Mr. MANN. It would not, when matter was included in the bill which did not pass the House. The conferees have nothing to do with it.

Mr. STEPHENS of Texas. The gentleman from Illinois is aware of the fact that he took advantage of the parliamentary situation and cut out the provision he mentions and that had been carried in the bill for years.

Mr. MANN. I am not aware of the fact; it had not been carried in the bill for years. The gentleman from Texas is defending the action of the Senate. Perhaps it was done on his advice.

Mr. STEPHENS of Texas. It was not done on my advice, and the gentleman knows that it was not when he attributes it to me. I offered the resolution to correct it.

Mr. MANN. I know the gentleman did, but he is now defending the action of the Senate.

Mr. STEPHENS of Texas. Not at all. The gentleman from Illinois knows that he took advantage of the parliamentary situation to have it stricken out of the House bill on the floor on a point of order, so that the House could not pass upon it.

Mr. MANN. The Senate has a right to add an amendment. Nobody complains about that; but the Senate has no right to insist on retaining control of a bill sent by the House that does not represent the bill passed by the House.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. As I understand it, the language on page 42, which was stricken out of the bill, went out of the bill in the House on a point of order.

Mr. MANN. The Chair sustained the point of order, but it did not go out of the bill.

Mr. BURKE of South Dakota. And the chairman of the committee undertook by resolution to correct it. Does not the fact that the Senate did strike it out by amendment 88 substantially comply with the requirements of the resolution?

Mr. MANN. Plainly it does not.

Mr. BURKE of South Dakota. It went out when they struck it out.

Mr. MANN. It is not out of the bill; it is still in the bill. The Senate has an amendment to strike it out, which you propose to send to conference.

Mr. BURKE of South Dakota. They put in the same item again.

Mr. MANN. That makes no difference. Suppose they had not stricken it out, what then would happen? Suppose the Senate, instead of striking out the item and reinserting the same thing, had refused to strike it out? The House has never passed on that item and it has no place in the bill. The House has asked the Senate and the Senate has refused to permit the House to correct the engrossed bill. The Senate has no right in morals or decency to take the position it has.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RODDENBERY. Does the gentleman think, in view of the way that $300,000 appears in the bill, that the House should express itself by simple nonconcurrence, or does not the gentleman think before it goes to conference, it being in the bill, that the House should have the right to vote specifically upon it and express its will?

Mr. MANN. No; I think the House ought to return the bill to the Senate without action, with a resolution calling the attention of the Senate to the fact that the bill sent by the House to the Senate was not properly engrossed, did not represent what passed the House, and insist upon having the bill corrected, and not leave it to the will of Senators or conferees as to whether we preserve the integrity of the proceedings which do take place in the House.

Mr. RODDENBERY. If that could be done, would it not then be well and also within the province of the House to take a vote on this proposition before it goes to conference?

Mr. MANN. Oh, I think if the House accepts a return of the papers which it has asked to have corrected without correction, this item is just like any other amendment in the bill.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. OLMSTED. It seems to me in looking over the bill that in amendment No. 88 the Senate practically complied with the request of the House by striking it out entirely.

Mr. MANN. But suppose the Senate had not stricken it out?

Mr. OLMSTED. But they did.

Mr. MANN. That does not make any difference, so far as their amendment is concerned. They struck it out, but suppose they had not struck it out. We have a right to have correct copies of our bills sent to the Senate, and if we make an error in sending them, we have a right to demand that that error be corrected before the Senate acts on the bill. There is no other way of preserving the integrity of the proceedings.

Mr. OLMSTED. They have struck it out, and reinserted it as a new amendment, amendment No. 90.

Mr. MANN. I believe they should have been more courteous and have returned the bill, but the effect is the same.

Mr. KENDALL. Mr. Chairman, the clear intent of the Senate in amendment No. 88 was to comply with the resolution which had been adopted by the House and messaged to the Senate, because that amendment with reference to the schools for Oklahoma, as the House requested, has been stricken out. At a subsequent time the Senate reinserted the same matter verbatim as amendment No. 90. If it struck out the Oklahoma school proposition as contemplated by the resolution adopted by the House, in response to that resolution, and not as original action on the part of the Senate and had not reincorporated it, there would be nothing to go to conference on that question.

Mr. MANN. Then if the Senate should pass a bill and send it to us, and some Senator should ask to have it reconsidered and brought back to the Senate so that he could make a change in it, I suppose the gentleman thinks that if we made the change over here that would comply with the request.

Mr. KENDALL. I do not think that follows at all.

Mr. MANN. I do not, either; but they are both alike.

Mr. KENDALL. But in this case the House adopted a resolution informing the Senate that an error had occurred in the engrossing clerk's office by including this item in the bill. The Senate, in response to that resolution, struck the item out, and, then, at a subsequent time, after what we are charitable enough to say more mature deliberation, they reinserted the item as a Senate amendment. I think it legitimately belongs to conference.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield the balance of my time to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask the gentleman from Iowa a question. If the Senate conferees were willing to recede on amendment No. 88, and did recede, what then would happen?

Mr. KENDALL. The gentleman is assuming that this is an amendment made independently by the Senate.

Mr. BURKE of South Dakota. But here is the amendment—amendment No. 88. It is the Senate amendment. Suppose the Senate recedes?

Mr. KENDALL. I think there is no logical interpretation of this action of the Senate except to say that that provision was stricken from the House bill in response to the resolution and to preserve the comity between the Houses.

Mr. BURKE of South Dakota. I think the gentleman is probably correct in that.

Mr. MANN. That is not what the resolution was.

Mr. KENDALL. It was on account of the resolution, but perhaps not in response to it.

Mr. BURKE of South Dakota. Mr. Speaker, as has been stated, this bill has been, as is usually the case with the Indian appropriation bill after it leaves this body, loaded up with all kinds of amendments, increases in appropriations, and new appropriations not authorized by law.

Mr. KENDALL. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. KENDALL. Mr. Speaker, I direct the attention of the gentleman to the fact that this amendment is one that was authorized by the Committee on Indian Affairs, of which the gentleman himself is a member.

Mr. BURKE of South Dakota. Mr. Speaker, I am not discussing the amendment to which the gentleman refers. I am speaking generally to call attention to what happens to the Indian appropriation bill in every session of Congress after it leaves this House. The bill has been increased, I understand, by $5,000,000, in round numbers, an amount almost equal to what the bill carried when it left the House.

From my previous experiences on conferences on the Indian appropriation bill I have no doubt when the conferees finally submit a report that the increases that are now in the bill will be very materially eliminated and decreased and that we will have a reasonable Indian appropriation bill. This bill, I have to state, carries a number of items of general legislation, and, among others, one that refers to the White Earth Indians in Minnesota. I am not going to discuss the merits of this amendment, except to say that I think everyone who knows anything about the situation in the White Earth Reservation of Minnesota will admit that there ought to be some legislation. Generally I do not like to tack legislation upon appropriation bills. There are occasions when it is desirable, and this might be one of them. I do not say such is the case, but what I want to call attention to in connection with this matter is this: When Congress authorizes an investigation of a subject, that investigation ought to be conducted by the committee that has jurisdiction over the subject matter of the investigation.

Recently there has been an alleged investigation of conditions on the White Earth Reservation by a subcommittee of the Committee on Expenditures in the Interior Department. That investigation was conducted, or most of it, in the field by two members of the majority of that committee. There was no minority member of the committee who attended many hearings. The report which has been made by the committee is the report of the subcommittee consisting of two members, so that we have here, in fact, a report on the subject of conditions on the White Earth Reservation made by two Members of the House, neither of whom is a member of a committee that has jurisdiction over the subject matter. To that report made by the majority I dissented, so did the gentleman from Wyoming, and we filed minority views. I did so because I could not from any standpoint concur in the report of the majority members of the committee, which was full of conclusions not supported by the testimony that was taken. It was filled with many inaccuracies and some misstatements, and, among others, it referred disparagingly to one man in the Indian Service whom I have known personally for many years, and it is with reference to that part of the report that I want to speak.

The report seeks to discredit Inspector James McLaughlin, a man of the highest reputation and probity of character, who has been in the Indian Service more than 40 years and is generally known throughout the country as "the Indian's friend" more than any man now living; a man who has negotiated more agreements and more treaties with Indian tribes than any other man in the whole history of the country; is an author of note, as well as a practical man of Indian affairs; and now, in the evening of his life, he is contemptuously referred to in police-court parlance as "one James McLaughlin, who was and is still said to be," and so forth, and is assailed in a partisan report made by two members of a committee of this House having no jurisdiction over the subject matter which was "investigated."

This distinguished citizen, with a magnificent record in the public service, needs no defense from me or anyone else. The stigma which for partisan purposes—although Maj. McLaughlin is singularly free from partisan bias—it is sought now to attach

to his reputation will have no effect upon persons even moderately well informed in the history of our Indian affairs, except, perchance, to react upon those who seek to detract from his well-earned brilliant career.

> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him,
> And makes me poor indeed.

While, as I have already said, Maj. McLaughlin needs no defense from the attack made upon him in a partisan report, it is not surprising that this modest gentleman of the old school should be sensitive to the intended reproach. In his own characteristic manner he has taken notice of the undeserved criticism, and I ask that a letter addressed by him to the Secretary of the Interior be read by the Clerk. With this, I will leave his detractors to such consolation as they may be able to extract from the situation.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1913.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Report No. 1336, House of Representatives, Sixty-second Congress, third session, in the matter of the investigation of the White Earth Indian Reservation, contains allegations reflecting on me as an official of the Department of the Interior, and I, therefore, desire to place in the files of the department this statement.

The report, in so far as it relates to me, is so incorrect and absurdly ridiculous that I would let it pass unnoticed were it not that it is a report of a congressional committee, which, apart from having been made to Congress and now a part of the House records, has been given more than ordinary publicity in the newspapers throughout the country, which fact has influenced me to submit this statement with reference thereto for the files of the department with which I have been officially connected for the past 41 years.

The committee alleges (p. 8 of the report) that my instructions were—

"To hold a council of the Indians, with as large an attendance as can be procured, and obtain from them an individual expression of their desires and views, and to adopt such other measures as may be necessary to ascertain the views of a majority of the adult Indians."

A copy of my instructions was undoubtedly in the possession of Mr. M. C. Burch, attorney in charge of White Earth matters for the Department of Justice, but I have been unable to find that it was introduced as evidence before the committee. The quotation made above seems to have been extracted from a letter dated September 6, 1905, from F. E. Leupp, then Indian Commissioner, to the Secretary of the Interior, and may be found on pages 118 and 119 of Pamphlet No. 10 of the hearings before the subcommittee, marked "Burch's Exhibit No. 33."

My instructions came from the Secretary of the Interior and bore date of September 7, 1905, a fact the committee must have been fully aware of as a photographic copy of my report was introduced in evidence and reference to my instructions was made therein. (See Pamphlet No. 10 of hearings before the subcommittee, p. 120, Burch's Exhibit 34.)

I had been at the Round Valley Agency, Cal., and upon returning to San Francisco therefrom received a telegram from the Acting Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 7, 1905.

MCLAUGHLIN,
Inspector, 23 Washington Street, San Francisco, Cal.:

Proceed to White Earth Agency, Minn., where instructions will meet you. Have superintendent warehouse forward other instructions to White Earth mailed yesterday to you in his care.

THOS. RYAN, *Acting Secretary.*

Upon receipt of this telegram I proceeded to White Earth Agency, Minn., arriving there on September 17, 1905, where I received the letter of instructions referred to in said telegram, which instructions were as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 7, 1905.

JAMES MCLAUGHLIN,
United States Indian Inspector, White Earth Agency, White Earth, Minn.

SIR: Referring to telegram sent you this morning directing you to proceed to the White Earth Agency, Minn, you are advised that the Commissioner of Indian Affairs, under date of 6th instant, reports that there is great dissatisfaction among the Indians of the White Earth Reservation on account of the allotments made to them by Agent Michelet, under the Steenerson Act, and he desires that you ascertain the wishes of a majority of the Indians in the matter of these allotments—that is, whether a majority prefer that the allotments as made by Agent Michelet shall stand, or whether they prefer to "draw" for the order of selections under a system similar to drawing for homesteads by whites where Indian lands are to be opened to settlement, the allotments in the order of the selections to be made either by a special agent of the Indian Office, or by a special agent and Agent Michelet jointly.

You will, therefore, promptly call a council of the Indians, with as large an attendance as can be secured, and obtain from them an expression of their wishes; and you are instructed to adopt any other measures you may deem necessary to ascertain the views and wishes of the majority of the adult Indians in the premises.

You are authorized to employ such clerical and other assistance as you may find necessary, such as stenographer, typewriter, interpreter, etc.; and you should use great caution in selecting an interpreter who is not only competent, but who can also be trusted to interpret honestly all that may be said at the council.

After completion of this duty you will proceed to the Colville Agency, as directed in department letter of the 6th instant, unless otherwise ordered in the meantime.

Very respectfully,

THOS. RYAN,
Acting Secretary.

It will be observed from the wording of my instructions that the quotation on page 8 of the committee's report does not state them correctly. The words, "*individual* expression of their wishes and views," as therein stated is incorrect and misleading; the correct wording of said sentence being "promptly call a council of the Indians, with as large an attendance as can be secured, and obtain from them an expression of their wishes," and the proceedings of the council convened by me with the White Earth Indians under said instructions were strictly carried out in accordance therewith.

My instructions were *to hold a council to ascertain the wishes of a majority of the Indians in the matter of their additional allotments—that is, whether the majority preferred that the allotments as made by Agent Michelet should stand or whether they preferred to "draw" for the order of selections*, and, in addition to holding a council for that purpose, I was instructed to adopt any other measures that *I* deemed necessary to ascertain the views and wishes of the majority of the adult Indians, meaning, as a matter of course, the male adults.

It would seem that the premise of the committee's statement should at least be accurate to warrant confidence in its findings. It also seems strange that after having received in evidence a photographic copy of my report, dated October 6, 1905 (pamphlet No. 10, p. 121), there was no reference to the minutes of the council, the basis of my said report, and they did not appear as having been introduced in the hearings; and, stranger still, several years after the council proceedings this stenographic record evidence, the existence of which the committee must certainly have had knowledge, should be discredited by the oral testimony of one member of the council, Rev. Charles Wright, who was present and took part in the proceedings, and the evidence of the Rev. Duane F. Porter, who did not attend the council, knew nothing of it, so he testified, until after it was over, although he resided within 30 miles of White Earth Agency and was at that time, as stated by him, constantly circulating among 300 acquaintances on the reservation.

The testimony of said Mr. Porter (hearing No. 11, p. 143) is so ridiculously absurd that I deem it unnecessary to comment upon. He admitted that he did not attend the McLaughlin council, yet gives testimony as though he knew all about it, which is disproven by the minutes of the council. The entire testimony of this man Porter appears to have been drawn out of him by Mr. Burch's leading questions.

The testimony of George Walters (pamphlet No. 11, pp. 174–183), who was evidently intended by attorneys Burch and O'Brien, as next to Mr. Wright, their star witness concerning me, must have been a disappointment to the prosecutors, notwithstanding the persistency of Mr. Burch in pressing the witness with the leading questions.

There is nothing in the printed reports of the hearings before the committee that challenges the integrity of the minutes of the council I held with the Indians of the White Earth Reservation at that time, and I submit that this record evidence can not be overcome by the unsupported testimony of one or two witnesses, even though, as the committee alleges, one of them—Rev. Charles Wright—is recognized by the Indians as chief of all the Chippewas, while it is a well-known fact by persons acquainted with the Minnesota Indians that the said Rev. Charles Wright is not recognized as a chief by more than 1 per cent of the Chippewas of the Mississippi.

As I stated in my report of October 6, 1905, I arrived at White Earth Agency on Sunday, September 17, 1905, and the following morning mailed to each chief and leading Indian of those interested—also for posting in the post offices at which Indians receive their mail—the following notice:

NOTICE.

WHITE EARTH AGENCY, MINN.,
September 18, 1905.

The undersigned desires to meet the Mississippi and Otter Tail Chippewa Indians of the White Earth Reservation, Minn., in council on Monday, September 25, 1905, at the hour of 1 o'clock p. m., at the White Earth Agency. All Indians interested in additional allotments of land under the Steenerson Act are requested to be present and participate in the council.

JAMES MCLAUGHLIN,
United States Indian Inspector.

It was not required of me to serve a notice on each individual Indian, nor to go out and canvass the reservation, nor bring the Indians into the agency. I issued the above-quoted notice and sent copies of it to all parts of the reservation that the Indians interested in additional allotments under the Steenerson Act might be advised of the council thus called and I am quite confident that every Indian then on the reservation had ample notice to be present at the council if they so desired.

Said notices were sent out from the agency on September 18, 1905, and the council was not convened until September 25, 1905, thus giving the Indians an entire week's notice, and that I did not hurry them in their deliberations is borne out by the duly certified minutes of the council, which show that three days were consumed in discussing the matter before the question was put to a vote of the 154 male adult Indians present, the result of which was 130 for the allotments, as made by the agent Michelet, to stand, with only 5 for reallotment and 19 declining to vote, which decisive vote clearly indicated the sentiment prevailing among the Indians with reference thereto, and the question was thus determined as reported by me under date of October 6, 1905.

The following appears in the committee's report (p. 8):

"This is what McLaughlin did: He held at White Earth Agency a so-called council, which he claims was attended by only 154 Indians, although there were at that time 2,800 entitled to allotment; he held them in conference about two days, and then, although there was nothing in his alleged notices hinting of such a purpose, he put to a vote the question as to whether the allotments should stand. He refused to allow the surprised full bloods present to send out runners to bring in the people from the reservation, and then and there forced the question to an issue; he falsely reported that 54 full bloods were present and voted in favor of allowing the Michelet allotments to stand, when the fact seems to be there were only five or six full bloods present and they refused to vote; he falsely reported that several mixed bloods whom he named were prominent full-blood chiefs; in anticipation of further objection from the chief, Rev. Charles Wright, he made vicious and unwarranted attacks on the birth and character of this faithful Indian leader and devout missionary, and recommended the fraudulent allotment be reinstated."

With reference to the above-quoted paragraph, based largely upon the allegations of said Rev. Charles Wright, together with the testimony of George Walters, I respectfully invite attention to the minutes of the council held by me with the White Earth Indians from September 25 to September 27, 1905, inclusive, which show that these two men, together with Peen-de-gay-ge-shig, who was Rev. Charles Wright's chief spokesman on that occasion, were the only persons expressing themselves as opposed to the allotments as made by Agent Michelet.

I desire to here state that I have officially conducted negotiations with nearly every tribe of Indians in the United States and have

never before been accused of being unfair to the Indians; on the contrary, the only criticism of me in my negotiations as a representative of the Government with Indian tribes having been that I was inclined to be too generous and considerate of the wishes of the Indians, and in all of my negotiations with the Indians I have been unbiased, impartial, and fair in presenting the questions submitted to them by me, and my council with the White Earth Indians in said additional allotment matter was conducted strictly along those lines.

In this connection I desire to state that in my numerous councils with the Indians I have sometimes met individual members of tribes of similar character to said Rev. Charles Wright, who had selfish objects in view and who to gain recognition for their contentions opposed the will of the majority. I have always listened patiently to what such chronic objectors might have to say, but was never influenced by their attitude in arriving at my conclusion when so unreasonably selfish as Mr. Wright was in this instance; and, after a full discussion and clear understanding of the White Earth additional allotments matter, I arrived at the conclusion as stated in my report with reference thereto.

There was not the slightest doubt in my mind at the time, nor is there now, but that all Indians of the White Earth Reservation had due notice of the said council and that all desiring to attend were present at its sessions, and that Rev. Charles Wright, who is so frequently mentioned in the committee's report, had his entire following present with him in the council, he having come from Cass Lake, much farther than any of the other beneficiaries had to travel to the agency headquarters, while his two principal henchmen, Peen-de-gay-ge-shig and George Walters, lived in widely separated parts of the reservation, Peen-de-gay-ge-shig living about 20 miles northeast of the agency, and George Walters about 2 miles north of the agency, and all Indians attending said council came into the agency for that purpose upon the invitation contained in the notices sent out by me to the several districts of the reservation.

The committee's report appears to make much of what should be regarded a council of Indians, and speaks of the council I held with the White Earth Indians (Sept. 25 to Sept. 27, 1905, inclusive) as a "so-called council." With reference to same and with due respect to the members of that committee, I assert most emphatically that the said council was a large representative assemblage of the interested Indians of the White Earth Reservation. There were 154 male adult Indians present when the vote was taken, as shown by the minutes of the council, and my report thereon, which figures remain undisputed. There were at least 400 beneficiaries of the reservation—men, women, and children—in attendance at that council, but my dealings were with the male adults only.

After my many years' negotiations with the Indians I should be able to judge what a reasonable representative gathering of Indians of a reservation would be and I assert, without fear of honest contradiction, that a decision on any tribal question by 25 of the leading men of any of the northwestern reservations would be accepted as the act of an entire tribe. Therefore the 154 male adults of the White Earth Reservation who participated in the council of September 25 to 27, 1905, inclusive, voiced the sentiment prevailing among the Indians on the reservation and was, as regarded by me, or by any person with a fair knowledge of non-English speaking Indians, a greater representation than usual. Many Indians are indifferent in such matters, leaving their so-called chiefs and headmen to represent the tribe and decide upon the question under consideration, and my council with the White Earth Indians at the time referred to was with the full knowledge that the entire adult male population of the reservation was not present, but that all were notified and might have attended had they so desired, and that those in attendance represented the entire Indians of the reservation in this tribal council.

On March 10, 1912, I received a communication dated March 8, 1912, from the chairman of the committee, reading as follows:

HOUSE OF REPRESENTATIVES,
Washington, March 8, 1912.

Mr. JAMES MCLAUGHLIN,
National Hotel, Washington, D. C.

MY DEAR SIR: In the investigation which our committee has been making of the White Earth (Minn.) Indian Reservation, your name has frequently been mentioned during the production of the evidence, and under circumstances which may lead you to think you should appear before the committee. I send you to-day a copy of the evidence printed up to this time and will send you the rest of the evidence as soon as it is printed, and the committee will give you an opportunity to be heard, if you so desire.

Very truly, yours,
JAMES M. GRAHAM.
Chairman Committee on Expenditures in the Interior Department.

To the foregoing communication I made reply, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1912.

Hon. JAMES M. GRAHAM,
Chairman Committee on Expenditures in the Interior Department.

DEAR SIR: Your letter of the 8th instant, relative to the investigation which your committee is making of the White Earth (Minn.) Indian Reservation, has been received. In reply thereto I beg to state that I do not deem it necessary to appear before your committee, on my own account, inasmuch as I stand firmly on my reports on this matter.

However, if my evidence can be of any material assistance to your honorable committee, I waive subpœna and am ready to appear upon request.

Very respectfully,
JAMES MCLAUGHLIN,
Inspector, Department of the Interior.

I did not receive any reply to my letter, above quoted, and not having been subpœnaed nor further requested to appear before the committee, and, as stated in my letter to the chairman, standing firmly on my reports in the premises, based on the minutes of the several sessions of the council, I concluded that the matter was ended in so far as it concerned me, and was therefore greatly surprised to see it stated on page 9 of the committee's report that—

"McLaughlin was duly notified by your committee that his conduct as an official had been called in question, and was given an opportunity to be present at its sessions at Washington, but failed to appear."

I reiterate, as stated in my letter to Chairman GRAHAM, dated March 13, 1912, that I stand firmly on my report of October 6, 1905, in this matter, a copy of which report, together with copy of the minutes of the council upon which it was based, are transmitted herewith, the originals of which are on file in the department, and the reading of which by any fair-minded and unbiased person can not but regard the proceedings and report thereon as a complete refutation of the conclusions adopted by a majority of the committee in their report dated January 16, 1913, in so far as it relates to me in connection with White Earth Reservation matters.

In reference to the said council held by me with the White Earth Indians, referred to in the committee's report as "really a Nichols-Chisholm council," which insinuation of me having been unduly influenced is too absurd for me to comment upon other than to state that I had never heard of the Nichols-Chisholm Lumber Co. until reference to White Earth timber matters began to appear in the Minnesota newspapers some years after my said council—probably about the year 1909—also that I have never met any member of said lumber company nor any of their representatives so far as I am aware of; that no lumbermen or any white men other than those belonging on the White Earth Reservation attended said council, and I challenge any man to produce evidence that I have ever been in a business way associated or connected with any lumber company in the United States.

With reference to the Mille Lac matter, referred to by the committee, and which has no direct bearing upon White Earth matters, I desire to submit that this entire transaction, so far as my connection with it is concerned, is a matter of record not only in the Department of the Interior but also in the Treasury Department and the Department of Justice, the same having come up incidentally in the Court of Claims in case No. 30447, decided May 6, 1912, known as the "Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States."

The joint report of Agent Michelet and myself, dated September 30, 1902, transmitting the agreement entered into by us with the said Mille Lac Indians under the act of May 27, 1902, together with the accompanying papers, gives printed in full in No. 30447, Court of Claims, evidence for defendants in said case, and the findings of fact of said court fully upholds our construction of the said act of Congress, the provisions of which we strictly adhered to in our negotiations with the Indians, and the agreement which we entered into with them, including the disposition of the funds after the Indians in tribal council had declared how they wished the money disbursed. The said act provides:

"That this appropriation shall be paid only after said Indians shall, by proper council proceedings, have accepted the provisions hereof and declared the manner in which they wish the money disbursed."

Judge Booth, of the Court of Claims, who delivered the opinion of the court, said in reference to this:

"The act of May 27, 1902 (32 Stat. L., 268), appropriated $40,000 to pay the Mille Lacs for the improvements made upon their reservation. It can not affect this controversy, and was at the most a tardy and almost inconsequential recompense to secure their removal from a reservation from which they had already been excluded by being divested of their Indian title, and upon which they had remained because of the failure to extend to them the benefits of the act of 1889. All the treaties with the Mille Lacs provided payment of expense of removal to their new reservation. The Congress by the terms of this act recognized their possession of the reservation as a tribe by authorizing the amount appropriated to be paid in accordance with tribal law adopted in council proceedings."

And Judge Howry of said court said that—

"The improvements at the time the appraisement was made were practically of no value, and were assessed at what they had been, the object being to secure the removal of the Indians to the White Earth Reservation."

I cite these facts to show that there was no foundation whatever for the reference to this Mille Lac case in the committee's report, as the facts as herein stated should have been known to Attorneys Burch and O'Brien, of the Department of Justice, who presented this case to the committee in pamphlet No. 7 of the hearings, wherein Attorney Burch, under the caption "A two-edged fraud—Mille Lac case," stated:

"Michelet and this same McLaughlin went over for the Government to investigate and appraise the improvements and found practically none—nothing but the charred remains of some Indian tepees; but to eat up—that is, to cover the entire $40,000—these charred remains were appraised at the original cost of the tepee, and items were inserted in the list of improvements, such as the profit an Indian would make gathering wild rice for a year, for gathering wild honey for a like period, and other like items."

This statement of Mr. Burch is a misrepresentation of facts, as there was no items of rice or wild honey in our schedule of appraisement, and the baseless allegation as presented by Attorney Burch being, in substance, accepted and adopted by the committee, should tend to discredit the entire report.

The wild rice and wild honey referred to in Mr. Burch's statement in Hearing No. 7, as to what he was going to prove before the committee, was doubtless found by him in an appraisement filed in the department of losses aggregating about $76,000 sustained by Mille Lac Indians forwarded by Mr. D. H. Robbins, of Vineland, Mille Lac County, Minn., to the Secretary of the Interior about two years previous to our negotiations with the Mille Lac Indians under the act of May 27, 1902, which appraisement list was never acted upon by the department and had no connection whatever with the appraisement made by Agent Michelet and myself. I mention this to show the extremes to which Attorneys Burch and O'Brien resorted (neither of whom I have ever met) in their efforts to besmirch character with the evident hope of thus aggrandizing themselves.

The committee's report, on first page thereof, states that—

"This subcommittee, through its chairman, had requested of the representative of the Department of Justice (M. C. Burch) a complete statement of the matter to be presented to your subcommittee in its further sessions. This was furnished with reasonable promptitude and constitutes No. 7 of the series. It served as a guide to the subcommittee during our subsequent proceedings."

As pertinent to the foregoing, I respectfully invite attention to the striking similarity of the phraseology employed in said Hearing No. 7 (being Attorney Burch's statement) and in the report of the committee, which, as regarded by me, makes it unnecessary for me to comment further upon this phase of the proceedings, other than that it clearly shows that the report is based upon a statement of what was to be presented, instead of the actual facts.

Very respectfully,
JAMES MCLAUGHLIN,
Inspector Interior Department.

Mr. STEPHENS of Texas. Mr. Speaker, I do not believe it is necessary to make any further statement, and I will ask for a vote.

The SPEAKER. The question is on suspending the rules, taking this bill from the Speaker's table, disagreeing to the Senate amendments, and asking for a conference.

The question was taken; and (in the opinion of the Chair two-thirds having voted in favor thereof) the rules were suspended, and the motion to send the bill to conference was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

INDIGENT PERSONS OTHER THAN NATIVES IN THE DISTRICT OF ALASKA.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I call up the conference report on the bill S. 267, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 1578).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment, in the nature of a substitute, as follows:

"That section 1 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes,' approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"'SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Twenty-five per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"'That at the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States district judges in Alaska one of said equal amounts.

"'That each of said judges is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each judge shall quarterly submit to the Secretary of the Treasury an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance remaining in the hands of any judge at the end of any quarter shall be returned to the Secretary of the Treasury of the United States, and by him deposited in the said "Alaska fund," and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory.'"

Amend the title so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

And the House agree to the same.

B. G. HUMPHREYS,
RUFUS HARDY,
J. N. LANGHAM,
Managers on the part of the House.

KNUTE NELSON,
HENRY E. BURNHAM,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House submit the following statement of the agreement of the conferees on the disagreeing votes of the two Houses on the bill S. 267: The Senate recedes from its disagreement to the amendment of the House, with an amendment which changes the bill as it passed the House by striking out, in line 21, page 2, the word "thirty" and inserting in lieu thereof the word "twenty-five"; and by striking out, in line 17, page 3, the words "section 2"; and by striking out, in line 21, page 3, the word "marshals" and inserting in lieu thereof the words "district judges"; and by striking out, in line 23, page 3, the words "section 3"; and by striking out, in the same line, the word "marshals" and inserting in lieu thereof the word "judges"; and by striking out, in line 4, page 4, the words "marshal with his quarterly report" and inserting in lieu thereof the word "judge"; and in the same line by inserting, after the word "shall," the word "quarterly," and, after the word "submit," inserting the words "to the Secretary of the Treasury"; and, in line 9, page 4, by striking out the word "marshal" and inserting in lieu thereof the word "judge"; and by striking out, in line 10, page 4, the word "Treasurer" and inserting in lieu thereof the words "Secretary of the Treasury."

B. G. HUMPHREYS,
RUFUS HARDY,
J. N. LANGHAM,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I call up the conference report on the bill (H. R. 28607), the diplomatic and consular appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1585).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 6, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

H. D. FLOOD,
JNO. N. GARNER,
W. B. MCKINLEY,
Managers on the part of the House.

CHARLES CURTIS,
GEORGE T. OLIVER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, submit the following written statement explaining the effect of the action agreed upon and recommended in the accompanying conference report on each of the said amendments:

Amendment No. 1: Appropriates $100,000 for marking the boundary line between Alaska and Canada and the United States and Canada, instead of $105,000, as proposed by the Senate. One hundred thousand dollars is the appropriation proposed by the House. The Senate recedes from its amendment.

Amendment No. 2: Strikes out the appropriation of $2,000 for the share of the United States of expenses that may be incurred in carrying out the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and Dominion of Canada, and the expenses of the commission on the part of the United States for the fiscal year ending June 30, 1914. The Senate recedes from its disagreement to this amendment.

Amendments Nos. 3 and 4: Change the phraseology making appropriations for International Joint Commission on Boundary Waters under treaty between the United States and Great Britain. The House recedes from its disagreement to these two amendments.

Amendment No. 5: Appropriates $20,000 to enable the United States to contribute to the adornment of the Palace of Peace at The Hague by sending some object of art of national production, instead of no appropriation as proposed by the House and $30,000 as proposed by the Senate.

Amendment No. 6: Appropriates $5,000 for an international conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, as proposed by the Senate, instead of no appropriation for this purpose as proposed by the House.

H. D. FLOOD,
JNO. N. GARNER,
W. B. MCKINLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill S. 8275, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the statement.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1586).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8275) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.

That the House recede from its amendments numbered 3 and 5, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

P. J. MCCUMBER,
B. F. SHIVELY,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 is the case of John W. Slaughter (S. 199): The Senate passed this item at $20 per month. The House reduced the amount to $12, in accordance with the recommendation of the board of examiners. The Senate recedes.

Amendment No. 2, the case of Louisa A. Thatcher (S. 824), widow of a soldier and dependent mother of an officer in the Navy who was killed by an explosion of a gun on the battleship *Georgia:* This case is a little unusual. The Senate passed the case at $24 per month and the House struck the item from the bill. The Senate recedes.

Amendment No. 3 is the case of Charles W. Camp (S. 1766): The Senate passed this at $20 per month. The House reduced the amount to $16 per month. The soldier is now drawing $14 per month for disabilities incurred in the service, and giving him the benefit of the doubt the additional amount allowed by the Senate is permissible and the House recedes.

Amendment No. 4, Charles M. Baughman (S. 3845): The Senate passed this at $30 per month. The soldier is suffering from disabilities due largely to accident received after his service, and it is not shown that he incurred any serious disability by reason of service. The Senate recedes.

Amendment No. 5, Elizabeth S. Lewerenz (S. 3943): The Senate passed this at $40 per month. The House struck the item from the bill on the grounds that the widow's financial condition did not justify the increase. It appears, however, that a part of the funds which the widow has is set aside for the use of her child, and the case is permissible in accordance with precedent. The House recedes.

Amendment No. 6, the case of Minnie Wadsworth Wood (S. 5751): It does not appear that officer's death was due to service. The House struck the item from the bill, and the Senate recedes from its disagreement to that amendment.

Amendment No. 7, Barbara B. Haws (S. 6969): The House struck this item from the bill on the grounds that the soldier's actual service was considerably less than the 30 days required, although it does appear that he was with his company for about 27 days. The Senate recedes from its disagreement to this amendment.

Amendment No. 8, Charles L. Stevens (S. 7088): The House struck this item from the bill on the grounds that the evidence of incurrence of disability in the service was not sufficient to justify the allowance of the claim. The Senate recedes from its disagreement to the amendment.

Amendment No. 9, James McMahon (S. 7228): The House struck this item from the bill on the grounds that the evidence of incurence of disability in the service is rather remote, and if his disability has increased he could obtain relief at the bureau, where he has not applied for increase for more than five years. The Senate recedes from its disagreement to this amendment.

Amendments Nos. 10, 11, 12, 13, 14, 15, and 16 are all items which the House struck out, which items proposed to increase the pensions of soldiers who served in the Indian wars, all of whom will receive a greater increase under a law recently passed. The Senate recedes from its disagreement to all of these amendments.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PUBLIC BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 28766, the omnibus public buildings bill, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

Mr. BORLAND. Mr. Speaker, I reserve the right to object.

Mr. HARDWICK. Mr. Speaker, I reserve the right to object——

The SPEAKER. The gentleman reserves the right to object to what?

Mr. HARDWICK (continuing). To unanimous consent. Will the gentleman from Alabama [Mr. BURNETT] be willing to give us opportunity now, or to assure us that we can at a later time have an opportunity, for a separate vote on Senate amendment No. 196, which relates to the general policy and endeavors to put a limit on how these buildings shall be constructed?

Mr. MANN. Which amendment?

Mr. HARDWICK. Senate amendment No. 196.

Mr. BURNETT. I have no authority, Mr. Speaker, to give any assurances whatever. As to the general policy of that amendment, with some variations I think I should favor it myself, perhaps, and I can give no assurance as to what the conference committee will do.

Mr. HARDWICK. Will it give us an opportunity to express ourselves on this question?

Mr. BURNETT. I do not know about that.

Mr. HARDWICK. Unless the gentleman modifies his request so as to let us have a separate vote now, or give us some assurance that the chairman of the conferees, and we know that he will be chairman on the part of the House, will allow us an opportunity at a later time to vote on that proposition, I shall be compelled to object.

The SPEAKER. The gentleman objects.

Mr. BURNETT. Mr. Speaker, I move to suspend the rules, nonconcur in the Senate amendments, and ask for a conference.

Mr. BORLAND. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves to suspend the rules and take the bill H. R. 28766 from the Speaker's table, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title.

The Clerk read as follows:

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, the extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER. Is a second demanded?

Mr. HARDWICK. I demand a second.

Mr. BORLAND. I demand a second.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] demands a second.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. HARDWICK. Is the gentleman from Missouri [Mr. BORLAND] opposed to the amendment?

Mr. BORLAND. Yes.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Alabama [Mr. BURNETT] is entitled to 20 minutes and the gentleman from Missouri [Mr. BORLAND] to 20 minutes. Which one of the gentlemen desires to proceed?

Mr. BURNETT. Mr. Speaker, I desire merely to state that there are a number of Senate amendments; that there are some of them perhaps that are good and many of them that, no doubt, are bad; and I think the conferees can be trusted to determine what, in their opinion, is good and what is bad and report it to the House. I reserve the balance of my time.

Mr. CANNON. Will the gentleman yield to a question?

Mr. BURNETT. Yes.

Mr. CANNON. The amendment that is objected to creates a commission by legislation?

Mr. BURNETT. No, sir. The amendment which is objected to by gentlemen is that while there may be a site or a building authorized, yet there can be no appropriation for it until it reaches the limit of $10,000 in receipts.

I reserve the balance of my time, Mr. Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. SMITH of Michigan, and Mr. SIMMONS as the conferees on the part of the Senate.

PUBLIC BUILDINGS BILL.

The SPEAKER. The gentleman has used three minutes. Does the gentleman from Missouri [Mr. BORLAND] desire to use any of his time? [Cries of "Vote!" "Vote!"]

Mr. BORLAND. Mr. Speaker, this bill to provide public buildings passed the other body at 4 o'clock this morning. It has been impossible for Members of this House to see a printed copy of it as passed, let alone to give the amendments any consideration. But from the newspaper reports it is indicated that about $19,000,000 has been added since the bill left this House. The bill as reported in the other legislative body carried not only the items that left the House, but it also carried some $9,700,000 in addition for expenditures in the District of Columbia, and some eleven or twelve million dollars for expenditures outside of the District of Columbia.

My information is that of the $9,000,000 for the District of Columbia the only item that failed to pass the other legislative body is that for the building for the loyal women of the Civil War. Just exactly why that item failed I am unable to understand. The bill carried, when reported, an item of $5,000,000 for the Memorial Bridge, $1,750,000 for an armory, $2,300,000 to move the Botanic Garden into the bed of Rock Creek, and some other items which I do not now recall. I understand that the $5,000,000 project of the Memorial Bridge was reduced to $1,500,000, but it may be, as it has heretofore happened that that will only be the starter for the $5,000,000 project, so that the amount finally chargeable to the Treasury may be the total of $5,000,000.

I want to say this to the Members of the House: That when this bill left the House it was subjected to some criticism here and elsewhere on the ground that a great many of the items were not authorized by the needs of the public service; that many of the proposed buildings were in towns too small to justify the expenditure of public money for such a purpose; that there were items of fifty or sixty thousand and even of one hundred thousand dollars in towns where the postal receipts were not sufficient to justify such buildings.

I say to you, gentlemen, that I have no knowledge of what those items are. I hope and believe they were very few in number compared with the many good projects in the bill. It may be that some items of that kind are in the bill, and that these charges that have been hurled against the House, and particularly the Democratic Committee on Public Buildings and Grounds, of preparing a pork-barrel measure may be based on some honest, and not purely malicious criticism. But to make up that $9,000,000 hogshead of pork for the District of Columbia it would take at least 200 items of that fifty or sixty thousand dollar size; it would take that many items to make that hogshead of pork that is rolled in here from the District of Columbia. [Applause.]

From all over this country, where the great business of the American people is being transacted, where these public buildings are to be placed, Members come here to show the needs of their districts and get the consent of the Committee on Public Buildings and Grounds that certain items shall go in, based, to my knowledge, in nearly every case, on a concrete showing of the necessity; and yet we are asked here to pass a bill that contains perhaps less than a score of items that can be attacked on any ground of just criticism out in the country, but containing a nearly $10,000,000 hogshead of pork for the District of Columbia. [Applause.]

We are compelled to submit to this unjust criticism from one end of this country to the other, of having prepared a pork-barrel bill, when there is not a Member of this House that has got more than a slice of side meat compared with this hogshead of pork that is rolled in here in the last days of the session. I am disgusted with this high-handed attempt to not only get the lion's share of the pork, but to load all the odium upon the House of Representatives.

I was fighting a battle here to keep that $2,000,000 for the Lincoln Memorial from being swallowed up by the real estate ring of the District of Columbia and used for this Greek temple down on the Mall. I told you then that it would be but the beginning of a raid on the Treasury; that it would take $2,300,000 to move the Botanic Gardens into Rock Creek, and other enormous expenses to beautify the site of that temple. But they have put not only that into this bill, but the bridge also, and $1,750,000 for an armory, which is to be built upon land belonging to the United States, and not to the District of Columbia.

Mr. MANN. I understood the Memorial Bridge item was put in at $1,500,000. I understood the gentleman to say it was $5,000,000.

Mr. BORLAND. I said while it was reduced to a million and a half, it might be increased eventually to the original $5,000,000 when the camel once got his head through the canvas of the tent.

Mr. MANN. I understood the gentleman to say that $5,000,000 was recommended for the Memorial Bridge.

Mr. BORLAND. I do not think the House was misled. I referred to the fact that the item carried $1,500,000, and I stated my opinion that in the end this amount would be increased to the $5,000,000 necessary to cover it.

Now, Mr. Speaker, if this House wants to brand itself and to submit to the charge of passing pork-barrel bills, it can agree to send this bill to conference. I do not say that that will result in a pork-barrel bill, but I say that the proper way to fight the charge of having brought in a pork-barrel bill will be for the House to take possession of these amendments that have been sent from the other body, eliminate the items that are not defensible, and put the bill in a shape where any Member of this House can stand and justify the bill, both here and elsewhere. [Applause.]

That is the proper course to be taken with these bills, and the time to meet the pork-barrel charge is now, before the bill is passed, while it is in this House, while the amendments proposed are before this House, and we should not put that burden upon the conferees exclusively.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used seven minutes.

Mr. BURKE of South Dakota. I understood the gentleman from Missouri to say he would eliminate these Senate amendments. In what manner would he eliminate them, except by disagreeing to them?

Mr. BORLAND. The rules of this House provide that if this motion is voted down, the bill must go to the committee. When it comes back from the committee it must go to the Committee of the Whole House on the state of the Union, because it involves a charge upon the American people, and when it goes before the Committee of the Whole House on the state of the Union, then the House has full control of the bill, Senate amendments and all. We can then send the bill to the Senate in whatever shape we desire.

Mr. BURKE of South Dakota. But the most that we can do with any Senate amendment is to disagree to it.

Mr. BORLAND. That would eliminate that particular amendment, and there would be nothing for the conferees to act upon.

Mr. BURKE of South Dakota. The gentleman is mistaken. The most the House can do is to disagree to the Senate amendments.

Mr. MANN. It is true that if this motion is voted down, then the bill will be on the waste heap, will it not?

Mr. BORLAND. If this motion is voted down, the bill will then be referred under the rule.

Mr. MANN. That is the same thing.

Mr. NORRIS. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Nebraska.

Mr. NORRIS. I want to suggest to the gentleman that if this motion is voted down and the bill goes to the committee and then back to the House, and is then referred to the Committee of the Whole House on the state of the Union, when we consider each item, all that the Committee of the Whole House can do is to disagree to the several amendments of the Senate and then ask for a conference. Does not this motion accomplish the same thing, and is not that what this motion is?

Mr. LANGLEY. And is not this the more expeditious method?

Mr. NORRIS. And is it not true that if a man is opposed to the Senate amendments he ought to be in favor of this motion?

Mr. BORLAND. No. The gentleman from Nebraska understands——

Mr. NORRIS. When the gentleman gets his bill back into the Committee of the Whole House on the state of the Union, the memorial bridge amendment, for instance, will come up for action. What action can the Committee of the Whole take?

Mr. BORLAND. The Committee of the Whole can vote that amendment out of the bill.

Mr. NORRIS. Why, no; they can not do that. The gentleman must understand that all they could do would be to disagree to the Senate amendment.

Mr. BORLAND. That would vote it out of the bill.

Mr. LENROOT. Not unless the Senate receded from its amendment.

Mr. NORRIS. No; disagreeing to it would not vote it out of the bill, because it is a Senate amendment, which would still be in disagreement between the two Houses and a subject for the action of the conferees. Its condition as to each amendment will be the same as if this motion is agreed to.

Mr. CANNON. And would not a failure to agree to this motion practically result in the defeat of the bill?

Mr. KENDALL. All the House can do is to send it back with the Senate amendment disagreed to, and with an instruction to the conferees not to agree to the Senate amendment.

Mr. LANGLEY. Would not the procedure which the gentleman has detailed necessarily result in the defeat of any public-building bill at all at this session in view of the short time remaining between now and adjournment?

Mr. BORLAND. Not necessarily.

Mr. LANGLEY. I think it would.

Mr. GARDNER of Massachusetts. Is it not also true that the House may agree to some of these amendments?

Mr. NORRIS. That is very true.

Mr. GARDNER of Massachusetts. And that would produce a different result.

Mr. LANGLEY. And more complications and delay, greatly endangering the bill itself.

Mr. GARDNER of Massachusetts. The gentleman from Georgia suggests an amendment that the House may very well agree to in Committee of the Whole, and that would take it out of the realm of the conference.

Mr. CANNON. Will the gentleman allow me a question?

Mr. BORLAND. I yield to the gentleman from Illinois.

Mr. CANNON. As I recollect the rule, if this motion to suspend the rules and disagree to the Senate amendments and ask for a conference is adopted, the only way the gentleman can get any expression from the House is, before the conferees are appointed, the gentleman may move an expression of opinion on the part of the House, or to instruct the conferees not to agree to that amendment and report a disagreement, so as to give the House an opportunity to voice its opinion as to what ought to be done. I see no other way for the gentleman to get at the matter except to defeat this motion, and then it would go to the committee; and when the committee reports back, the only way then would be to get an expression on this Senate amendment.

Mr. BORLAND. Now, Mr. Speaker, in reply to the gentleman, it is true the conference report is not subject to amendment in detail, and for that reason this House adopted Rule XX, that when the Senate amendments were matters that would properly come before the Committee of the Whole House on the state of the Union, if they originated in a House committee, they should be referred to the Committee of the Whole House on the state of the Union and a point of order lie against them. That is attempted to be avoided in this case by moving to suspend the rules. It is true the thing to do now is to vote down the motion to suspend the rules and then the ordinary rules of the House will take ample care of the bill and it will be referred under the rule to the proper committee, and when amendments come in, if it involves a charge on the people, they will be referred to the Committee of the Whole House on the state of the Union, and we may agree to some and disagree to others.

Mr. CANNON. That is all true; but these are the closing days of the session, and if the course that the gentleman lines out is adopted it seems to me that it brings failure to the bill. I suggest to the gentleman that if he wants an expression of the House as to this particular amendment, or any other, before the Speaker announces the conferees, in the event the rules are suspended, he can move a resolution expressing the opinion of the House or to instruct the committee as to these matters that they must report a disagreement, so as to give the House later on an opportunity to express its will.

Mr. BORLAND. So much the worse that it comes in the closing days of the session. It involves $45,000,000 of public buildings, when there is not one in ten that can be begun within the elected term or reelected term of any Member present, and it is doubtful if one can be begun between now and March, 1915.

Mr. AUSTIN. Could not we spend the million dollars in which the gentleman's building is involved?

Mr. BORLAND. No; I doubt very much whether you could spend that money. It is not $1,000,000, but $150,000; but I am as much interested in this as is the gentleman from Tennessee.

Mr. AUSTIN. The gentleman is interested in his own proposition.

Mr. BORLAND. I am just as much interested in my proposition as the gentleman from Tennessee is interested in his. When I take this position I take it at as much personal sacrifice as would the gentleman from Tennessee.

Mr. AUSTIN. Oh, the gentleman from Missouri does not lose anything.

Mr. NORRIS. Mr. Chairman, I think I agree with what I think is the gentleman's main purpose. I did not vote for the bill when it passed the House, and would not vote for it with all the Senate amendments, but it seemed to me, in the light I have, that the proper thing to do was to disagree to the Senate amendments and on this motion to suspend the rules accomplish the very thing that the gentleman seeks to accomplish. If it comes back in the shape of a conference report containing all the items, some of which I think ought to be excluded, I shall vote against it.

Mr. BORLAND. We would have to vote them all down, which I think ordinarily would not be possible. I now yield to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, I am not going to oppose the bill going to conference, but I do think the conferees ought to have some knowledge of the methods proposed by one amendment. That old crooked black snake proposition that has been before the House so often and always fails on its own merits to beautify Rock Creek Valley from Massachusetts Avenue causeway that crosses it to the Potomac River was sneaked in here. It was defeated by a very large vote in this House as a part of what was then denominated the Judson plan, when only three Democrats voted for it and mighty few of any other sort voted for it. Before voting for it go down there and look at that crooked stream. For years and years the purpose has been to fill up Rock Creek Valley, providing a large sewer underneath it. But now it must be bought at an immense price and dug out so as to have an immense automobile drive on both sides. Under the general law we now have when property of that sort is purchased for such a purpose one-third of the value of that property is to be assessed against the abutting property owners. If this amendment goes through in this way then the general law will not apply, and the millions and millions of dollars worth of property in that portion of Washington will be improved by Government expenditure, with not one cent levied as benefits upon the abutting property.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. NORRIS. Mr. Speaker, I judge from what the gentleman says that the proposition is here in the shape of an amendment to purchase that real estate there, which amendment went out on two different occasions before.

Mr. SIMS. Certainly. It amounts to $2,300,000.

Mr. NORRIS. I am just as much opposed to that as the gentleman is. I am the Member who demanded a second on the fight when we defeated that bill.

Mr. SIMS. Yes.

Mr. NORRIS. But this is a disagreement to it. I have faith that our conferees will never consent to that. If there is any way to instruct them or to get a vote upon it, I will be very glad to get it. I will never support the bill with that in it.

Mr. SIMS. Yes; and I want the conferees now to state here to this House that before they will accept that amendment, avoiding the assessment of benefits on adjoining property, they will bring the bill back here for further instructions from this House. That is all I want to say. I know this way of disagreeing to Senate amendments is simply formal. It does not emphasize anything. This is one item which we do want to disagree to in an emphatic way, because we do not want the Senate in the last days of a dying Congess to undertake to cram it down our throats simply because of the fact that we are getting a little bit of pork out of the barrel.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, why should the Members of this House single out the Committee on Public Buildings and Grounds and attempt to muzzle them, and virtually say, "We have no confidence in you, and your case is different and deserves different treatment and action on the part of the House"? Why should we attempt here to discredit our colleagues who will be the conferees on the part of the House? What have they done to merit such a course or such a policy? These other appropriation bills have come here yesterday, the day before, and this morning, and the membership of this House has disagreed in every instance to the Senate amendments and trusted to the wisdom, honor, and fidelity of the conferees on every one of those committees. But now we must say to Mr. BURNETT, of Alabama, to Mr. CLARK, of Florida, to Mr. ANDRUS, of New York, "You are separate and apart; you are in a class all by yourselves." It is not fair treatment to them, and it is not just to ourselves.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. CANNON. I desire to ask the gentleman if his argument is not far-fetched. Everybody has confidence in the gentlemen he has named. It is not from lack of confidence, but it is because of a feeling of distrust that, with the success of this bill so dear to the heart of us, we may be tempted with important Senate amendments, in order to get what we want ourselves, to swallow a few elephants, some lions, or a tiger or two. [Laughter.]

Mr. AUSTIN. Mr. Speaker, in the last analysis of this proposition as presented to this House it is nothing more nor less than a statement that we can not intrust this matter to the care and keeping of these three worthy and honorable Members of the House. I hope we will mete out the same treatment to the conferees on this bill that has been extended to every other conference committee.

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I trust that the membership of the House will not misunderstand the situation. I think no one can regard it as it now stands without realizing that to refuse to send this bill to conference means that no public-building bill will be passed at this session. I think there can be no question but that that will be the result, whatever they may think it would be best to do under different circumstances. I am a new Member of the House and a new member of this committee, and hence, when I heard that the only possible motives that could actuate a committee in the formation of this bill were bad, mercenary, pork-barrel motives, I felt as though it was some reflection upon my service and the service of those who had labored with me.

I had seen the members of this committee at their work. I knew how, day after day, they had carefully examined into the various items that make up this bill. I have seen the Democratic majority and the Republican minority working together to agree, first, on fair rules, and, second, upon an adjustment of them to the circumstances as nearly as they could.

Mr. CALLAWAY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. TOWNER. I must decline to yield; I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. TOWNER. I have seen the members of this committee trying to do as near justice as it was possible in all of these items, to deal fairly with the different Members of this House, to deal fairly with different sections of this country, to make a fair adjustment between the District of Columbia and the other sections of the United States. I have seen all this, and I have thought that they had done well in bringing in this bill, and I still think so, Mr. Speaker. I believe it to be as fair and as reasonable a bill as was ever reported to this House by a Buildings and Grounds Committee. [Applause.] It is three years since a buildings bill of any kind was reported. It is ordinarily the practice to report one every two years. It is expected we will expend $12,000,000 a year on these public buildings throughout the United States. It is expected that in order to meet these provisions $25,000,000 will be included in the authorization that this committee makes every two years. It was not done last year for the reason that gentlemen who had the responsibility thought it best not to do so. I am not here now to criticize that action. But I do desire to say that now, after three years have passed, this House must either abandon the proposition that public buildings are to be fairly apportioned throughout this country, or we ought to send this bill to conference under suspension of the rules.

Mr. BURNETT. Mr. Speaker, I believe we have no more remarks to make, and I therefore move the previous question——

The SPEAKER. The gentleman can not move the previous question. The question is, Shall the rules be suspended, this bill taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked for? [After the question was put.] Two-thirds having voted therefor——

Mr. HARDWICK. Division, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HARDWICK. I demanded a division.

The House divided; and there were—ayes 164, noes 26.

Mr. BORLAND. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is a quorum present. [Applause.] Two-thirds having voted in favor thereof, the rules are suspended and the motion is agreed to.

Mr. HARDWICK. Mr. Speaker, I offer the following motion to instruct the conferees.

Mr. BURNETT. Is not the announcement of the conferees the next thing in order?

The SPEAKER. The Chair thinks this motion, if it is going to be made, ought to be made before the conferees are appointed. The Clerk will report the motion.

The Clerk read as follows:

Resolved, That the conferees be instructed to agree to Senate amendment 196.

Mr. HARDWICK. Mr. Speaker, I ask the Clerk to read the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. Would it be in order to move to lay the motion on the table?

The SPEAKER. If the gentleman did he would lay the bill on the table, too.

Mr. AUSTIN. I do not care to make the motion.

The Clerk read as follows:

Senate amendment 196, page 34, line 20, after $5,000 insert, "*Provided*, That no contract authorized by any section of this act for the erection of buildings to be used exclusively as post offices, or for the purchase of sites for such buildings, shall be entered into, nor shall any public moneys be expended for such purpose until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum."

Mr. HARDWICK. Mr. Speaker, the House will remember that when the gentleman from Alabama [Mr. BURNETT] was recognized to make this motion that he first asked unanimous consent to disagree to the Senate amendments en bloc. I then requested the gentleman from Alabama to give to the House an opportunity to vote separately on this one Senate amendment. The gentleman being unwilling to do that at that moment, I asked him to give to the House——

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. I ask if I have not the right to control the time on this motion?

The SPEAKER. Oh, no. The gentleman from Georgia [Mr. HARDWICK] has a right to control the time.

Mr. BURNETT. I thought the one in charge of the bill had the right to control the time.

Mr. HARWICK. Not on this motion, Mr. Speaker.

The SPEAKER. Of course, the gentleman in control of the bill had a right to control it. This is an independent motion.

Mr. MANN. Of course, the gentleman from Georgia [Mr. HARDWICK] has been recognized, and hence is entitled to the time, but if he had not been recognized the gentleman from Alabama [Mr. BURNETT] was entitled to recognition, and while the motion is preferential it does not take the gentleman——

The SPEAKER. The gentleman from Alabama did not demand to be recognized.

Mr. MANN. That is true.

The SPEAKER. And the gentleman from Georgia [Mr. HARDWICK] has an hour if he wants to consume it.

Mr. HARDWICK. Now, Mr. Speaker, I want to say in the beginning to the House that I am not filibustering on this proposition, and will not consume the hour, because I am not making any captious objection. When the gentleman from Alabama [Mr. BURNETT] made a request to send this bill to conference by disagreeing to the Senate amendments en bloc, I asked him to let us have a vote then on this one Senate amendment. The amendment, I believe, would be supported by a majority on this floor if acted on independently. The gentleman was unwilling to make that concession, unwilling to give this House an opportunity to express its will in this matter. He went even further—and, of course, my criticism of the gentleman from Alabama [Mr. BURNETT] is entirely impersonal—he went even further in this matter, and would not give this House any assurance that either now or later, or at any time, a majority of this House could have its will, whatever that will might be, about this one matter. In other words, he proposed to keep this question tied up in the bill, supported by every proposition that is in it, with the cohesive force of every favored Member behind the proposition, and is not willing to give us a separate vote on this question because he did not know what would become of it, if such separate vote were had.

Now, gentlemen, what is this question? Before I go into a brief discussion of it I want to say that, personally, there is no Member of this House who would be more disadvantageously affected by agreeing to the Senate amendment than myself. I have two items in this bill, one put in by the House committee in a place where the postal receipts are $7,600 a year—my own home town. The bill was introduced, as I formerly stated, in this House by myself under a misapprehension as to what the postal receipts were. I did not expect the item to be in the bill. But it was there, and when I reported to the committee about the matter they said fairly and truthfully to me that there were many other items in the bill lower than that, and, therefore, the item ought to stay. In addition to that the Senate has put in another item in my district, where the postal receipts are about $7,900 a year. So, if the amendment of the Senate were agreed to, these two towns in my own district would probably have to wait for years before they came up to this rule and got this appropriation, if they ever got it.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HARDWICK. Yes.

Mr. HUMPHREYS of Mississippi. About how much authorization in this bill will be eliminated if this Senate provision is carried?

Mr. HARDWICK. If the gentleman will pardon me, I will not answer that now, but in just a moment I will answer it in another part of my argument. For years I have been at least under the impression, an impression I have not hesitated to voice openly and publicly at home, that we were held down in this committee to something like $10,000 of receipts. Have not you all thought so? Has any gentleman on this floor told his people otherwise?

Mr. LANGLEY. I have, and we frequently have gone below that figure.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. To whom does the gentleman yield?

Mr. HARDWICK. I will yield to all of them in a minute.

The SPEAKER. The gentleman can not yield to all of them at once.

Mr. HARDWICK. Well, I will not yield now.

Let us see what this is. We have in this bill, as it passed, three propositions for villages of less than 1,000 population. We have half a dozen propositions where the receipts are $2,000 or $3,000 a year. We have many propositions for towns and villages with a population of 1,500 or less and with postal receipts of $4,000 or less.

Gentlemen, I say it is a dangerous proposition—dangerous to the Public Treasury in the years to come and dangerous to the individual Members of this House. What are you going to say to the people of towns of similar size and of similar postal receipts in your own districts when they demand that you join in another and far greater raid upon the Public Treasury? We ought to have a rule about this, and we ought to live up to it religiously on both sides of this Chamber.

Mr. AUSTIN. Now will it interrupt the gentleman to answer a question?

Mr. HARDWICK. It will not now.

Mr. AUSTIN. I want to ask the gentleman from Georgia if he did not introduce a bill to establish a post-office building at Sandersville, in the State of Georgia, carrying an appropriation of $60,000, where the postal receipts were only $7,666?

Mr. HARDWICK. Undoubtedly; and if the gentleman from Tennessee had been in the Chamber, attending to his duties, he would have heard my statement on that subject.

Mr. AUSTIN. I want to say that I am here oftener than the gentleman is.

The SPEAKER. The gentleman from Tennessee must not interrupt the gentleman without his consent.

Mr. HARDWICK. If the gentleman from Tennessee had heard what had preceded in my statement, he would not have asked the question. Undoubtedly I did. I thought that that town had about $10,000 postal receipts when I introduced the bill, but before your bill was passed, before it was reported, I gave information to the Committee on Public Buildings and Grounds to the effect that I had been misinformed as to the facts, and I was informed by my colleague [Mr. RODDENBERY] on the committee that there was no reason for taking this item out of the bill, because, as he said and said truly, there were many other items in the bill for buildings in towns having postal receipts far below it.

I want to say to the gentleman from Tennessee that I would not have introduced the bill in the first place, as I have written to my people at my home, if I had not been under the impression that the receipts of the post office at that town were above the limit that has been prescribed.

Mr. AUSTIN. You could have got the information from your people immediately if you had wanted to.

Mr. HARDWICK. I did; and as soon as I got the information I gave the committee the benefit of my information. The gentleman from Tennessee can lay no charge of inconsistency at my door—not truly, at least.

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to his colleague?

Mr. HARDWICK. Yes.

Mr. RODDENBERY. The gentleman is entirely correct in his statement that he came to me and told me that if his item was not within the rule he did not want it.

Mr. HARDWICK. Yes; I do think I said exactly that.

Mr. RODDENBERY. I say the gentleman from Georgia, my colleague, came to me after the bill was reported to the House by the committee. Immediately upon the bill being reported I went to him and interrupted him and my other colleague from Georgia [Mr. EDWARDS], as they were both sitting here, with a memorandum of what the House bill as reported contained for their districts. That was on the Saturday just before the House repaired to the Senate to attend the exercises in memory of the late Vice President Sherman. But the gentleman did then and there come to me, within a few moments——

Mr. HARDWICK. Exactly——

Mr. RODDENBERY. And advised me that there was going to be some kick, as he understood, on these small items, and I told him that he need not worry, because the committee

had adopted a number of other items that were for as small cities as his.

Mr. HARDWICK. Yes. I think I stated the facts fairly enough. Of course the formal report may have been made, but my colleague's notice was the first I had. I do not think my colleague has taken issue with my statement.

Mr. RODDENBERY. No; I do not take issue with my colleague.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. No.

The SPEAKER. The gentleman from Georgia declines to yield.

Mr. HARDWICK. My colleague [Mr. RODDENBERY] stated, and stated truly, that if this item went out of the bill there were other items that would go out, if any rule of fairness were to be applied.

Gentlemen, how can we afford to do things of this kind without expecting that our chickens will come home to roost in the years that are to follow? Are we to go naked and without defense or excuse to our constituents when requests come to us in the future for buildings for these small places?

What am I to say to my people when they point to a town in some other State or district with less than 1,000 population and less than $2,500 postal receipts and demand of me that I make an effort for them? Gentlemen, I say we must have a rule, and we must maintain it. It is not the amount of money involved in this proposition. That is not great. But the real question is not the amount involved in this bill, but it is what it will cost in all the future. It is what it will cost when the precedents are applied; it is what it will cost when this policy is carried out to which I object. Now, so far as I am concerned, I am of the opinion that for years this House has rested under the belief, on both sides of the Chamber, that you must have somewhere very close to $10,000 postal receipts before you could get a bill, and I did not know until the very day the committee reported this bill that there was to be in it any deviation from the former course.

Mr. MANN. Mr. Chairman, I am not very well posted on public building bills. Is the gentleman able to tell me whether if this amendment prevails, it will prevent the construction of a public building at the birthplace of Abraham Lincoln?

Mr. HARDWICK. I should not have expected that question from the gentleman from Illinois.

Mr. MANN. It is a sincere question.

Mr. HARDWICK. It is a question based on impracticable reasons, based on no argument whatever, and based, I will say—I have no desire to offend——

Mr. MANN. If the gentleman does not wish to answer the question, he can say so.

Mr. HARDWICK. I have given it the only answer it merits.

Mr. MANN. My questions are fully as sensible as the gentleman's answers.

Mr. HARDWICK. Of course, that is a matter of opinion.

Mr. MANN. I will take the sense of the House on it.

Mr. HARDWICK. This is a very safe matter for you to take it on.

Mr. DIES. I wish to ask the gentleman if the Committee on Public Buildings and Grounds did not send out a circular to the Members of the House at the time of the making up of this bill, and the one of two years ago, in which they advised the membership of the House that they would not consider any bill unless the postal receipts at the town were $10,000? And did not many of the Members rely upon that and refrain from introducing bills for that reason?

Mr. HARDWICK. I do not know certain, but I am informed that that is the fact.

Mr. BARNHART. Will the gentleman yield?

Mr. HARDWICK. I can not yield at present. Now, Mr. Speaker, let this committee live up to its own rule. Let us stand where it has stood in the past. In all conscience that limit was low enough then. In the interest of the public service and of the people of the United States, and of the Public Treasury that some of these gentlemen are so accustomed to refer to and are so loud-mouthed in defending, it is time to call a halt on this thing.

Now, I want to say that the Senate amendment is nothing but what, according to my friend from Texas, the committee notified us we could expect at their hands. The Senate amendment is nothing but what, according to common understanding in this House, has been the rule for many years. The Senate amendment is nothing but right and justice to the people of every district in the United States and to the people of the whole United States and to the Public Treasury.

I now yield five minutes to the gentleman from Massachusetts [Mr. GARDNER] and reserve the remainder of my time.

Mr. GARDNER of Massachusetts. Mr. Speaker, I refuse to stay bought any longer. I voted for this bill when it went through the House the other day, and I am afraid my motive was that it carried an appropriation for Newburyport, Mass. I did not know until I read the RECORD the next morning how thoroughly bad this bill is. Until then I did not know how much has been done that never before has been done in this House, so far as I know. Why, the RECORD shows a list of 24 towns in which post office sites are to be bought where the receipts do not begin to approach $10,000.

Mr. Speaker, I am serving my eleventh year in this House. Never in that time has my district received in any single public-building bill more than a single site or else a single building to be erected on a site already acquired. In fact, I had always supposed that it was contrary to the rules of the Committee on Public Buildings and Grounds to report more than a single site or a single building at a time for any one congressional district. I never secured more than that—either a site or else a building to put on a site already obtained. But I find that in this bill a member of this committee has got, not one site *or* one building, but two sites *and* two buildings. That is what a member of the committee has in this bill. Now, Mr. Speaker, the gentleman's two buildings will not be affected by the Senate amendment. The building in my district will not be affected.

When I spoke a little while ago I had in mind to do the very thing which the gentleman from Georgia [Mr. HARDWICK] has done—that is, to move to instruct these conferees to agree to this Senate amendment. If the conferees throw out the amendment, every Member of this House who represents a small town will speedily find himself in trouble. Every small town in his constituency is going to show him this list of favored small towns, which can be found in the RECORD. With the provisions of this bill as a precedent, towns which have no need of a public building will not hesitate to claim one.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. CLAPP, and Mr. STONE as the conferees on the part of the Senate.

PUBLIC BUILDINGS BILL.

Mr. HARDWICK. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote for the motion, and I want to make one practical suggestion to the membership in reference to it. Laying aside for the moment the question of the merits, it is my deliberate judgment, and I believe it must be the judgment of every other Member of this House who reflects upon it, that unless the motion be adopted this public building bill, with so many meritorious projects in it, will never be spread upon the statute books at all at this session. Now, the merits, whatever they may be, of these buildings in cities having less than $10,000 postal receipts a year may be doubtful enough, I submit, to jeopardize and, in fact, in my opinion, destroy the many projects whose merit is beyond question.

Now, Mr. Speaker, there can be no hardship, there can be no unfairness, in adopting this motion, because, as has been repeatedly said, the committee has made the general rule that no buildings will be considered where the receipts are less than $10,000, and, therefore, although there may be some meritorious projects having less receipts, every Member of this House was given to understand in the first instance that he could not secure a building for his district unless the receipts exceeded that amount.

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama [Mr. BURNETT].

The SPEAKER. The gentleman from Alabama is recognized for 30 minutes.

Mr. BURNETT. Mr. Speaker, it is strange if the gentleman really wants the fair thing in this proposition when he comes in and undertakes to cut off the country towns with little projects, and never lifts his voice one minute against the $9,000,000 of this proposition that is involved in this city here. Not a word does he say in regard to that.

Now, gentlemen, I have only $18,000 in this bill. If it is defeated, so far as I am personally concerned my people would suffer little. But I have worked month after month, day and night, for the purpose of taking care of the interest of gentlemen whose bills were involved, and now I ask you not to pass a vote of disapproval of the men who are to serve on the conference committee. [Applause.]

If the bill is defeated, I suffer but little. It was in our hands for six or eight or nine months, and we believed we fairly protected your interests then. There are no propositions in it where the receipts are under $10,000, except in some cases where there are places that have not reached quite so large an amount, but they are growing towns. We believe that the conferees can work out some kind of a proposition that will prevent the committee ever having any trouble in the future, and at the same time do justice to the men who have propositions in this bill; and I ask you to vote down this unjust and unfair motion made by the gentleman a few moments ago. I now yield five minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, I want to offer you the suggestion that the men who will act as conferees from this committee are men whom I believe you can trust to secure a disposition of the Senate amendments to this bill that will be satisfactory to the House. If not, if this can not be done, it seems to me that it will then be time enough for the House to defeat the entire proposition.

As a member of the committee I will agree to say to you that if the conferees can get nothing better from the Senate than what they have offered in this bill, I will vote "No."

The rule that we sent out to the Members of the House provided, if you will look at it again, not that there would be no buildings of any kind considered that had postal receipts of less than $10,000, but the committee did provide that no city with less than $10,000 postal receipts should have a building authorized. There are buildings authorized in this bill where they have mine rescue stations of great importance to public welfare. Some cities of considerable population are not nearly so needful of a public building as much smaller ones, and some projects both small and large are in this bill which ought not to be there, but population and postal receipts are no safe criterions of need of Government buildings in all instances.

There are buildings authorized here in the amount of $90,000 in cities where they have Federal courts, where they have revenue offices and land offices, but where the population is limited. Some of them are of very much importance and some of them are in places where it is practically impossible to rent suitable buildings. The great objection to this bill does not come from the men on the floor of this House who represent small cities and deserving localities in the United States, but it comes from men in the big cities like New York and Chicago and Philadelphia, who have their Government buildings already. They are the ones who are holding up their hands in holy protest that the people outside the big cities shall not have the benefit of any of the revenues they have been paying in for all of these years. [Applause.] I agree with the general aim of the Senate amendment directing that no city with less than $10,000 postal receipts shall have a Government building, but it will do it no harm to refer the entire bill to a conference and then adopt or reject the conference report when it comes back to us.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I have had the honor to be connected with the Committee on Public Buildings and Grounds for a long number of years, and I have had to make up four different public building bills; a record, if I do say it myself, that has not been equaled in the history of the country. Therefore, I speak not only with some degree of experience but, being no longer a member of the committee, also in a spirit of absolute impartiality. I know what it means to make up a public building bill. I know what the pressure is from the membership and all sections of the country, and while during our administration we have enforced the rule not to give a public building to any town with less than $10,000 postal receipts, there were very frequently arguments made the justice of which would appeal to the committee and which induced them to deviate from that rule. If you make a hard and fast rule, the result will be that there will be a discrimination in favor of certain sections of the country as against one other section of the country. It was shown to me while I was chairman of the committee that if you make that kind of a rule the South will surely not get a fair share of the public-building appropriations, for the simple reason that they have not the number of towns at the present time which could be recognized under such rule. Yet the committee always wishes to be fair and recognize all sections equally, if possible, and that accounts for the few exceptions which always creep into such a bill.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the last apportionment put a new county into my district. When I went over to that county making a canvass last fall, there was pointed out to me a hole in the ground at the corner of a street in the village of Waterloo. This history of it was given to me. It was said that five years ago Mr. Fassett, who represented that district, obtained an authorization to purchase a site for a public building in Waterloo, in the county of Seneca. When they came to purchase the site the authorization was found not to be sufficient to cover it. In the next public building bill three years ago the authorization was increased sufficiently to purchase the site. The Government has owned that site for over two years. A fire one day destroyed the building that was on it and there was left an unsightly corner in the middle of the town. When I reached the town last fall my attention was called to it, and when I addressed my constituents some gentleman asked me what about the public building for that town. I told them that I had noticed that hole in the ground at the corner of the street, and that I thought that if there was to be a public building bill at this session of Congress I would be able to get an appropriation to fill up the hole, whether they elected me to Congress or not. If this motion be adopted, I am quite sure that I would fail in getting any appropriation, for I think the receipts would not amount to quite $10,000 a year. There are about 5,000 inhabitants. It is a flourishing manufacturing town. To adopt the amendment of the Senate might cut those poor people out of the public building that they have been waiting for for years and they would have to wait several years longer. The hard and fast rule which my friend from Georgia [Mr. HARDWICK] asks in this case would cut those people out. This shows that the Building Committee has been authorizing sites in towns where the receipts were less than $10,000 a year. They have been holding out this hope to these people, and they ought not to be disappointed.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I am opposed to the resolution offered by my distinguished colleague, Mr. HARDWICK. Personally, I have for him and his ability the highest regard. I think he is sincere in his position. If this amendment be adopted it will cast a reflection upon the representatives of this committee who are to be the conferees of the House. I believe that in all these matters the gentlemen who are to represent this body as conferees can be trusted, and I think it has come to a pretty pass in the history of the House of Representatives if we can not trust the Members of this House as conferees.

The trouble with this whole matter is that the great amount of money authorized in this bill is not taken up by the small towns, the towns under $10,000 postal receipts, which would be affected by this proposed amendment. But the great bulk of this money goes to the large cities of the country. It is for towns under $10,000 of postal receipts in whose behalf I raise my voice to-day. There are several towns in the State of Georgia that would be materially affected and would be denied the right of having public buildings if this goes into effect, while millions go in the bill for the large cities. The District of Columbia receives something like $8,000,000 in this bill and the city of New York something like $3,000,000 for a site alone. I tell you it would be hard to explain to the people of this country and to our constituents in the various growing towns in our districts why we have permitted this amendment to be passed fixing the amount at $10,000 before a public building will be allowed. In the district I represent there are several towns the postal receipts of which are near to the $10,000 mark. We can not explain to the people in such towns why it is that we have folded our hands and consented that this amendment pass the House cutting them out when millions of dollars are going to the larger cities of the country.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I am perfectly willing to admit that the chief reason why I am opposed to this resolution is that the amendment which it seeks to force the House conferees to accede to would deprive my district of the recognition which

I think it deserves and which it received in the House bill—a district which has not a single public building in it, although it is one of the richest in resources that we have in Kentucky, and will soon have many cities with more than $10,000 annual postal receipts. But there is another reason. There is a provision in it for Hodgenville. It has less than that amount of receipts, and it would be cut out if this resolution is adopted. Hodgenville was the birthplace of the immortal Lincoln. [Applause.] When my colleague, Mr. CANTRILL, called attention to that fact the other day and gave that as a reason for including it in the bill, he was greeted with enthusiastic applause, showing that the House approved what he said. Mr. Speaker, we revere the memory of Lincoln in Kentucky, and aside from any selfish interest I have as the Representative of my district in this bill as it passed the House, I, as a Kentuckian, protest against the adoption of the resolution. [Applause.]

Mr. BURNETT. Mr. Speaker, I yield the rest of my time to the gentleman from Florida [Mr. CLARK].

The SPEAKER. The gentleman has 14 minutes.

Mr. CLARK of Florida. Mr. Speaker, we have heard a great deal in the last few weeks about economy, and there has been a great deal said by certain alleged economists and certain yellow journals in this country about what they are pleased to term "the pork-barrel bill." Mr. Speaker, it is just as necessary for the conduct of the business of the country that the Government should construct post offices, courthouses, and customhouses as it is that the Government should have officials to transact its business. It is just as necessary, just as essential, to rural communities that post offices and customhouses be constructed as it is essential to the beautification of the city of Washington that great marble palaces should be erected here. It seems to me that some gentlemen here have suddenly grown virtuous upon this question, and they speak of this bill and some few items contained in it as though it were something new under the sun in public-building bill legislation. I want to say, Mr. Speaker, that if gentlemen who were Members of this House in 1910 voted for the public-buildings bill in that year, they voted for an item of $50,000 for Uvalde, Tex., where there were less than $10,000 of receipts. They voted for one at Springfield, Tenn., for $45,000, where the receipts were a little over $7,000 a year.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. BARTHOLDT. I merely want to say, in justice to the House committee, that those items were inserted on the Senate side.

Mr. CLARK of Florida. Well, does the gentleman mean to say all were inserted on the Senate side?

Mr. BARTHOLDT. As the bill passed here we had no items for less than $10,000 receipts.

Mr. CLARK of Florida. But the House voted for the bill afterwards with those items in it. And if gentlemen will examine the bill which was passed in 1908 they will find that they voted for a $60,000 appropriation for the construction of a building at Bardstown, Ky., where the receipts were a little over $5,000 a year, and if they will examine the bills for 1906 and for 1904, I think, or 1902, they will find like items of a similar kind running all the way through them and it is no new departure as far as the drafting of public building bills is concerned.

Mr. CALLAWAY. Will the gentleman yield?

Mr. CLARK of Florida. For a question, yes.

Mr. CALLAWAY. Is it not a fact that this committee instructed the Members of the House at the beginning of this Congress that no building would be granted for any town where the receipts did not amount to approximately $10,000, and that no more than one building would be granted to any single person?

Mr. CLARK of Florida. I do not think, Mr. Speaker, that the committee sent out any such instructions. I think it was the general understanding, and it was the rule adopted by the committee, that so far as public buildings for post offices only were concerned, we would hold authorizations down to those having $10,000 of postal receipts or more, this rule not applying to places where there were some other Government offices, such as courthouses or internal-revenue offices or customhouses or something of that character.

But that was not a hard-and-fast rule, and the committee operated upon this line of thought, Mr. Speaker, in the drafting of this bill. We would frequently find a town where the receipts were approximating $10,000 at the end of the last fiscal year. We frequently, where the town showed evidences of growing, got the postal receipts for the last two quarters, and if they demonstrated that the town was growing at such a rate and the postal receipts were increasing at such a rate as that in all human probability before this money could become available they would have reached the limit, in a number of cases of that kind the committee approved the item.

Mr. GARDNER of Massachusetts. Will the gentleman yield? Do those remarks of the gentleman apply to Newcastle, Wyo., whose population is 975 and whose postal receipts are $3,973?

Mr. CLARK of Florida. Now, Mr. Speaker, when that matter was before this House recently I referred particularly to Newcastle, Wyo., and I made the statement that we had authentic information, which the committee accepted as true, the same being the statement of the Member from Wyoming, that the population of that town at this time approached 1,900 people and the postal receipts had vastly increased, and, in addition to the post office, they had a land office at Newcastle. And upon these grounds we put the item in the bill. Now, Mr. Speaker——

Mr. GARDNER of Massachusetts. Will the gentleman yield once more?

Mr. CLARK of Florida. Not now; I have not the time. If the gentleman has any quarrel as to Newcastle let him confer with the gentleman from Wyoming [Mr. MONDELL]. I am willing to take his word here or before the committee or elsewhere.

It is proposed by this amendment to do what? I want to address myself to that for a moment or two. It is proposed to send the conferees into conference with their hands in a measure tied. I do not believe there is a single member of the Committee on Public Buildings and Grounds in this House but that is in favor of a conservative line being drawn somewhere, but, Mr. Speaker, if you send us to the conference committee with this item agreed to, our hands will be tied so far as that is concerned, and we will be powerless to concede something in exchange for some concession on the part of the Senate conferees. The conferees of this House ought to go into that conference absolutely free to meet these gentlemen in such conference and to talk over these matters of difference and see if some line can not be found, or some plane, upon which our minds can meet, and bring back into this House and into the Senate a bill that will meet the judgment of this House and of the Senate.

Mr. JAMES. Will the gentleman yield?

Mr. CLARK of Florida. I yield.

Mr. JAMES. I would like to direct the attention of the gentleman from Florida to the indefiniteness of the amendment proposed by the Senate. It says:

Provided, That no contract authorized by any section of this act for the erection of buildings to be used exclusively as post offices, or for the purchase of sites for such buildings, shall be entered into, nor shall any public moneys be expended for such purpose until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum.

Now, suppose the receipts of a post office for the last fiscal year were $10,100, would that entitle that town to the erection of a building if the receipts fell for the next fiscal year to $9,995?

Mr. LANGLEY. Which frequently happens.

Mr. JAMES. Which frequently happens.

Mr. CLARK of Florida. Surely, they vary; there is no question about that.

Mr. JAMES. And heretofore, I will say to the gentleman from Florida [Mr. CLARK], these bills have been predicated upon what the receipts were for the last fiscal year, and this amendment puts the whole proposition up in the air. No man can be certain as to what its intent or purpose is, as to whether it applies to the receipts for the last fiscal year or whether it shall apply to the receipts for the next fiscal year or to the fiscal year when the appropriation is made.

Mr. CLARK of Florida. I think the gentleman states the situation exactly. And I want to add to that: Who is to determine whether the receipts are over $10,000 or not, and upon whose motion is the machinery to be put in action to get a building? Are you to leave it to the Secretary of the Treasury, and whenever the reports of the post office show that the receipts are over $10,000, then is he to have the power to order the construction of a building? How are you going to get at it?

Mr. HARDWICK. Will the gentleman yield?

Mr. CLARK of Florida. I can not yield for a speech.

Mr. CULLOP. Will the gentleman yield?

Mr. HARDWICK. I do not wish the gentleman to yield for a speech. Will he yield for a question?

Mr. CULLOP. The gentleman says the building in Wyoming is to be used as a land office as well as a post office, and this amendment does not apply to that at all. It is excluded by the language.

Mr. LANGLEY. Just one question.

Mr. CLARK of Florida. Just one question.

Mr. LANGLEY. Is it not a fact that under that construction of this proposed amendment, which my colleague [Mr. JAMES] has pointed out, if a site should be purchased after the receipts become more than $10,000, and the receipts should then fall below that figure, the Government could not go ahead with the building, but the site would be there, owned by the Government, without a building on it, and with the Government's money tied up in it, serving no useful purpose?

Mr. CLARK of Florida. That is undoubtedly correct. Now, I want to say this, Mr. Speaker, in conclusion. This bill was drawn with the utmost care after the most painstaking labor on the part of all the members of this committee.

I think the committee has done its duty as well as it could under the circumstances, and if our conferees can go into this conference unhampered and untied I believe we shall be able to bring a report back here which will commend itself to the judgment of this House and will meet its approval. [Applause.]

Mr. Speaker, I demand the previous question on the motion.

The SPEAKER. The gentleman from Florida [Mr. CLARK] moves the previous question.

The previous question was ordered.

Mr. SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. HARDWICK] to instruct the conferees.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HARDWICK. A division, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] demands a division, and the gentleman from New York [Mr. FITZGERALD] raises the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twelve gentlemen are present—a quorum. The noes have it, and the motion to instruct——

Mr. HARDWICK. Mr. Speaker, I demanded a division. I was on my feet.

The SPEAKER. That is true. Those in favor of the motion will rise and stand until they are counted.

Mr. HARDWICK. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] withdraws his demand for a division and demands the yeas and nays. The Chair will count. Those in favor of taking the vote by the yeas and nays will rise in their places and stand until they are counted. [After counting.] Forty-three gentlemen have risen.

Mr. JAMES. The other side, Mr. Speaker.

The SPEAKER. The other side is demanded. Those opposed will rise and stand until they are counted. [After counting.] One hundred and forty-nine gentlemen in the negative. Forty-three are enough to order the yeas and nays. The Clerk will call the roll. Those in favor of the Hardwick instruction will vote "yea" and those opposed will vote "nay" when their names are called.

The question was taken; and there were—yeas 86, nays 190, answered "present" 4, not voting 101, as follows:

YEAS—86.

Alexander	Donohoe	Kent	Redfield
Allen	Doremus	Kinkead, N. J.	Rees
Anderson	Driscoll, D. A.	Kitchin	Sabath
Bartlett	Esch	Konop	Saunders
Bathrick	Evans	Kopp	Sharp
Beall, Tex.	Fitzgerald	Lenroot	Sherwood
Booher	Foss	Levy	Sisson
Borland	Foster	Lloyd	Smith, N. Y.
Buchanan	Fowler	Lobeck	Smith, Tex.
Bulkley	Gallagher	McCreary	Stephens, Cal.
Burke, Wis.	Gardner, Mass.	Macon	Stephens, Miss.
Callaway	Garner	Madden	Stephens, Tex.
Cline	Garrett	Morrison	Thayer
Collier	Gill	Murray	Tuttle
Cooper	Gray	Needham	Weeks
Cullop	Hammond	Neeley	Whitacre
Curley	Hardwick	Norris	Wilson, Pa.
Daugherty	Hayden	Oldfield	Witherspoon
Davis, W. Va.	Hayes	Page	Young, Kans.
Dies	Howland	Peters	Young, Tex.
Difenderfer	Humphrey, Wash.	Rainey	
Dixon, Ind.	Humphreys, Miss.	Raker	

NAYS—190.

Adair	Burke, S. Dak.	Crago	Dupré
Aiken, S. C.	Burnett	Cravens	Dwight
Ainey	Butler	Crumpacker	Dyer
Akin, N. Y.	Byrnes, S. C.	Currier	Edwards
Ashbrook	Byrns, Tenn.	Dalzell	Ellerbe
Austin	Calder	Davis, Minn.	Estopinal
Barnhart	Cannon	De Forest	Fairchild
Bartholdt	Cantrill	Dent	Faison
Bates	Carlin	Denver	Farr
Bell, Ga.	Cary	Dickinson	Fergusson
Blackmon	Clark, Fla.	Dodds	Fields
Boehne	Claypool	Doughton	Finley
Browning	Clayton	Draper	Flood, Va.
Burke, Pa.	Cox	Driscoll, M. E.	Floyd, Ark.
Focht	Houston	Miller	Sloan
Fordney	Howell	Mondell	Small
Fornes	Jacoway	Moon, Tenn.	Smith, Saml. W.
Francis	James	Morgan, La.	Speer
French	Johnson, Ky.	Mott	Stanley
Gardner, N. J.	Jones	Murdock	Stedman
Glass	Kendall	Nye	Steenerson
Goeke	Kennedy	Olmsted	Stephens, Nebr.
Good	Kindred	Padgett	Sterling
Goodwin, Ark.	Kinkaid, Nebr.	Patton, Pa.	Stone
Graham	Knowland	Payne	Switzer
Green, Iowa	Konig	Pepper	Taggart
Greene, Mass.	Lafferty	Plumley	Talcott, N. Y.
Gregg, Pa.	La Follette	Porter	Taylor, Ark.
Gregg, Tex.	Langham	Post	Taylor, Colo.
Griest	Langley	Pou	Thomas
Gudger	Lee, Ga.	Powers	Tilson
Guernsey	Lee, Pa.	Pray	Towner
Hamilton, Mich.	Lever	Prouty	Townsend
Harrison, Miss.	Lindbergh	Randell, Tex.	Tribble
Hart	Linthicum	Reilly	Turnbull
Hartman	Littlepage	Richardson	Underhill
Hawley	McCoy	Roberts, Mass.	Underwood
Hay	McDermott	Roberts, Nev.	Vare
Heald	McGillicuddy	Roddenbery	Volstead
Heflin	McKellar	Rodenberg	Warburton
Helgesen	McKinley	Rothermel	Watkins
Helm	McLaughlin	Rouse	Webb
Henry, Conn.	McMorran	Rubey	Wilder
Henry, Tex.	Maguire, Nebr.	Russell	Willis
Hensley	Mann	Scott	Woods, Iowa
Higgins	Martin, Colo.	Shackleford	Young, Mich.
Hobson	Matthews	Simmons	
Holland	Merritt	Slemp	

ANSWERED "PRESENT"—4.

Adamson	Andrus	Hill	Nelson

NOT VOTING—101.

Ames	Gillett	Littleton	Riordan
Ansberry	Godwin, N. C.	Longworth	Rucker, Colo.
Anthony	Goldfogle	Loud	Rucker, Mo.
Ayres	Gould	McCall	Scully
Barchfeld	Greene, Vt.	McGuire, Okla.	Sells
Berger	Hamill	McKenzie	Sherley
Bradley	Hamilton, W. Va.	McKinney	Sims
Brantley	Hamlin	Maher	Slayden
Broussard	Hardy	Martin, S. Dak.	Smith, J. M. C.
Brown	Harris	Mays	Sparkman
Burgess	Harrison, N. Y.	Moon, Pa.	Stack
Burleson	Haugen	Moore, Pa.	Stevens, Minn.
Campbell	Hinds	Moore, Tex.	Sulloway
Candler	Howard	Morgan, Okla.	Sweet
Carter	Hughes, Ga.	Morse, Wis.	Talbott, Md.
Conry	Hughes, W. Va.	Moss, Ind.	Taylor, Ala.
Copley	Hull	O'Shaunessy	Taylor, Ohio
Covington	Jackson	Palmer	Thistlewood
Curry	Johnson, S. C.	Parran	Vreeland
Danforth	Kahn	Patten, N. Y.	White
Davenport	Korbly	Pickett	Wilson, Ill.
Davidson	Lafean	Prince	Wilson, N. Y.
Dickson, Miss.	Lamb	Pujo	Wood, N. J.
Ferris	Lawrence	Ransdell, La.	
Fuller	Lewis	Rauch	
George	Lindsay	Reyburn	

So the motion was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. PALMER with Mr. HILL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. SCULLY with Mr. BARCHFELD.

Mr. WHITE with Mr. WOOD of New Jersey.

Mr. SIMS with Mr. WILSON of Illinois.

Mr. RUCKER of Colorado with Mr. REYBURN.

Mr. RAUCH with Mr. SELLS.

Mr. RUCKER of Missouri with Mr. VREELAND.

Mr. O'SHAUNESSY with Mr. SULLOWAY.

Mr. MOSS of Indiana with Mr. MOORE of Pennsylvania.

Mr. PUJO with Mr. MARTIN of South Dakota.

Mr. LEWIS with Mr. MCKENZIE.

Mr. HULL with Mr. LOUD.

Mr. HOWARD with Mr. LAWRENCE.

Mr. HARRISON of New York with Mr. KAHN.

Mr. HARDY with Mr. PICKETT.

Mr. HAMLIN with Mr. HAUGEN.

Mr. SHERLEY with Mr. LONGWORTH.

Mr. GOLDFOGLE with Mr. MCGUIRE of Oklahoma.

Mr. HUGHES of Georgia with Mr. GREENE of Vermont.

Mr. COVINGTON with Mr. FULLER.

Mr. CARTER with Mr. COPLEY.

Mr. BURLESON with Mr. CAMPBELL.

Mr. BURGESS with Mr. ANTHONY.

Mr. BRANTLEY with Mr. AMES.

Mr. ADAMSON. Mr. Speaker, did the gentleman from Minnesota, Mr. STEVENS, vote?

The SPEAKER. He did not.

Mr. ADAMSON. I should like to withdraw my vote and answer "present."

Mr. LAMB. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. LAMB. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. LAMB. I was in the cloakroom.

The SPEAKER. That does not count.

The result of the vote was announced as above recorded, and the Speaker announced as conferees on the part of the House Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 27148, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules, take from the Speaker's table the Post Office appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is a second demanded?

Mr. MURDOCK. I demand a second.

Mr. MOON of Tennessee. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas demands a second, and the gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Speaker, I do not desire to discuss this motion now. I shall be glad to hear gentlemen who have objections to it. I reserve my time.

The SPEAKER. The gentleman from Tennessee reserves his time. The gentleman from Kansas is entitled to 20 minutes.

Mr. MURDOCK. Mr. Speaker, I desire to get, if I can, a separate vote on two Senate amendments to this bill. These two amendments increase the pay of the railroads for carrying the mails between $12,000,000 and $13,000,000.

Mr. CANNON. What are the numbers of the amendments?

Mr. MURDOCK. I have not the numbers, because I have not the latest print. I will describe the amendments, however. One provides for a special weighing of the mails. From estimates submitted to the Senate that will result in an increase in the railway mail pay of $9,857,000.

Mr. MANN. That is amendment 26.

Mr. MURDOCK. The second amendment authorizes the Postmaster General to rent quarters at terminal stations and to pay rental for post-office cars standing at terminal stations. This is an absolute departure in the system of railway mail pay. No one can say precisely how much the second item will ultimately increase the total expenditure, but probably from $2,000,000 to $4,000,000. The two items together involve an increased expenditure of about $12,000,000.

Mr. MADDEN. Will my colleague on the committee yield to me?

Mr. MURDOCK. No; I will not yield at present. It is estimated that the natural increase in the weight of regular mail, shown by a special weighing, will result in an increased expenditure of $3,861,000; that the increase of weight by reason of the parcel post, which will be shown in this special weighing, will result in an increased annual expenditure of $4,011,000; and that by reason of a feature of the amendment which abandons what is known as the blue-tag system, whereby second-class mail is now sent by freight instead of regular mail service, there will be an increased expenditure of $1,485,000, and that the special weighing itself will cost an additional $500,000, making a total net increase in expenditure through this item annually of $9,857,000.

The second amendment by the Senate is particularly vicious because it does this one thing, to wit, it begins the payment of rent for the full railway post-office cars; that is, cars devoted wholly to the distribution of mail while the cars are standing at terminals. The Government at the present time pays for the carriage of the mails, first on the average daily weight of the mail carried. In addition it pays for the cars wherever the mail is transported in cars devoted wholly to the transportation of mail, that is, when 40 feet or more of space in a car is devoted to the mail.

Now, this proposition is to pay also for the use of the car when it is standing at the terminal station and before it has started out on the route. It has long been a question whether the Government ought to pay for the use of cars after paying for the transportation of the mail on the basis of weight of mail transported, but here is a third proposition, to pay for rental when the cars are standing at the terminal.

Mr. ANDERSON. If the gentleman will allow me, were the amendments recommended by the Senate committee?

Mr. MURDOCK. My recollection is that they came out of the Senate committee and were passed yesterday by the Senate.

Now, Mr. Speaker, I realize the embarrassment of this situation, because this is near the end of the legislative session. The rights of every individual in this body are secured if the legislative process through which a bill passes is carried out completely. A bill is introduced, goes to the standing committee, is reported by the committee to the House, and is referred to the Committee of the Whole House, where there is complete discussion. If an amendment is included in the bill in the Committee of the Whole, there is a right for a separate vote on the amendment when the Committee of the Whole has reported the bill and amendment to the House. The bill then goes to the Senate, is referred to the standing committee in the Senate, is reported out to the Senate with amendments, and there is a chance for Senators to have a separate vote on the amendments. Then, if the integrity of legislative process is maintained and preserved, a bill which returns to this House carrying Senate amendments should go to the standing committee of the House, be discussed there, reported back to this House, and referred to the Committee of the Whole House, and by the Committee of the Whole House reported again to the House, where a separate vote may be had on new matter and the individual may record his vote separately upon each one of the added Senate amendments. But in the last six days there may be, and there is in this instance, a suspension of the rules under which there is a break in the legislative process. The gentleman from Tennessee, chairman of the Committee on Post Offices and Post Roads, has a right to move to suspend the rules and send this bill into conference with a disagreement.

Now, the thing that I am seeking to get is a chance for the Members here to have a vote upon these two propositions. Both of them are of magnitude in proposed expenditure and both of them are of great importance.

Mr. MOON of Tennessee. What two propositions are they? I have been unable to hear anything that the gentleman has said.

Mr. MURDOCK. I have done my best.

Mr. MOON of Tennessee. I know the gentleman has, but there was so much confusion I could not hear.

Mr. MURDOCK. The amendment which provides for a special weighing of the mails, and included with that is a provision for abandoning the blue-tag system.

Mr. MOON of Tennessee. The gentleman is opposed to both amendments?

Mr. MURDOCK. I am.

Mr. MOON of Tennessee. I take it that the House is, too.

Mr. MURDOCK. And then there is a further amendment which permits the Postmaster General to pay rental for the post-office cars at terminals.

Mr. MOON of Tennessee. May I ask the gentleman what he wants to do?

Mr. MURDOCK. I would like to defeat these propositions, and I think I have a right to have a separate vote upon them. That is my desire, and I think it is legitimate.

Mr. MOON of Tennessee. Is not the gentleman willing to trust the conferees?

Mr. MURDOCK. I have every confidence in the conferees, as the gentleman knows.

Mr. MOON of Tennessee. Do you prefer that the bill should go to the committee?

Mr. MURDOCK. Yes; I would; I believe, if pushed to that point, I would like to see the bill go to the committee.

Mr. MOON of Tennessee. Then, the gentleman knows that it is not coming back to the House.

Mr. MURDOCK. If the gentleman will let me say this——

Mr. MOON of Tennessee. I want to suggest that if it goes to the committee, it will not come back to the House.

Mr. MURDOCK. My proposition is this: I am not trying to be unfair or delay the business of the House, but if this bill now goes to conference under the gentleman's motion, then at this late day in the session when the bill comes back from conference to this House, whatever agreement on these two items are included in the conference report, the gentleman knows that I can not get a separate vote on the propositions at that stage, and my only hope at this time is that I may persuade the House to vote down the amendments.

To answer the gentleman directly, the gentleman from Tennessee [Mr. MOON] says that if the Post Office bill goes to the standing committee, that will end the bill for this session. I am prepared to say that rather than to see this item of railway

mail pay increased twelve or thirteen million dollars, I would prefer to see this great appropriation bill fail. The gentleman from Tennessee and the Members of the House know that this matter of railway-mail pay, which has been in controversy for some 35 years, is at present under consideration by a special commission appointed by Congress, a commission which has been directed to go into the matter and find the truth about it, if the truth is findable. This is not a seasonable hour to bring in a new provision and new practice in the system which will increase the expenditure to this enormous total.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. GARDNER of Massachusetts. Would it not be possible to receive the assurance of the gentleman from Tennessee, if this goes to conference, that before a complete report is agreed upon he will come back to the House for further instruction on these two articles?

Mr. MURDOCK. If I could have a separate vote on the proposition at that time, that would, of course, be entirely satisfactory to me.

Mr. MOON of Tennessee. Mr. Speaker, is the gentleman from Kansas through?

Mr. MURDOCK. Mr. Speaker, I reserve the balance of my time.

Mr. FOWLER. Mr. Speaker, before the gentleman takes his seat I would like to ask him a question respecting the item of paying for cars while they are standing in terminals. Has the gentleman any means of calculating the increase that item alone would add to this bill?

Mr. MURDOCK. Not accurately, certainly. It would be enormous, inasmuch as the present expenditures for railway post-office service is some $5,000,000 a year. I ask the gentleman from Tennessee, inasmuch as the gentleman from Florida [Mr. SPARKMAN], on a former bill, went into such an agreement to expedite matters, if he will not enter into an agreement to give this House a separate vote on these matters?

Mr. MANN. Mr. Speaker, does the gentleman mean a separate vote, or a statement that the gentleman from Tennessee will not agree to the Senate amendment without giving the House a chance to consider it?

Mr. MURDOCK. That is exactly what I mean. I thank the gentleman for making the suggestion. I will ask the gentleman from Tennessee if he will not enter into that agreement. I would like to suggest to the gentleman from Tennessee that the gentleman from Florida, on a former bill, did precisely that thing, as I understand it.

Mr. MOON of Tennessee. Mr. Speaker, it seems to me that the gentleman from Kansas [Mr. MURDOCK] ought to know, and I know he does if he will reflect a moment, that we ought not to enter into any arrangement or agreement here which will leave the Senate conferees under the impression that they are not having a free and full conference with the House upon the question. I think it is well enough for the House to trust to its conferees. Speaking for myself, I would not serve this House as a conferee with the imputation that I would not stand by the will of the House on the question here involved.

Mr. MURDOCK. Mr. Speaker, the gentleman understands that I do not intend to impute that sort of thing to him, but the gentleman must know that we must have some way of determining the will of the House.

Mr. MOON of Tennessee. I understand that, but the gentleman from Kansas knows that I am not going to say anything determining the position I may take, if I were appointed a conferee, and he generally knows—he must know, as a member of that committee—that I have had as much opposition to the very things he is now speaking of as he or any other person ever had. I am not willing to go into conference with the members of the Senate upon this question with an instruction, because if the conferees are to be instructed about the matter I want somebody else to be a conferee. I am not going to attempt to carry on a conference with an instruction. On a question of this importance, one involving so much that is in entire opposition to every view that I have ever held on the question, if the position of the Senate were insisted upon, I would of necessity do one of two things, knowing the views of the House, and in honor to and to the credit of the House, would be compelled to, namely, either come back with an explanation and ask for an instruction upon the matter or assume that the judgment of the House was still what it was and not yield at all upon the matter to the Senate conferees. Yet I am not going to enter into any agreement on this question. I am not going to put myself in a position of saying any more than to express my opinion on a public question of this sort and to say to the gentleman from Kansas that if I go into that conference at all I want it to be a full and a free conference, and I want the House to trust the conferees. If the attitude of the conferees heretofore upon that question, if the position that this House has occupied heretofore is not sufficient guaranty that the conferees will do what is to the interest of the House and to the country, then I think this bill would better be sent to the committee, where the committee may consider these questions, and then let it come back into the House and the House take up the amendments and pass its own judgment upon the amendments, which would mean, of course, that there would be no bill this session.

Mr. MURDOCK. Mr. Speaker, what the gentleman from Tennessee [Mr. MOON] says in regard to my knowledge of his attitude upon the question is perfectly true, and yet I want to say to the gentleman from Tennessee in taking the attitude that he does he gives me no opportunity as a Member of this House to have a separate vote upon those propositions. It is not an unusual request, it is not an imputation upon the motives of the gentleman from Tennessee, or a lack of confidence in the conferees, but it is an attempt upon the part of a Member of this House to get a separate vote upon a proposition which otherwise he can not get.

Mr. MOON of Tennessee. Well, I will say to the gentleman from Kansas, I have said what I have said and I do not propose to make any promises about it one way or the other, and the House can vote down this proposition for all I care.

Mr. MURDOCK. My understanding of what the gentleman from Tennessee says is he can not assure us that he shall disagree to the Senate amendments and return to the House for further instructions.

Mr. MOON of Tennessee. The gentleman understands what I have said heretofore, does he not?

Mr. MURDOCK. No; I do not understand the gentleman.

Mr. MOON of Tennessee. If the gentleman was listening he would have understood me to say this: That I had as much opposition to these propositions as the gentleman has and that I believe the House has opposition to them, and that the conferees will either force the Senate to yield or bring the question to the House.

Mr. HAMILTON of Michigan. That is fair.

Mr. DYER. I do not see how he can go any further than that.

Mr. MOON of Tennessee. Mr. Speaker, I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, when the Post Office appropriation was under discussion in the House I called attention to an item for the maintenance of star routes, and I gave it as my opinion, from a careful study of the matter, that the appropriation was too small by about from $300,000 to $350,000. I endeavored to secure an increase. I was unable to do so. A few days after the bill passed the House I was informed by the Post Office Department that it had communicated with the chairmen of the House and Senate committees and asked for an additional appropriation of $295,000. Thereupon I took the matter up with the Senate committee by letter, knowing that the department had communicated with the committee; it was my understanding that they would provide the increase. That was not done, and unfortunately no change was made in that item in the Senate. I believe it is now beyond the power of the conferees to increase this item. In a conversation over the phone with the postal officials a short time ago they told me that without this additional appropriation they could not adequately provide for the star routes for the coming fiscal year. It means, as I said to the House at the time, that we are to be denied needed star routes, particularly in a country where star routes are practically the only country routes we have. I very greatly regret that the committee did not see fit to accept the increase then. I find it difficult to understand why the item was not increased in the Senate at the request of the department, and I do hope that the conferees will take the matter under consideration, with a view, if it is possible—I hardly see how it is possible—of granting this increased amount for these routes. It is certainly needed. The department now recognizes that the service can not be provided for without this increase, and the probability is that they will need not only the $295,000, but at least $150,000 more.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for the first time in the last 10 minutes I have seen the amendments which the Senate proposed. I am not an expert. I used to think I was, 30 years ago, or 32 years ago, about post-office matters. It is a long time since I have had service upon that committee. The gentleman from Kansas objected to amendment No. 26, because it provides for a reweighing of the mails, as follows:

That on account of the increased weight of mails from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes for not less than

30 successive working days, and to readjust compensation from the date of commencement of said weighing at not exceeding the rate provided by law.

And then that the provision of the blue-tag system, if I understand what that is, be discontinued, and instead of going upon the fast freight trains a certain class of matter, second class, I suppose, should go upon the regular mail train. Now, then, I want to say that I hold no brief for the railroads as they transport the mails, but I am just as anxious that the railroads should receive proper compensation growing out of recent legislation as I am that the Government should be protected.

Mr. MOON of Tennessee. I fully agree with the gentleman that the railroad companies and everybody else that performs services for the Government should be fully compensated, but there are now two commissions appointed to consider this and kindred questions, and we had thought that it was unwise to have the weighing until the parcel-post proposition had a little further developed and these reports had been made by this commission.

And, further, if, inasmuch as the blue-tag proposition is saving about $300,000 to the Government now, it ought not to be abolished until there was legislation looking to increase of that class of matter and to compensate the Government for carrying it. Those are the reasons that I had.

Mr. CANNON. It may be the gentleman is correct about that, and it may be it is to the interest of the railways as well as to the interests of the Government to wait until further ascertainment is had as to how much the parcel-post law will take of the express companies' business.

Mr. MADDEN. Will the gentleman yield there?

Mr. CANNON. I will yield in one moment. I want to say again, we can not afford to do injustice to the railways in their service to the Government. If the post-office cars are used as terminals, and they become terminals rather than post-office cars, that is a matter to take into consideration as well. And I want to say—and I will yield to my friend in a moment—there are hundreds of thousands of railway employees.

There is the keeping in repair of one-half of the railways of the world. There is an absolute necessity, from the growth of commercial business and other business, that there should be a wonderful expense for enlarged terminals. And if you cut the pay of the railways improperly, you render it impossible for them to furnish sufficient facilities for transportation of all commercial business, and you will render it impossible, if you do that, for them to maintain a just wage for the hundreds of thousands of employees upon the railways. So that the gentleman, being more of an expert than I am, and inasmuch as I know of nobody more intelligent and with greater integrity, I am willing to take his opinion about it. But I could not sit still until I had voiced my opinion that everybody—railroad employees, farmers, manufacturers, day laborers, and everybody are interested in seeing, with this oncoming influx of matter to be handled, that the railroads should not receive more than they are entitled to; and we are all interested from every standpoint in seeing that the railroads receive all they are entitled to.

Now I will yield to my friend from Illinois [Mr. MADDEN].

Mr. MADDEN. I do not know as there is anything left to say.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. MURDOCK. Mr. Speaker, has my time expired?

The SPEAKER. Yes; all of it.

Mr. MURDOCK. I ask unanimous consent for a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK. In view of the statement of the gentleman from Tennessee [Mr. MOON] and my hope to have separate votes on this proposition in the coming remaining days of the session, I trust the House will suspend the rules and send the bill to conference.

The SPEAKER. The question is on the motion to suspend the rules, take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 8178 and agree to the conference report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 8178) to grant pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Without objection, the Clerk will read the statement in lieu of the report.

ORDER OF BUSINESS.

Mr. MANN. Reserving the right to object, may I inquire as to the possibilities of how long the House is likely to remain in session to-night?

Mr. RUSSELL. As far as I know, it will not take more than 10 minutes to dispose of these three Senate bills.

Mr. MANN. I think it would not take any more time to-morrow morning, and probably there would not be anything else then to do.

Mr. RUSSELL. I am afraid something else would be rushed upon the House to-morrow morning—a report upon appropriation bills, or something.

Mr. MANN. There are no conference reports on appropriation bills ready, I think.

Mr. RUSSELL. It would not take more than 10 minutes to dispose of these bills.

Mr. MANN. I was trying to ascertain for the convenience of the Members.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman from Illinois [Mr. MANN] that I understand the Speaker has on his table a proposition, outside of this, as far as I am informed, the bill to create the Department of Labor, and the gentleman from Pennsylvania [Mr. WILSON] intends to move to concur in the Senate amendments. If that bill is to be passed I think it ought to be passed right away and sent to the President, so that if it becomes a law the deficiency bill can be amended in the Senate so as to take care of the new department. I hope that can be attended to to-night. The gentleman from Georgia [Mr. ADAMSON], I think, proposes to call up the bill for the physical valuation of railroads.

Mr. MANN. Is it not the intention of the gentleman from Georgia to move to agree to the Senate amendments?

Mr. UNDERWOOD. I think it is.

Mr. MANN. Then that would not need to be disposed of to-night.

Mr. UNDERWOOD. Appropriations would be needed to carry that into effect.

Mr. MANN. They have sufficient funds in the Interstate Commerce to carry on that work.

Mr. FITZGERALD. They have sufficient funds now, but they might need a deficiency in December.

Mr. MANN. That is in a different situation at this time from the new Department of Labor.

Mr. FITZGERALD. Yes; it is in a different situation from the Department of Labor.

Mr. MANN. I understand there are no conference reports and appropriation bills ready for to-morrow morning.

Mr. UNDERWOOD. There are none that I know of.

Mr. CANNON. I would be glad to see what is in these amendments to this Department of Labor bill. I would like to see them in print.

Mr. FITZGERALD. It adds the Children's Bureau to it.

Mr. MANN. The principal change in the Department of Labor bill is an amendment that takes the Children's Bureau out of the Department of Commerce and Labor and makes a separate bureau of the Children's Bureau and the Bureau of Naturalization and Immigration.

Mr. CANNON. I think it would keep the Bureau of Naturalization and Immigration busy to justify one bureau.

Mr. MANN. It is a change of title.

Mr. FITZGERALD. There is hardly any excuse for dividing those bureaus, in my opinion.

Mr. UNDERWOOD. I would like to say that if the House is willing, unless the Speaker has some other business on the table, I would like to have an opportunity to pass the physical valuation bill and this bill to-night. I do not think they will be contested, and then I think we can adjourn, if the gentlemen will not agree to let the gentleman from Missouri [Mr. RUSSELL] proceed.

The SPEAKER. The Chair will state that the gentleman from North Carolina [Mr. SMALL] has had a matter up for about 18 months, waiting to get a chance to suspend the rules, and last Monday, when there was an opportunity, he got started, but——

Mr. MANN. I think we could get along with that to-morrow without difficulty, if the gentleman from North Carolina will take it up then.

Mr. SMALL. Mr. Speaker, under the suggestion that there is no quorum present, I do not wish to ask for recognition at this time.

Mr. MANN. I did not intend to make such a suggestion, but I will do it if it will help the gentleman out. [Laughter.]

Mr. SMALL. I have been waiting, as the Speaker has stated, for 18 months past to get an opportunity to call up this bill.

Mr. MANN. I think we shall have time to-morrow to take up matters on the Unanimous Consent Calendar and the suspension business besides.

Mr. SMALL. In view of the suggestions made, Mr. Speaker, I am willing that my bill shall go over until to-morrow.

Mr. UNDERWOOD. I would like to ask the House to act upon these other two bills to-night, if it will.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania [Mr. WILSON].

DEPARTMENT OF LABOR.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 22913) to create a department of labor and agree to the Senate amendments.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Pennsylvania moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

Mr. CANDLER, by unanimous consent, was granted leave of absence for two days, on account of illness.

PHYSICAL VALUATION OF RAILROADS.

The SPEAKER laid before the House the bill (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof by providing for physical valuation of the property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. ADAMSON. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

Mr. COOPER. Mr. Speaker, I take this brief opportunity to observe that the changes in public opinion and in political conduct in this Republic are sometimes very wonderful. In 1908—only four years ago—in the Republican national convention at Chicago, I presented a platform containing, among other things, a plank calling for the physical valuation of railroads. On this plank I demanded and secured a separate vote. The plank met with shouts of "Take it to Denver," "Socialist," and other evidences of disfavor, and received less than 30 votes out of a total of about 1,000. And yet we have just seen a bill calling for the physical valuation of railroads pass this House by a unanimous vote. [Applause.]

ADULTERATED AND MISBRANDED GOODS.

Mr. COVINGTON. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the House agreed to the conference report last night on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded and poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

Mr. COVINGTON. Now, Mr. Speaker, I ask unanimous consent to withdraw the conference report.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6176. An act for the relief of Gibbes Lykes; and

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ADJOURNMENT.

Mr UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Friday, February 28, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Salem River, N. J. (H. Doc. No 1436); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting deficiency estimate of an appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1914 (H. Doc. No. 1438); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Big Marco Pass and Harbor at Marco, Fla. (H. Doc. No. 1437); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REDFIELD, from the Committee on the District of Columbia, submitted a report (No. 1581) of the subcommittee of the Committee on the District of Columbia, together with the views of the minority, appointed under House resolution 756, to investigate the Commercial Fire Insurance Co. et al., which reports were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, submitted a report (No. 1580) of the subcommittee of the Committee on the District of Columbia relative to interest on the 3.65 bonds of the District of Columbia, which was referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 8536) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 1583), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, reported the same without amendment, accompanied by a report (No. 1584), which said bill and report were referred to the House Calendar.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 1582) on the files and papers described in the report of the Secretary of the Interior in House Document No. 1307, and in the report of the Secretary of War in House Document No. 1335, and in the report of the Acting Secretary of Commerce and Labor in House Document No. 1337.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 406) stopping traffic and preventing interference with the suffrage procession; to the Committee on the District of Columbia.

By Mr. DAVIS of West Virginia: Resolution (H. Res. 871) authorizing the payment of a certain sum of money to Drusilla Garden, executrix of A. P. Garden; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the board of estimate and apportionment of the city of New York, favoring the passage of Senate bill 4978, providing for the extension to the time for the construction of the proposed bridge over the Hudson River from the State of New Jersey to the city of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: Petition of citizens of Rushford, Minn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the fund for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of the Henry Shenk Co., the Manufacturers' Association of Erie, the Ball Engine Co., the Reid Manufacturing Co., the Dunn Brick Works, the Griffin Manufacturing Co., the Modern Tool Co., and the Griswold Manufacturing Co., all of Erie, Pa., protesting against the passage of the Hamill amendment to the sundry civil appropriation bill making an appropriation for the enforcement of the antitrust laws, and providing that it shall not be used against individual or combinations striking for higher wages, etc.; to the Committee on Appropriations.

Also, petition of the P. Minnig Co., Jacob Haller, and C. A. Curtze, Erie, Pa., favoring the passage of the Gould bill on weights and measures without the Senate amendments; to the Committee on Coinage, Weights, and Measures.

By Mr. BURKE of Wisconsin: Petition of Mrs. F. D. Bentley and 25 other members of the Golden Gossip Club, Portage, Wis., favoring the passage of Senate bill 6497, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. BUTLER: Petition of the voters of Swarthmore, Pa., and the Trinity Presbyterian Church, Philadelphia, Pa., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. FORNES: Petition of the National Federation of German-American Catholics, New York, N. Y., favoring the passage of House bill 27281, providing for the passage of an eight-hour law for the women of the District of Columbia; to the Committee on Labor.

Also, petition of the owners of grain elevators in the port of Buffalo, N. Y., protesting against the passage of House bill 28180, carrying with it a provision for the survey of the Buffalo Harbor to secure a channel from the outer harbor to connect with the Buffalo River at or near Louisiana Street; to the Committee on Rivers and Harbors.

Also, petition of the governor of New York State and others, protesting against the passage of the bill providing for the regulation and control of the waters of the Niagara River; to the Committee on Foreign Affairs.

Also, petition of the National Liquor League of the United States of America, New York, N. Y., favoring the passage of legislation to eliminate the clause in the appropriation bill providing an appropriation of $5,000 to send delegates to the International Congress on Alcoholism; to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: Petition of citizens of Haverhill, Mass., protesting against the passage of the Root bill for repealing the free-tolls portion of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry wage earners of Lawrence, Mass., favoring the passage of legislation for the continuing of tariff on American industries sufficient to protect the employment and scale of wages of the American working people against foreign competition; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of sundry negro citizens of the State of Ohio, protesting against the passage of the legislation making it unlawful for any society or fraternal order to hereafter adopt and send or receive through mail any word or title or the name of any animal or bird that is already being used as part of its title or name by any fraternal order, society, or association; to the Committee on the Post Office and Post Roads.

By Mr. GOULD: Petition of the Madison Sorosis Club, Madison, Me., protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

By Mr. LA FOLLETTE: Petition of the staff and other employees of the Washington Sanitarium and the faculty and students of the Washington Foreign Missionary Society, Washington, D. C., all favoring the passage of the Jones-Works bill for the regulation of the liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEVY: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of the provision in House bill 28180 providing for the survey of the Buffalo Harbor to secure a channel from the outer harbor to connect with the Buffalo River; to the Committee on Rivers and Harbors.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation to secure an immediate reform in the present banking system of the United States; to the Committee on Banking and Currency.

By Mr. MOTT: Petition of the commercial organizations of Knoxville, Tenn., protesting against the passage of legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of the board of directors of the California Live Stock Breeders' Association, San Francisco, Cal., favoring the passage of legislation providing that San Francisco be made a free port for the importation of live stock; to the Committee on Ways and Means.

By Mr. SABATH: Petition of the joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, of Knoxville, Tenn., protesting against the passage of legislation for reducing the tariff on aluminum; to the Committee on Ways and Means.

Also, petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of bill making an appropriation for the purpose of experimenting with methods for avoiding unnecessary loss to the fruit raisers; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petition of the California Associated Societies for the Conservation of Wild Life, Berkeley, Cal., and the Audubon Society of California, Los Angeles, Cal., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of the Deansboro (N. Y.) Graded School and citizens of Utica, N. Y., favoring the passage of the McLean bill for Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. TILSON: Petition of members of Clinton (Conn.) Grange, No. 77, favoring the passage of the Page bill granting Federal aid for vocational education; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, of Knoxville, Tenn., protesting against the passage of legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 28, 1913.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore, under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PUBLIC BUILDINGS BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SUTHERLAND. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. SUTHERLAND, Mr. WARREN, and Mr. CULBERSON conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. BURTON. I gave notice that I would call up the so-called seaman's bill this morning.

Mr. McCUMBER. I gave notice that I would call up this bill immediately after the reading of the Journal.

Mr. PERCY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The roll will be called.

The Secretary proceeded to call the roll, and the following Senators answered to their names:

Bourne	Cullom	Jones	Percy
Brandegee	Curtis	La Follette	Poindexter
Bristow	Dillingham	McCumber	Sheppard
Bryan	du Pont	Martin, Va.	Simmons
Burnham	Fall	Martine, N. J.	Smoot
Burton	Foster	Nelson	Sutherland
Clapp	Gallinger	Oliver	Townsend
Crawford	Gardner	Overman	Webb
Culberson	Johnston, Ala.	Page	Works

The PRESIDENT pro tempore. Thirty-six Senators have answered to their names—not a quorum. The roll of absentees will be called.

The Secretary called the names of the absent Senators, and Mr. KAVANAUGH, Mr. PITTMAN, and Mr. SMITH of South Carolina answered to their names.

Mr. O'GORMAN, Mr. GAMBLE, Mr. ASHURST, and Mr. BANKHEAD entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum.

Mr. BRANDEGEE. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. CUMMINS, Mr. GORE, Mr. POMERENE, Mr. McLEAN, Mr. JACKSON, and Mr. BRADLEY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. On the call of the roll 49 Senators have answered to their names. A quorum is present. Without objection, further proceedings under the call will be dispensed with.

Mr. POINDEXTER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. POINDEXTER. Under the rule certain routine morning business is to be transacted, and it can not be set aside unless by unanimous consent.

Mr. McCUMBER. I gave notice yesterday that I would call up the pension bill immediately after the reading of the Journal to-day.

Mr. POINDEXTER. I have two resolutions that can be disposed of in a minute.

Mr. McCUMBER. As soon as I get up the bill I will yield to the Senator.

Mr. POINDEXTER. That will dispense with morning business, and it will be impossible to get it up again. It will take but a few minutes to dispose of the resolutions.

The PRESIDENT pro tempore. The Chair sustains the point of order made by the Senator from Washington. The motion of the Senator from North Dakota can not be entertained until 11 o'clock. Petitions and memorials are in order.

LISTS OF CLAIMS (S. DOC. NO. 1114).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 27th instant, lists of claims allowed by the accounting officers of the Treasury amounting to $39,351.13, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS (S. DOC. NO. 1120).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 27th instant, a list of judgments rendered by the Court of Claims amounting to $257,188.88, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN DEPREDATION CLAIMS (S. DOC. NO. 1119).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 27th instant, a list of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication of claims arising from Indian depredations, amounting to $21,795, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

NAVAL CLAIMS (S. DOC. NO. 1117).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, reporting, under the provisions of the naval act of June 24, 1910, that the Navy Department had considered, ascertained, adjusted, and determined the respective amounts due claimants therein specified on account of damages for which the vessels of the Navy were found to be responsible, aggregating $500, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

BUREAU OF MINES, PITTSBURGH, PA. (S. DOC. NO. 1118).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation in the sum of $250,000 for the commencement of fireproof laboratories and other buildings suitable and necessary for investigations of the Bureau of Mines at Pittsburgh, Pa., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ESTIMATES OF APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that provision be made in the general deficiency appropriation bill for certain estimates relating to the public building service heretofore submitted by the department, etc. (S. Doc. No. 1116), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury transmitting items of appropriation for consideration in connection with the sundry civil appropriation bill, covering amounts thought to be required in connection with the public building service (S. Doc. No. 1115), which was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, recommending for inclusion in the deficiency appropriation bill an item for rent of temporary quarters for the accommodation of Government officials, Shreveport, La., $800 (S. Doc. No. 1121), which was referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE AND LABOR (H. DOC. NO. 1440).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury relative to the construction of a separate fireproof building for each of the Departments of State, Justice, and Commerce and Labor upon land belonging to the United States in the District of Columbia, and authorizing the Secretary of the Treasury to enter into contracts for the erection and completion of these buildings, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5674) for the relief of Indians occupying railroad lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes

of the two Houses on the amendments of the House to the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 72) requesting the President to return to the House in which it originated the bill (H. R. 18787) relating to the limitation of the hours of daily services of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and that the action of the Speaker of the House of Representatives and the President of the Senate in signing the enrolled bill be rescinded, in which it requested the concurrence of the Senate.

SENATOR FROM SOUTH CAROLINA.

Mr. SMITH of South Carolina. I present the credentials of my colleague [Mr. TILLMAN], which I ask may be read and placed on the files of the Senate.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of BENJAMIN RYAN TILLMAN, chosen by the Legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of sundry citizens of Galesburg, Ill., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. OLIVER presented a petition of the Chamber of Commerce of Wilkes-Barre, Pa., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

He also presented petitions of General George H. Thomas Post, No. 84, of Lancaster; of Winfield Scott Post, No. 114, of Philadelphia; of E. R. Brady Post, No. 24, of Brookville; and of George Smith Post,. No. 79, of Conshohocken; all of the Grand Army of the Republic, Department of Pennsylvania, in the State of Pennsylvania, praying for the enactment of legislation regulating the payment of pensions, which were referred to the Committee on Pensions.

Mr. CRAWFORD presented a memorial of sundry citizens of Day County, S. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. KAVANAUGH. I present a communication from the secretary of the Chamber of Commerce of Little Rock, Ark., transmitting resolutions unanimously adopted at a meeting of the Pulaski County Cooperative Marketing Bureau, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the communications were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
Little Rock, February 21, 1913.

Hon. W. M. KAVANAUGH,
Washington, D. C.

MY DEAR SIR: At the request of the Pulaski County Cooperative Marketing Bureau I am inclosing herewith resolutions adopted at the meeting held on February 1. The resolutions are self-explanatory and were unanimously adopted.

Yours, very truly,
CHAMBER OF COMMERCE,
C. C. KIRKPATRICK, *Secretary.*

A resolution passed by a conference of the business men and farmers of Pulaski County, February 1, 1913.

Be it resolved, That it is the wish of the 100 business men and farmers assembled in the audience room of the Chamber of Commerce in Little Rock, Ark., February 1, 1913, for the purpose of organizing a Pulaski County Cooperative Marketing Union, that our Representatives and Senators urge upon Congress the immediate need of legislation having in view the reform of our monetary system.

We are firmly convinced that our present banking system is inadequate to the needs of modern industry and business and that because of this inadequacy business is constantly unsettled and the possibilities of financial panics always in view.

We believe that there is no logical reason why our present Congress should not deal with this problem and give to our people monetary legislation, that would place the finances of our country beyond the constant menace of panics and give stability to our credit equal to the most enlightened and advanced countries of Europe.

To this end we, individually and collectively, urge our Senators and Representatives to immediate action.

GORDON C. PENN, *President.*
JNO. C. SMALL, *Secretary.*

Mr. KAVANAUGH. I present a communication from the secretary of the Traffic Bureau of Knoxville, Tenn., transmitting resolutions adopted by the Board of Commerce, the Commercial Club, Manufacturers' and Producers' Association, and the Traffic Bureau of that city, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the papers were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

TRAFFIC BUREAU OF KNOXVILLE, TENN.,
Knoxville, Tenn., February 24, 1913.

Hon. WILLIAM M. KAVANAUGH,
Washington, D. C.

DEAR SIR: I send you herewith some resolutions adopted by the Board of Commerce, the Commercial Club, the Manufacturers' and Producers' Association, and the Traffic Bureau, all commercial organizations of the city of Knoxville, and acting in joint session. These joint bodies appointed a committee to inquire into the relative cost of the production of aluminum in this country compared with the most favorable foreign countries, and they have set forth these facts and their reasons for believing that the present duty of 7 cents a pound on aluminum ought not to be disturbed or lessened at least.

The South has the only deposits of bauxite, from which aluminum is made, and vast deposits of coal, which is an essential agency in the manufacture of aluminum, and vast undeveloped water powers capable of generating electricity, which is also an essential agency in the manufacture of aluminum. While the South has all of these, it has no aluminum industry, and we beg of you in the exercise of your power as a lawmaker to give these questions your careful consideration, so that your final action in the premises may tend to build up and utilize our own resources rather than encourage the production of aluminum in foreign countries.

With very great respect, I am,
Yours, truly,
CHAS. KIMMICH,
Secretary Joint Session.

Resolution adopted at a special joint session of the boards of directors of the Board of Commerce, Commercial Club, Manufacturers' and Producers' Association, and Traffic Bureau of Knoxville, Tenn.

Whereas the aluminum industry of the United States, being fostered and stimulated by patents on the process of manufacture and by a duty of 7 cents per pound on foreign aluminum, has during the last 20 years grown from practically nothing to an output of 40,000,000 pounds per annum, while the price to the consumer has fallen from $4 per pound to 18 cents per pound; and

Whereas said patents have now expired, leaving nothing but the tariff of 7 cents per pound to secure to the American manufacturer the home market; and

Whereas it is far more expensive to produce aluminum in this country than in France and other foreign countries because of the fact that foreign bauxite is richer than that found in America, and because in foreign countries bauxite, coal deposits, and water power for generating electricity are found in close proximity to each other, while in this country they are found far apart, and because it is far more costly to develop the water powers in this than in foreign countries, and because the American manufacturer must pay much higher wages to labor than his foreign competitor; and

Whereas there are thousands of American citizens dependent upon the aluminum industries for support and millions of American capital invested in the business, both of which would suffer if the American market should be turned over to the foreign producer of aluminum; and

Whereas bauxite, from which aluminum is made, is found only in the Southern States, and there are also found in the South vast coal deposits and undeveloped water-power possibilities, both of which are essential in the production of aluminum; and

Whereas these advantages have attracted the manufacturers of aluminum in this country and abroad to such an extent that the Aluminum Co. of America and the Southern Aluminum Co. have each recently secured extensive water powers in the South, with a view to their immediate development for use in the manufacture of aluminum, which development would, in the opinion of this body, be retarded and delayed, if not entirely prevented, by any tariff legislation which would make it easier for foreign producers to sell their goods in this market and harder for the American manufacturer to obtain reasonable returns on the capital invested in the aluminum business; and

Whereas we believe that there is no demand coming from the consumers of aluminum goods for a lower duty, but that the cry for a lower tariff on aluminum comes solely from the manufacturers in their own interest and is not made in the interest of the consumers: Therefore be it

Resolved by the Board of Commerce, Commercial Club, Manufacturers' and Producers' Association, and Traffic Bureau of Knoxville, Tenn., That we deem it prejudicial to the best interest of the South to reduce the tariff on aluminum below 7 cents per pound, and we therefore urge our Senators and Representatives in Congress to use their influence to prevent such reduction.

J. W. BROWNLEE,
President Board of Commerce, Knoxville, Tenn.
G. E. BRADFORD,
President Commercial Club, Knoxville, Tenn.
W. A. MOBERLY,
President Manufacturers' and Producers' Association, Knoxville, Tenn.
JESSE THOMAS,
President Traffic Bureau, Knoxville, Tenn.
CHAS. KIMMICH,
Secretary Joint Meeting.

KNOXVILLE, TENN., *February 6, 1913.*

Mr. TOWNSEND presented memorials of sundry citizens of the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of members of the Division of Home Economics of the Michigan Agricultural College, East Lansing, Mich., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. PAGE presented a memorial of sundry citizens of South Londonderry, Vt., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest

in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of members of the Epworth League of the Methodist Episcopal Church of Barton, Vt., remonstrating against the enactment of legislation providing for the restoration of the Army canteen, which was ordered to lie on the table.

Mr. WARREN presented a memorial of sundry citizens of Lander, Wyo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. THOMAS presented a memorial of the congregation of the Seventh-day Adventist Church of Colorado Springs, Colo., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. McLEAN presented petitions of Local Grange No. 30, of Wapping; Local Grange No. 153, of Bridgewater; Local Grange No. 77, of Clinton; and of Local Grange No. 173, of Wolcott, all of the Patrons of Husbandry, in the State of Connecticut, praying for the enactment of legislation embodying the essential provisions of the so-called agricultural extension and Page vocational education bill, which were ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Olathe, Kans., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Burlington, Kans., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Local Grange No. 23, Patrons of Husbandry, of Cheshire, Conn., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. FLETCHER presented a petition of members of the Woman's Club of Jacksonville, Fla., praying that an appropriation be made to enforce the suppression of the white-slave traffic, which was ordered to lie on the table.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. From the Committee on Naval Affairs I report back favorably, with amendments, the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1334) thereon. I give notice that I will ask the Senate to take up the bill for consideration at 8 o'clock this evening.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

INTERNATIONAL CONGRESS ON ALCOHOLISM.

Mr. SWANSON, from the Committee on Education and Labor, to which was referred the amendment submitted by Mr. SHEPPARD on the 25th instant, proposing to appropriate $6,850 for expenses of delegates to the Fourteenth International Congress on Alcoholism at Milan, Italy, September 13, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

FREEDMAN'S SAVINGS & TRUST CO.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the amendment submitted by Mr. CLAPP on December 7, 1912, proposing to pay the balance due depositors in the Freedman's Savings & Trust Co., etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS (by request):

A bill (S. 8582) pensioning the survivors of certain Indian wars from 1865 to January, 1891, inclusive, and for other purposes; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 8583) granting an increase of pension to Mary E. Atwood (with accompanying papers); and

A bill (S. 8584) granting an increase of pension to Mary E. Eddy (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 8585) granting a pension to Alexander Weir; and

A bill (S. 8586) granting a pension to Samuel McMains (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 8587) prohibiting changes in size and color of currency without consent of Congress; to the Committee on Finance.

By Mr. KERN:

A bill (S. 8588) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on Education and Labor.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $1,521.88 for the payment of a certain judgment rendered in cause No. 58 in the United States District Court for the Western District of Washington, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that the funds derived from the act approved July 2, 1864, and the appropriation for surveys within land grants (reimbursable), act of March 2, 1895, is made available for office work upon surveys under these acts in the offices of the surveyors general and in the General Land Office, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RICHARDSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRIGGS submitted an amendment proposing to appropriate $1,200 to pay W. M. Palmer for detail service in charge of enrolled bills, United States Senate, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $500 to pay William E. Burns for extra services rendered in transferring, rearranging, re-marking, cleaning, and refiling the bills, reports, documents, and laws in the Senate document room, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of South Carolina submitted an amendment proposing to appropriate $1,000 for additional labor and emergency employments in the office of the Secretary of Agriculture, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $3,000 to pay Garfield Charles for compiling a supplement to the compilation entitled "Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers, 1776 to 1909," intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $1,000 for translating documents, interpreting testimony of witnesses, indexing and preparing for publication hearings relating to revolutions in Mexico and Cuba, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $15,000 for protecting the shore of Anastasia Island, Fla., by groins, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $25,000 for the preparation of detail plans and specifications for an armory in the District of Columbia and for each and every purpose connected with the preliminary work upon said building, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that hereafter when officers of the Public Health Service on the active list are not provided quarters they shall receive in lieu thereof commutation therefor at the rate of $12 per room per month, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS submitted an amendment increasing the expenditure authorized to be made from the reclamation fund, by public resolution No. 56, approved August 24, 1912, relative to the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel to $12,750, etc., intended to be proposed by him to the

general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OIL AND GAS LANDS OF OSAGE NATION.

Mr. OWEN submitted the following resolution (S. Res. 485), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the correspondence and protests relating to the proposed leasing of oil and gas lands of the Osage Nation, together with the proposed rules and regulations, before concluding the disposition of such lands by lease.

SENATE PRECEDENTS.

Mr. LODGE submitted the following resolution (S. Res. 486), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Chief Clerk be authorized to bring down to the close of the Sixty-second Congress the digest of the precedents and decisions on points of order in the parliamentary practice in the Senate, with a full index, and that 1,000 copies be printed and bound for the use of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. OVERMAN. I move to reconsider the votes by which the sundry civil appropriation bill was ordered to a third reading and passed, for the purpose of adding an amendment, by instruction of the Committee on Appropriations.

I wish to state that I protested against an item in the sundry civil bill because I thought it was too much. I said I would undertake to contract to do the work for $25,000, when $45,000 was asked. I saw the Secretary of the Treasury, and he still insists that $45,000 will be necessary; but I have an amendment to offer by direction of the committee, striking out $45,000 and inserting $25,000. I am instructed by the committee to state that they will accept this amendment. I therefore move to reconsider the votes by which the bill was ordered to a third reading and passed. I could not be here last night.

Mr. SMOOT. I desire to state to the Senator that if the bill is reconsidered it will be only reconsidered for this one item. The item was passed upon by the committee, as the Senator has stated.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the votes whereby the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. OVERMAN. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be read.

The SECRETARY. On page 6, in lieu of the matter contained in lines 16 and 17 and line 18, down to and including "$6,000," insert the following:

Section 7 of the omnibus public building act approved June 25, 1910, authorizing the enlargement, extension, remodeling, or improvement of the United States post office and courthouse at Charlotte, N. C., at a limit of cost of not to exceed $250,000, be, and the same is hereby, amended so as to authorize in lieu thereof the demolition of the present building and the construction of a new building for the use and accommodation of the post office and United States courts at Charlotte, N. C., including fireproof vaults and heating and ventilating apparatus and approaches, complete, within said limit of cost hereby fixed of not to exceed $250,000; the materials of which the old building is composed to be utilized, so far as they may be found suitable, in the construction of the new building. And the Secretary of the Treasury is hereby authorized to enter into contracts for the construction of said building within the said limit of cost hereinbefore fixed.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the present assay office building in Charlotte, N. C., to be so altered, rearranged, improved, and equipped, including fireproof vaults and heating and ventilating apparatus, as to afford temporary quarters, pending the construction of said new post office and court house, for such of the Federal officials at Charlotte as can be accommodated therein, and so as to furnish suitable permanent quarters for such Federal officials as can not be properly accommodated, upon its completion, in said new post office and courthouse, at a cost not exceeding $25,000.

And the Secretary of the Treasury be, and he is hereby, authorized to rent temporary quarters for such Federal officials as can not be so accommodated in the permanently altered and rearranged assay office, and to pay the rent for such temporary quarters and all moving expenses out of the limit of cost hereinbefore fixed for permanently altering and rearranging said assay office building, said rent to be for such period as may be permitted by the balance remaining of the last-mentioned limit of cost after such permanent alteration and rearrangement of said assay office has been provided for, not exceeding an aggregate rental of $6,500 for the first year; estimates for any further rents to be submitted annually.

That all appropriations heretofore made for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Charlotte, N. C., or which may be contained in appropriation acts now pending for said purposes, be, and the same are hereby, reappropriated and made available for the construction of said new post office and courthouse and for said permanent alterations, remodeling, etc., of the assay office and for said rental of temporary quarters and moving expenses of the Federal officials to be quartered therein.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROTECTION OF AMERICANS IN MEXICO.

Mr. POINDEXTER. I offer the resolution which I send to the desk and ask that it be read.

The Secretary read the resolution (S. Res. 484), as follows:

Resolved, That the President of the United States be, and is hereby, requested to transmit to the Senate a statement of what, if any, measures, diplomatic or otherwise, have been taken by this Government for the protection of citizens of the United States from violence in the disorders in Mexico.

Mr. BURTON. I ask that the resolution be again read.

The Secretary again read the resolution.

Mr. CULLOM. I move that——

Mr. POINDEXTER. In regard to the resolution I should like to suggest before——

Mr. CULLOM. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. POINDEXTER. Mr. President, I ask unanimous consent, on the suggestion of the Senator from Virginia, which I am willing to accept, to strike out the word "directed" in the resolution, and to insert in place of it the word "requested." I ask that the resolution lie over one day under the rule.

I will say, in a sentence, in explanation of the resolution, that it simply calls, I think, for what the Congress is entitled to, namely, the advice of the Executive about a matter which has come to be one of vital importance to the country and upon which the Senate and House of Representatives have not, as yet, been advised by the President.

Mr. CULLOM. I think the resolution ought to be referred, and I move that it be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Illinois moves that the resolution be referred to the Committee on Foreign Relations.

Mr. POINDEXTER. On that motion I should like to say that, if in order at this time, in view of the condition that is existing before the close of this Congress, the reference of the resolution to a committee would probably defeat its consideration. I think the resolution ought to come up for consideration in the Senate in regular order.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Illinois [Mr. CULLOM] to refer the resolution to the Committee on Foreign Relations.

The motion was agreed to.

Mr. FALL. I give notice that immediately after the morning business to-morrow morning I shall address the Senate upon the subject embraced in the resolution just submitted by the Senator from Washington.

The PRESIDENT pro tempore. Morning business is closed.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS.

Mr. POINDEXTER. I call up and ask the action of the Senate upon Senate resolution 479, which I introduced on yesterday.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 479) submitted by Mr. POINDEXTER on yesterday, as follows:

Resolved, That the Secretary of the Treasury be directed to report the list of securities which he has authorized to be accepted as security for Government deposits in national-bank depositaries, and what has actually been accepted as such security; and further, that he be directed to transmit to the Senate copies of all letters, telegrams, or other communications to or from Government officials relating to the recent Treasury Circular No. 5.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I do not yield for the consideration of separate matters.

The PRESIDENT pro tempore. The question is upon the resolution just read. [Putting the question.] The noes seem to have it, and the resolution is not agreed to.

Mr. POINDEXTER. I ask for a division upon that question. The resolution simply calls for information about Treasury Circular No. 5, as to which a resolution was heretofore introduced and passed; but the report by the Secretary in response to the resolution did not contain the most essential information for which the Senate called. There is nothing unusual about the resolution at all, and in the ordinary course such resolutions are adopted. I ask for a division.

The question being put, there were, on a division—ayes 16, noes 8; no quorum voting.

The PRESIDENT pro tempore. The roll will be called.

The Secretary proceeded to call the roll.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The roll call can not be interrupted.

The Secretary resumed and concluded the calling of the roll, and the following Senators answered to their names:

Ashurst	Cummins	Kavanaugh	Poindexter
Bankhead	Curtis	Lea	Pomerene
Bourne	Dillingham	McCumber	Richardson
Brandegee	Dixon	McLean	Sheppard
Briggs	du Pont	Martin, Va.	Simmons
Bristow	Fall	Martine, N. J.	Smith, S. C.
Bryan	Fletcher	O'Gorman	Smoot
Burnham	Foster	Oliver	Stephenson
Burton	Gallinger	Overman	Sutherland
Crane	Gardner	Owen	Thomas
Crawford	Jackson	Page	Townsend
Culberson	Johnston, Ala.	Percy	Webb
Cullom	Jones	Pittman	Works

The PRESIDENT pro tempore. On the call of the roll 52 Senators have answered to their names. A quorum of the Senate is present.

Mr. POINDEXTER. I ask for a division on the adoption of the resolution. That motion is still pending.

Mr. OLIVER. If it is in order, I would suggest that the question be again put on a viva voce vote.

Mr. SMOOT. Mr. President, I desire to say that I see no objection to the pending resolution. Such information as the resolution asks for is published almost daily by the Treasury Department.

The PRESIDENT pro tempore. Does the Senator from Washington ask unanimous consent to withdraw his request for a division?

Mr. POINDEXTER. I do.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent to withdraw the demand for a division. The Chair hears no objection. The Chair will again put the question on the adoption of the resolution submitted by the Senator from Washington, which has been read.

The resolution was agreed to.

IMPORTATION OF TEAS.

Mr. POINDEXTER. I ask for the consideration of a resolution of a similar nature which I submitted on yesterday.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day.

The resolution (S. Res. 480) submitted by Mr. POINDEXTER on the 27th instant was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate copies of all correspondence, rulings, reports, and orders to or from officials of the Treasury Department during the years 1911 and 1912 relative to the importation into this country of green teas or colored teas and all documents and papers relating thereto in the possession of or under the control of the Secretary of the Treasury, together with a statement showing the importation of green teas into this country during the years 1911 and 1912, by whom imported, and the amount so imported.

MESSAGE OF HON. JAMES M. COX.

Mr. POMERENE. Mr. President, I have a copy of the message of Hon. James M. Cox, governor of Ohio, to the general assembly of that State, which covers the present-day legislative problems which are engrossing the attention of the public. The message presents his views in such a clear and comprehensive manner that I should like to have it incorporated in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message is as follows:

FIRST MESSAGE OF GOV. COX TO THE GENERAL ASSEMBLY.

To the members of the senate and house of representatives:

I congratulate you upon your membership in the general assembly at one of the most auspicious moments in the history of our State; at a time when public intelligence is awakened as never before to the real importance of the relation of government to our social and economic life, and when it is responsive to the organic changes which our developing civilization clearly suggests.

The new order of things puts to the severest test the theory of governmental control over the diversified affairs of the race, but we are strengthened in the face of uncommon responsibilities by the reflection that every crisis has been met with successful achievement so long as the principle of exact justice to all remained the controlling consideration.

Within the last year the constitution of the State has been changed in many important particulars. A convention whose delegates were elected by the people without regard to partisanship framed 42 amendments. Of these 34 were adopted at the special election held September 3, 1912. A part of them go automatically into effect. Others grant the legislature discretionary authority, while a third class are mandatory in nature and are by common acceptance regarded as a command from the people. There can be no justification for any departure from the intent of these amendments in the detail of legislative compliance. Much has been said for and against the constitutional changes, but no unprejudiced person fails to recognize that their adoption is a distinct symptom of social and economic conditions. If the active forces which opposed several of the so-called major amendments had directed like energy in cooperation with the constitutional convention, the situation would have been improved, at least with respect to a fuller measure of confidence in the conditions to be developed by the departures we are taking from the beaten paths. This observation prompts the further thought that if every interest exhibits a patriotic cooperation in the legislative task ahead of you compliance with changed conditions and public sentiment will be greatly facilitated and the State will enjoy an era of social and industrial peace, unknown in the last two decades at least.

Progressive government, so called, which means in its correct understanding constructive work along the lines pointed out by the lamps of experience and the higher moral vision of advanced civilization, is now on trial in our State. Every constitutional facility has been provided for an upward step, and Ohio, because of the useful part it has played in the affairs of the country, is at this hour in the eye of the Nation. The State has the resources, human and material, to make a thorough test of the principle of an enlarged social justice through government, and the results of our labors will extend beyond State borders. A thorough appreciation, therefore, of the stupendous responsibility before you and full recognition of the probable insidious resistance to be encountered will add immeasurably to your equipment to meet the emergency. If I sense with any degree of accuracy the state of public mind, I am correct in the belief that a vast preponderance of the people of all classes have faith both in the wisdom and the certain results of a constructive progressive program of government. Let us, in full understanding of the consequences of our acts, maintain this measure of public confidence and encourage the faith of those who are honestly skeptical because of the apprehension generated in their minds by a third class, which may be unconsciously prompted by sordid impulses developed by unbroken preferences of government. No fair-minded person will dispute the logic nor question the equity of any plan which contemplates legislative action entirely within the limitations of suffrage indorsement. If the legislature, in the passage of a single law, runs counter to public desire or interest, the people, through the referendum, have the means to undo it. No greater safeguard can be devised by the genius of man, and to question either the moral or practical phase of this arrangement is to admit unsoundness in the theory of a republic. In other days changes in government such as are made necessary everywhere by our industrial and social conditions would have been wrought by riot and revolution. Now they are accomplished through peaceful evolution. He must be indeed a man of unfortunate temperamental qualities who does not find in this a circumstance that thrills every patriotic fiber of his being.

Even students of government in their research find surprising historic analogies to the conditions through which we are passing, the only difference being the scene and the displacement of violence by the arbitrament of reason. Civilization develops along the same lines, substantially. The first task is the necessity of food and raiment compelled by nature, and then common interest through society creates government. With this development comes also the economic organization growing out of social interdependence. If man as a social unit submits himself to regulation by government, then property can not be above the same restrictions. This is so fundamental in justice that its acceptance as a sound principle is a compliment to the ruling thought of the day, rather than an indication that we are taking a dangerous step. This enforces, however, the problem of ascertaining just how far governmental regulation of business should go and not trespass upon the rights of the individual. My observation leads me to the firm conviction that this is in considerable degree a personal equation, in administration at least. It matters not how sound a law is in theory if in practice its enforcement is delegated to incompetent hands; then government becomes a travesty and the cause of progress is injured. Business in Wisconsin, after several years' resistance of regulation, now accepts it in good grace, and frankly admits the widespread benefits that have accrued. But this result has been achieved only by the highest standard of personnel on the administrative boards. This must be an important consideration in our State. A policy of appointments induced largely by spoils or friendship will prevent the accomplishment of what our people now demand. At the same time prudence suggests that the controlling policy of these administrative organizations is safest in the hands of those who recognize and respect the responsibility placed upon the party in power. The success of administering government under our board or commission plan rests in large measure upon the heads selected by the executive. Each board has its peculiar requirements. Experience in fact teaches that the exactions of the personnel are as rigid as in the professions, and appointments should be made with this understanding. Every employee of the State should feel that, regardless of what circumstances bring his appointment about, he must meet the highest requirements in integrity and capacity. Our State government, in an administrative sense, to be successful as a State unit and through the vigilant eye of its police power assist the communities, must be maintained on a base having in view these considerations, namely:

First. The placing of experts in theory and practice on the State boards of administration and regulation.

Second. The orderly and systematic combination of departments which deal with the same subjects and problems and which are duplicating and in some instances triplicating both labor and expense.

Third. The fullest legitimate and wholesome exercise of the police power of the State in matters of human welfare, health conservation, and food regulation, where the local authority is remiss.

Fourth. The enforcement of the same requirements as to economy, system, and efficiency that join to private enterprises.

With these observations the executive department would, in the exercise of its constitutional prerogative, submit sundry recommendations:

Conditions not only justify but demand a drastic antilobby law. Any person interesting himself in legislation will not, if his motive and cause be just, object to registering his name, residence, and the matters he is espousing with the secretary of state or some other authority designated by your body. If his activities be of such nature that he does not care to reveal them in the manner indicated, then the public interest is obviously endangered. It is no more than a prudent safeguard to have it known what influences are at work with respect to legislation. There ought to be no temporizing with this situation. Lobbying without registration should be an offense punishable by imprisonment.

The platform adopted by the Democratic Party in convention at Toledo, June 4–5, 1912, is the contract made between the people on the one hand and the State officers and majority members of the legislature on the other. Every instinct of common honesty demands that it be carried out in good faith without interference from other legislation. The specifications in this covenant are:

First. "A short ballot in the selection of administrative officers as a means for insuring greater scrutiny in the selection of public officials and for fixing and centralizing responsibility."

The purpose of this is to simplify voting. The suffrage responsibility is so vital that confusion at the polls should be reduced to the nearest possible minimum. The ballot should be shortened by abolishing as elective the less important offices. The amendments to the constitution which abolish the positions of commissioner of common schools and the

board of public works and places these departments under the control of the governor through appointment by him of the administrative heads indicate the trend of thought on this subject. In keeping with the intent of the short-ballot provision, the legislature should abolish as elective the offices of dairy and food commissioner and clerk of the supreme court; both of which are of legislative origin, making the former position appointive by the governor and the latter by the members of the supreme court. An amendment to the constitution should be initiated making the positions of secretary of state, attorney general, treasurer, and auditor executive departments, to be filled through appointment by the governor. This would leave only the governor, lieutenant governor, and judges of the supreme court to be elected. The result would insure harmony of action in the State departments and center responsibility in the executive. The several executive department heads could then act in an advisory capacity with the governor as his cabinet. This is identical with the Federal plan, which is conceded to be efficient.

Second. "Separate ballots for State and national officers."

This is induced by the desire to separate two distinct issues at the election booth, and the wisdom of the suggestion is obvious.

Third. "Home rule for cities."

This principle is now a part of our constitution. The home-rule amendment, in addition to authorizing cities to form their own charters, grants the general assembly the right to pass alternative or optional laws which cities may adopt without going through the expense and burden of calling charter conventions and enacting charters for themselves. The whole question of municipal organization is now in a ferment throughout the country, several plans being tried out. Up to this time there is nothing approaching a universality of opinion with respect to the most efficient scheme. I would therefore recommend to the legislature the adoption of such laws as will enable cities, with the minimum of expense and trouble, to make such selection as their respective needs might suggest, either the so-called business-manager plan, the commission plan, or the short-ballot Federal plan. The last named is obtained by a simple revision of the existing municipal code. It is proper in this connection to call your attention to the fact that the Ohio League of Municipalities, which drafted the home-rule amendment to the constitution, represents so much of the best-informed opinion of the cities of the State that its recommendations, to be made to you, might profitably be seriously considered in your deliberations on this subject.

Fourth. "The immediate valuation of property, tangible and intangible, of all public utilities."

The State regulation of public utilities has been of such benefit to every interest concerned that every possible legislative facility should be extended to this administrative branch of the government. Regulation is beginning to shed its real meaning in this State as elsewhere. While business interests at first regarded the operation as an unwarranted trespass upon property rights, they have, by experience, found in the State a cooperative aid just so soon as the main objective of satisfactory service and reasonable rates was attained. It is also regarded as more than a coincidence that wherever supervision is had over the issuance of securities the market yields better prices and readier demand. Public confidence is naturally stimulated in our State utilities by official certification to the legitimacy of the project.

There is no department of our service, however, where public station calls for a higher order of efficiency than this. Constructive progress in government consists in large degree in determining the limitation of control over the great industrialism of the day, and this must be approached in fairness and intelligence. Whenever regulation is not the highest expression of human intelligence then government becomes a travesty and public opinion is very apt to swing back in favor of the old order. If, however, a regulatory commission balances evenly the elements of successful practical experience, profound and correct theory, and a courageous adherence to fairness both to the State and to business, the result is so self-evidently just that public confidence is enduring and the plea for the old days of inequitable preference by government is useless. The existing law gives to the commission the right to make a physical valuation. This should be made mandatory. The utility and tax commissions have made considerable headway in working out the detail of valuation. But their labors in this particular have been confined almost, if not entirely, to cases which came to their notice by requests for increased capitalization or complaints with respect to taxation values. There can be no permanent nor logical base for the successful operation of these departments without a physical valuation of utilities. After considerable investigation, which has taken in the experience of other States, I am convinced that a State engineer of utilities should be employed under the direction of the utilities commission. His operations would prevent much duplication in work, because his findings would be available to the tax commission also. For taxation purposes the inquiry often of necessity proceeds along different lines, but every valuation made by the State engineer would serve as a base for both commissions. The State is educating at public expense several hundred engineers in the university. These students need practical work in connection with their classroom studies. The State can use their services, so that the reciprocal situation suggested is so logical that one need not wonder at the splendid results achieved in Wisconsin by coordinating the government and the university. Under supervisory aid from the engineer's office these students would render tremendous service to the State and at a minimum of cost. Sufficient provision is made for the utilities commission, through fees and appropriations, to set this work in motion, and the legislature should render the earliest possible cooperation. The utilities commission, so called, was created as a railroad commission, and many laws relating to it were made with special regard to the specific subject of railroad supervision. Since then a general utilities law has been passed and the administrative work, tremendous in volume and detail, has been consigned to the original commission. I would strongly recommend such changes in the laws as the experience of the commission clearly suggests. The home-rule amendment gives the municipality the right to own and operate utilities. Because of this the utilities commission should have the right to enforce the same system of uniform accounting on municipalities operating utilities as are now imposed upon private enterprises, otherwise the public would have no means of knowing whether the municipal plants were conducted along the lines of efficiency and economy. It would be a simple matter to charge certain operating expenses to betterments and an apparently profitable operation by the municipality might, in fact, be a losing one. There must be the greatest possible safeguard established or there can be no accurate test of municipal ownership. Besides, plain fairness suggests that in the operation of utilities both private and public ownership must be subject to the same standards of ethics and government.

One development of the railroad and utilities laws which has been very unfair to the State should be corrected. Under present practice the commission establishes or revises a rate. The utilities company, if it desires, makes objection and is given a hearing, which is exhaustive and extensive. The commission then neither amends or retains the rate previously fixed, whereupon, the corporation, in many instances, goes into court, asks for and receives an injunction. The delays of the law are well known and the issue remains unsettled for a year or more. The law should be so changed that the court can not issue an injunction in these rate matters without an investigation. This is the practice elsewhere and should be adopted in Ohio.

Fifth. "Home rule in taxation."

This requires constitutional changes and nothing can be done save the adoption of a resolution in behalf of an amendment to the State charter.

Sixth. "The adoption of the initiative and referendum amendment."

This was merely a recommendatory plank. The initiative and referendum, so called, is now a part of the constitution, but some action by your body remains to set it in motion. The intent of this amendment is to give to the people the right to redress a wrong through the referendum, and through the initiative to procure a right that has been denied. The legislative action should be in exact harmony with the spirit of the provision. Something should be done to prevent the professional practice of procuring signatures for pay, but at the same time there must be the utmost vigilance exercised; otherwise under the guise of an attempt to refine the law, it might be made unworkable.

Seventh. "Further reduction in the hours of labor for women, and further restriction on the right to employ children in factories."

The inspector of workshops and factories strongly urges raising the school-grade qualification for children between the ages of 14 and 16, and joins in the opinion shared by industrial commissions in other States, that the most wholesome results can be obtained by giving to the department the right to determine the hours of labor for women and children where the present nine-hour law seems insufficient. This is not only regarded as the easiest method of reaching a solution of this question, but it would quickly result in the betterment of shop conditions, improvement in sanitation and surroundings being a factor in determining the hours of labor. In this connection it should be stated that the governmental experts in Wisconsin regard the success in that State to be due in considerable part to the discretionary powers lodged with the administration officers.

Eighth. "The reaffirmation of the proposed amendment to the Federal Constitution providing for the popular election of United States Senators."

This has already been done by the legislature, but a legal question has arisen out of the issue created by the rendered opinion of the governor of Georgia. It is suggested that your body take such action as the successful outcome of the just and popular movement demands. No harm can come from the adoption of another joint resolution on the subject.

Ninth. "Legislation looking to the improvement of the roads and highways of the State."

Some hold to the opinion that the defeat of the good roads bond issue amendment to the constitution disposes of that question, so far as State activity is concerned. I do not subscribe to that view. Observation in all parts of the State leads to the belief that the amendment failed to receive indorsement for the reason that a majority of the counties have good gravel roads, and they objected to a State levy until such time as the counties, less advantageously equipped, both in roads and construction material, had made the progress of other counties under existing laws. The Federal Government is working out splendid development in the science of construction, drainage, and maintenance, and it would seem an incongruous circumstance if the State did not exhibit the same degree of interest and convey the benefits which the general scheme of government logically extracts from that unit. Nothing makes for civilization more than good roads. An emphasized community life, improved facilities for school attendance, and better means of traffic in foodstuffs, are considerations which join to the general welfare of the State. I know of no internal improvement which so widely distributes its benefits. It touches vitally producers and consumers of the farm and the city as well. The road laws of the State are archaic and conflicting, and the movement toward better highways is seriously hampered in consequence. These laws should be recodified. My information is that the preliminary labors of this task, not an inconsiderable one by any means, have been performed without public cost by the good-roads organizations. Iowa has profited by the law compelling the use of the split-log drag, and it is strongly recommended to you for adoption. Under existing law we are taxing automobiles by machine unit. As this is purely a police regulation, the expense should be imposed in a more equitable way. Admittedly the best automobile law is the New York measure.

The tax is levied on the unit of horsepower. It is not fair to make the owner of a machine of small horsepower and low speed pay to the State for the purpose of maintaining the cost of police control as much as is assessed against the proprietor of a big machine of high speed and large horsepower. The revenues to the State from this source are showing heavy increases, so that the highway commission, in consequence, may be enabled, without State levy, to work out an extensive improvement plan in the State. It is highly important that there be given the greatest possible cooperation by legislative enactment to the improvement associations, so called, that have been organized in some of the counties. Portage County, Ohio, is probably the most notable instance in this country. Nothing in discouragement should be done by the State. On the other hand good-roads students are agreed in the opinion that they are entitled to such cooperation as will facilitate this important county function. I unhesitatingly subscribe to this view. The old national road, running almost midway through the State, east and west, should be improved from our eastern border to our western line, as the first State-wide highway. But the condition precedent should be such cooperation on the part of the counties through which it passes as will reflect an adequate appreciation of the local benefits to accrue.

Tenth. "Continuation of the reform in the conduct of the State's penal institutions, which has been inaugurated, and the abandonment of the present prison system," etc.

The commendation of the board of administration plan is fully justified by results obtained, but there is much yet to be done. In fact, every commission created during the last few years finds its function of wider benefit to the public interest than the authors of the legislation doubtless contemplated, and yet the administrative heads find many changes needed in the laws. This is not surprising since our laws can only properly be refined by experience. The public must not gain from the recurrent difficulties in the State institutions an impression that the board of administration plan is wrong in theory. The troubles encountered in the institutions of correction are more fundamental. The wisest management the mind can devise and the most

human policy the heart can inspire can not correct the basic defect of improper commitment. Your honorable body will find this a fruitful field of inquiry. Local officials in some sections of our State commit persons to the wrong institutions, and no matter how obvious the mistake, nor how serious its consequences to the management, the board of administration has no authority to make the simple transfer that would remove an otherwise insurmountable difficulty. It is unfair to the institution to send to a girls' home, for instance, young women of hardened depravity. Their influence over others, whose misfortune has been that of environment and who can, under proper conditions, be benefited, can not but be harmful. At Lancaster, where the State is supposed to render service in improvement of morals, boys are committed who are feeble-minded. A few such charges can upset plans and policies of management that otherwise would work out along orderly and beneficial lines. The board of administration should be clothed with the power to review all commitments, and thus establish a base of homogeneity at least. A few counties by careless assignments from the courts can disorganize the whole machinery of the institutions and produce a seemingly impossible problem for the whole State. The board should also have the right to sit as a lunacy body over State charges and make transfers from one institution to another. Other States have found this a logical and practical arrangement. It will simplify administration and also work as an implied qualification for the members, because there should be on this body at all times at least one officer who knows by professional experience the problems of this peculiarly exacting relation.

I direct your especial attention to the declaration in behalf of a "new penitentiary built and conducted upon plans drawn in accordance with the modern thought on this subject." This project needs no defense because it was a part of the contract made with the people, and no opposition to it was voiced during the campaign when the issue was under discussion. This platform pledge was not made without considerable understanding of the whole prison situation in Ohio, nor did the people of the State give their indorsement without knowing both the purpose and necessity of the change. The facts justify the statement that no subject has taken greater hold on public interest, in years, than that of prison reform. The best thought on the subject is opposed to the Ohio policy, and every condition wrought through an appreciation of the human welfare phase of the problem makes our prison system stand out as an institution of the past, unchanged by either its tragedies or by a civilization that has laid hold on every other human agency.

Our whole system is a plain travesty on human intelligence. It is as much of an outrage to sentence an habitual criminal to three years in the penitentiary as it would be to consign a hopeless lunatic to an asylum for three years. It is as much a crime against society to release from prison gates a known criminal as it would be to turn loose a maniac. At the expiration of a prisoner's term some constituted authority should pass on the propriety and safety of turning him loose. No lesson will be more helpful to him than self-restraint, and liberty should be given only when it is earned and deserved. But the hopeless criminal is in the minority in our prison. During the year 1911 there were received 702 prisoners at the Ohio penitentiary. Of this number 95, or 13 per cent, had served one or more previous terms. Ten had been out of prison only 6 months, when they were returned; 11 of them between 6 months and 1 year; 11 between 1 year and 18 months; and 13 between 18 months and 2 years. The remaining 50 were out more than two years, but some of them had, while away, served in other prisons. Common sense easily differentiates as between this class of prisoners and those who can be benefited by humane methods. The problem of prison reform involves considerations quite apart from erecting a building, a railroad switch, new cells, a dining hall, a power plant, a sewerage system, and higher inclosing wall. The underlying desire is betterment of the rate, the reform of as many prisoners as possible, aid to their families, earned by the men confined, and a contribution to the next generation of fewer human shipwrecks. The mention to the details of physical equipment is made necessary because objection has within a few days been made to the legislature against the prison reform plan, one of the chief reasons being past expenditure of vast sums of money for physical improvements in furtherance of the policy of continuing the old methods and the old institutions. I regret the necessity of dissenting from the view of my distinguished and able predecessor, and yet the question is so vital that I can not in conscience withhold expression of firm conviction on the subject. Over 600 prisoners in the penitentiary are idle. Their time is doubtless spent in reflection over their own disgrace and the plight of their families back home. The present method offers no apparent relief from this unspeakable condition. If employment can be afforded for the physical, mental, and moral benefit of these prisoners in such manner as will yield reimbursement to the State for their keep, and an accruing profit to be sent to families deprived of their support, then this humanitarian consideration must outweight every thought of continuing the present abominable system simply because a considerable amount of money has been spent at the old prison. I would much prefer the task of defending the new project to that of attempting to justify the enormous disbursements of money in maintaining the old one. I can not subscribe to the view expressed that in providing by law for imprisonment of offenders "the primary purpose is punishment." The spirit of the provision seems to suggest that an example be made of the offender by banishment, which in itself is not insevere, and that the agency of the State should then be directed to the reformation of the prisoner, if it develops there is a moral base to build on. Otherwise he is an habitual criminal, and his liberty is a distinct menace to society.

My recommendation would be that the legislature ascertain whether sufficient land is now owned by the State for the purpose of supplying adequate food products for the several institutions. If not, the expense of buying more land will be abundantly justified by the results. More live stock should be kept on these farms, for the double purpose of adding to the food supply and increasing the fertility of the soil. On the State farm we should begin at once the erection of at least one building unit for the shelter of prisoners and the building operation should continue under such scope as the fiscal condition of the State justifies. The extensive operations of the State departments of agriculture call for much manual labor.

The highways can be worked by convicts by a simple change in the laws, and legislative revision will also make possible the employment of prisoners on State buildings. These operations, added to the work in the stone quarries, will doubtless call for enough men to cover the honor list, because the privilege of working out of doors should be earned by good behavior. Those who can not in measurable safety be occupied in the methods described must of necessity be confined. They can be retained to carry on the manufacturing work in the prison, where clothing and other necessities are being made for the inmates of the State institutions. Our better instincts resist the thought of the State making any money off the labor of prisoners. During good behavior they should be given credit for a day's labor in such sum as measures their contribution to the State. From this the cost of their keep should be taken, and what remains, certainly in all fairness and right, belongs to their families. This plan will in short time reduce the prisoners who must be kept in close confinement in such numbers that the maintenance of the old prison plant on ground now possessing great commercial value will be most impracticable. The equipment in the old penitentiary used for lighting the State buildings can be set up in any one of the other State institutions at the capital and operated there with equal efficiency and economy. I therefore strongly recommend such legislative action as will work the changes suggested in the State institutions.

Eleventh. "The licensing of the liquor traffic."

The indorsement of this plan was followed by suffrage ratification of the constitutional amendment on the subject by a majority vote sufficiently large to form a safe index to the state of public opinion. It therefore becomes the duty of the legislature now to carry into practical operation the new scheme of regulating the liquor traffic. For years this question in Ohio has been the football of politics. Not only has the so-called wet and dry question been the means of disquieting community life, but it has formed divisions in the legislature and occasioned confusion in such measure as to seriously interfere with the proper settlement of strictly economic questions. The action of the constitutional convention was a positive reflection of the public desire to approach and dispose of this subject on the base of common sense, having high regard for the public welfare. The question has been so interwoven with the politics of communities that expediency generated for years evasion on the part of many public officials. The whole thing seemed to hang in the balance, and it is my judgment that the constitutional convention acted wisely and well, not only in adopting a license proposal but in so prescribing the constitutional limitations as to keep within the hands of the people the power at all times to deal effectively with this problem. The constitutional amendment provides that the liquor traffic shall be licensed where the saloon now exists. Conditions are in nowise changed where the people have by suffrage expression removed the saloon. No person not a citizen of the United States nor of good moral character can procure a license. The most extensive investigation has been made with respect to the experience of Massachusetts, Pennsylvania, Illinois, and Canada, and this leads me to recommend this basic feature of the law, namely, that a license commission, consisting of not less than three persons, shall be appointed by the governor, and that this body shall, with the consent of the governor, select the commissions in the so-called wet counties. The success of this law and its operation in harmony with public desire depend not only upon the highest possible personnel in administration, but responsibility must be so centered that the whole machinery of regulation can be kept efficient. The suggestion that the local commissions be elected in the counties is to me unthinkable. The whole underlying purpose of this license arrangement is to lift the liquor question from community politics. The State plan in some degree keeps it in politics, but on a better base. It can be safely assumed that the people of this State will give closer attention to the election of a governor than to that of a county license commission. There will be no serious suffrage neglect in the election of a governor. There might be in the election of a county license commission, and this would develop a travesty out of a scheme of administrative government the details of which have been worked out up to this time with a most painstaking care. If the license plan is correct in theory, it is entitled to test under the most advantageous auspices. It is a matter of such concern to the State that authority must not be scattered.

The law should assess against the traffic the cost of all administration, in addition to the present tax. The proposal in expressed terms says that the license and regulation plan in no way "shall be construed as to repeal, modify, or suspend any such prohibitory or regulatory laws now in force." The Toledo platform indorsed the license plank, and this should in good faith be the only liquor law passed at this session. Otherwise a distinct wet and dry issue will be obtruded to interfere with the adoption of an effective license code. It may also by divisions created seriously embarrass our legislative program on other subjects. Precaution is urged against "sleepers," so called, which might conflict with the intent of the amendment very broadly and plainly expressed, and thus throw the whole question into the courts. The State is entitled to something approaching, at least, a final settlement of this matter.

No one disputes the propriety of the mandatory amendments, so called, being recognized as a direct command to the legislature to pass certain laws in relation to respective subjects. A number of the amendments are self-operative.

No. 14 provides that "laws shall be passed providing for the prompt removal from office upon complaint and hearing of all officers, judges, and members of the general assembly for any misconduct involving moral turpitude or for other causes provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution."

There is no one thing that has contributed more to social unrest than the abuse of power by public officials. The spirit of our institutions certainly contemplates that power be given to the people superior to their representatives. Government has been made more representative by direct legislation established by the initiative and referendum than ever before. If the people have the right to set aside a law, then certainly some power exceeding that given by the old constitution should be available for the purpose of removing any delinquent public official. There has been considerable sentiment in behalf of a direct recall. Many members of the constitutional convention believed this to be too drastic, so the proposal finally adopted is a compromise along what appears to be very common-sense lines. Under the new arrangement the legislature is directed to pass laws remedying any situation developed by official remissness. "Prompt removal from office, upon complaint and hearing of all officers, including State officers, judges, and members of the general assembly, for any misconduct involving moral turpitude or for other cause provided by law" is the constitutional specification with respect to your legislative duty. While the legislative provision should be effective in correcting an obviously bad condition, it should be sheltered with such safeguards as will prevent any possibility of intrigue against public officials, and it should not be so shaped as to inspire the caprice of an insincere and inconsiderable minority.

Section 286 of the general code makes provision for the recovery of misappropriated funds. The reports made by the bureau of inspection and supervision of public offices, since the creation of the bureau, discloses an unhealthy condition of affairs in many taxing districts in the State. The people's money has been appropriated by public officers illegally, under the forms of law; the reports disclose that for the year

1910 findings to the amount of $261,446.81 were made against the public officials in the various taxing districts of the State, on account of the drawing of fees not provided for by law and the misapplication of funds in various forms; in 1911 the findings disclose misappropriation of $837,596.33; in 1912 of $232,285.03. This should not be; our laws should be so framed and executed that the misappropriation of funds would be reduced to the minimum—in fact, there is no excuse for any noticeable amount under this head. True, on account of changes in the laws and differences in interpretation, there may be small overdrafts, due to no willful action of the official; but, in my judgment—and such is the information imparted to me from the proper official sources—most of the misappropriations are inexcusable, and provision should at once be made to effectually recover into the treasuries of the various taxing districts of the State all funds misappropriated.

By virtue of section 286, General Code, it is provided that "if the report discloses malfeasance, misfeasance, or neglect of duty on the part of an officer or an employee, upon the receipt of such copy of said report it shall be the duty of the proper legal officer, and he is hereby authorized and required, to institute in the proper court within 90 days from the receipt thereof civil actions in behalf of the State or the political divisions thereof to which the right of action has accrued, and promptly prosecute the same to final determination to recover any fees or public funds misappropriated or to otherwise determine the rights of the parties to the premises. * * * Upon the refusal or neglect of the proper legal officer to take action as herein provided, the auditor of State shall direct the attorney general to institute and prosecute the action to a final determination of the rights of the parties in the premises, and he is hereby authorized and required to do the same."

To my mind it is not fair to the State that it should be put to the expense of doing the work properly belonging to county prosecutors and city solicitors, work for which these officials are elected by the people and paid. Instead of casting upon the attorney general the duty of collecting misapplied funds, upon the mere refusal and neglect of the prosecuting attorney, the statute should be so amended as to give full power to the attorney general to require the prosecuting attorneys and city solicitors to proceed to the discharge of their duty, making such failure to do so an effective ground for removal from office. The detail of this plan, which will involve the amendment of section 286, general code, should be worked out more fully than herein suggested after consultation with the auditor of state and the attorney general, who are in a position to understand the deficiencies of the present plan. If county prosecutors and city solicitors are required under pain of removal from office to enforce recoveries under this section, and conduct criminal prosecutions as well when the circumstances warrant, there is no doubt but that an effective check will be put upon the practice of misappropriation of funds.

Another matter touching the legal department is this: A great deal of unnecessary delay and great inconvenience has been caused during the past two years on account of injunctions being issued against State officials and departmental boards without notice, and also from the fact that neither the attorney general nor the boards or officers interested have had notice of suits filed in which they were vitally interested until the time for answer had expired. There is no reason why, in any case, an injunction should be issued without notice against State officers or boards in the performance of their duties. When an injunction is thus issued it is often a difficult or vexatious matter to get the case heard, as the plaintiff, so long as the injunction is in force, has all that he desires. I therefore recommend that a provision be made similar to the one now incorporated in the act relative to the tax commission, that no court in this State issue an injunction against a State official, department, or board without notice to said official, department, or board, or to the attorney general. I further recommend that a provision be incorporated in the code by which it is made mandatory upon the clerk of the courts to forward, by special delivery letter, a certified copy of every pleading filed by the adversary party against the State of Ohio or any of its officers, boards, or departments, and a copy of the petition in any case not brought directly against the State or any of its officers, boards, or departments, but in which the interest of the State may be involved, or whenever the constitutionality of an act of the Ohio Legislature is involved, the costs of making said copies to be taxed as part of the costs of the case.

Proposals 19 and 20 relate to the reform of the judiciary. I yield to no man in my appreciation of the finer traditions of this great calling, but it is generally admitted that judicial procedure needs simplification in this State. The delays of the law made a situation which the constitutional convention, primarily at least, sought to correct when it adopted these amendments. The State Bar Association has been cooperative, so I am advised, in the matter of preparing suggestions with respect to the laws necessary to carry out the intent of the amendments. The people of the State are, I believe, fortunate in having strong legal talent on both the house and senate judiciary committees. The courts constitute that part of our government which deals with the philosophy of social justice, and the changes made in the laws with respect to the courts should claim the profoundest consideration of your honorable body. It is recognized as a detail of great importance that every possible facility be provided to insure some degree of uniformity in the action of the courts of appeals, because these bodies, eight in number, will be the courts of last resort in many cases. It seems to me that a modern and effective method of reporting decisions will obviate possible confusion.

Proposal No. 26 relates to primary elections, the provision being that all nominations for office in the State or any subdivision thereof having a population of over 2,000 must be made by primary election or by petition. Nominations for offices in districts with a less population are not so made unless the qualified electors thereof so desire. All delegates to national conventions of the different political parties are to be chosen by primary and provision is made for a preferential vote for United States Senator. Candidates for the office of delegates to the national conventions are required to state their preference as between the different candidates for the Presidency. This is merely another manifestation of the desire to bring the details of government down closer to the individual unit. The evolution of politics clearly suggests the propriety of this arrangement. This law should be so drawn as to provide equality of opportunity as between men of small and large means in presenting their claims for the consideration of the electors.

Proposal 27 amends article 6 of the constitution as follows:

"Provision shall be made by law for the organization, administration and control of the public-school system of the State supported by public funds."

Because of its far-reaching influence and the further fact that the schools form the real base to our institutions and civilization, this constitutional change imposes upon the legislature a great responsibility. It will be noted that provision is made for the organization of a school system in Ohio. Whether this phraseology was so intended or not, still in plain words it exhibits a very serious lack in our government scheme, because Ohio really has no uniform school system. Instead, we have a variety of school systems, and the truth is that Ohio does not rank with many of the best States in the Union in the matter of her public schools. This subject suggests possibilities of such stupendous moment to the people that legislation should be preceded by investigation. It is my judgment that a complete school survey should be made of the State. This plan has been followed by a number of States in the last few years and the conditions existent in many parts of these Commonwealths have been surprising to the people. If a survey is made in Ohio there will be found such a number of school systems as to clearly index the disorder and incongruity of our present archaic structure. No one will deny the need of complete uniformity in the method of teaching, sanitation, etc. Other States have found it necessary to withhold the distribution of the State common-school funds to all districts until they have fully complied with the laws relative to the length of term, minimum salary, institute pay, janitor service, compulsory attendance, and all reports required of the department of public instruction. It is the executive recommendation that a commission consisting of not less than three persons, to be selected by the governor, be created for the purpose of conducting a complete school survey of the State and reporting a plan of school supervision. The bureau of municipal research in New York City has been of untold assistance to every State undertaking this great work, and we have the assurance of cooperation from experts employed by that bureau when be begin here. It is pertinent to quote a statement recently received from William H. Allen, one of the directors of this organization. He says: "You may be interested that following the announcement of our report several weeks ago on Wisconsin rural schools requests have come to us already from 34 States. Eighty-two cities, several normal colleges and many universities are using the report for textbook purposes to interest teachers in looking for deficiencies in their own environment and methods." The result of this survey will enable the State to provide and maintain a modern and uniform school system and bring to every community the advantages wrought by the best thought and research. The commission should by all means be empowered to work out some system of standardizing textbooks in order that the expense of education might be reduced and the recurrent school book scandals made a thing of the past.

Proposal 32 amends article 7 of the constitution in several important respects. The mandatory provision directs the legislature to pass laws "taxing by a uniform rule all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, excepting all bonds at present outstanding in the State of Ohio, or of any city, village, hamlet, county, or township in this State or which have been issued in behalf of the public schools in Ohio and the means of instruction in connection therewith, which bonds so at present outstanding shall be exempt from taxation."

Your body is given the right to provide legislation taxing incomes, inheritances, and franchises. The authority is also extended to impose taxes on the production of coal, oil, gas, and other minerals. The underlying spirit of taxation contemplates an arrangement under which contribution for governmental support shall be proportioned as nearly as possible to the benefits received. The amendment to the constitution licensing the liquor traffic reduces the number of saloons in the State and this automatically will greatly curtail both the State and local revenues. With this decline in income and the State limitation on the local tax rate carried by the 1 per cent tax law it will be necessary not only for the State but local subdivisions to procure revenue from other sources. There is no tax more just than that upon incomes. The constitution permits the exemption of incomes up to $3,000, so that it would not bear heavily upon a single individual. With inheritances the constitution permits the exemption of estates up to $20,000. This form of taxation is sanctioned by usage in a great many of the States. Franchises are a thing of absolute value and constitute in many instances a gratuitous contribution by government to private and corporate interests. This is also an equitable plan of taxation. With the constitutional right to tax inheritances, incomes, and franchises and the production of coal, oil, gas, and other minerals there is abundant facility to provide for the depletion in revenue occasioned by the revision of the liquor laws and to take care of any other emergency which might arise.

Taxation is always a live subject, and I may later submit recommendations touching on matters apart from the provisions either of our platform or the mandatory amendments.

Article 15 of the constitution as amended provides that "Appointments and promotions in the civil service of the State, the several counties and cities, shall be made according to merit and fitness, to be ascertained as far as practicable by competitive examination. Laws shall be passed providing for the enforcement of this provision."

It therefore becomes the duty of the legislature to establish a civil-service system extending to the State, counties, and municipalities. This obtains now in cities and it would be my suggestion that they be permitted to operate through their own civil-service commissions to the extent that no conflict occurs with the State law. Wisconsin and New York have recently installed a civil-service system. It has for its purpose the establishment of a merit system and giving to every citizen the competitive right to enter the public service. The experience of other States demonstrates the importance of so shaping the law as to make it much more difficult to get into the service than out of it. I mean by this that the test should be so high as to insure competency, and that no provision should in the least degree exempt an employee from the responsibilities of the station. The criticism most heard of the Federal civil-service law is that an administrative officer is without simplified power to remove an incompetent employee. My suggestion to the legislature would be that the expense of this commission be kept to the nearest possible minimum. The logical tendency is toward government by commissions or bureaus. No needless organization should be created, but when necessity suggests a new administrative unit, every precaution should be exercised against the establishment of sinecures.

This disposes of the so-called mandatory amendments to the constitution.

The public interest, I think, demands the passage of a so-called "blue-sky law," as provided for in the amendment to article 13 of the constitution. It is conceded that our citizens have been robbed of millions of dollars through the sale in this State of worthless securities. Some may urge that the State should not be constituted as a financial guardian of its citizens. Under the common law it is unlawful to procure money under false pretenses, and it is difficult to resist the conclusion that the real spirit of the law would bring the

sale of fictitious stocks and the procurement of goods under false pretenses in the same moral classification. The Kansas law on this subject prevents the sale of securities in the State until they have been passed upon by some constituted State authority. There is a difference between "wildcatting" in brokerage operations and the legitimate investment houses. It is recommended, therefore, that the law be so framed as to stamp out illegitimate practice and conserve the legitimate.

It would certainly be common bad faith not to pass a compulsory workmen's compensation law. No subject was discussed during the last campaign with greater elaboration, and it must be stated to the credit of our citizenship generally that, regardless of the differences of opinion existent for many years, the justice of the compulsory feature is now admitted. Much of the criticism of the courts has been due to the trials of personal injury cases under the principles of practice which held the fellow-servant rule, the assumption of risk, and contributory negligence to be grounds of defense. The layman reaches his conclusion with respect to justice along the lines of common sense, and the practice in personal-injury cases has been so sharply in conflict with the plain fundamentals of right that social unrest has been much contributed to. A second phase of this whole subject which has been noted in the development of the great industrialism of the day has been the inevitable animosity between capital and labor through the ceaseless litigation growing out of these cases. The individual or the corporation that employs on a large scale has taken insurance in liability companies, and, in too many instances, cases which admitted of little difference of opinion have been carried into the courts. The third injustice has been the waste occasioned by the system. The injured workman or the family deprived of its support by accident is not so circumstanced that the case can be contested with the corporation to the court of last resort. The need of funds compels compromise on a base that is not always equitable. Human nature many times drives sharp bargains that can hardly be indorsed by the moral scale. In the final analysis, the cost of attorney fees is so heavy that the amount which finally accrues in cases of accident is seriously curtailed before it reaches the beneficiary. These three considerations clearly suggest the lifting of this whole operation out of the courts and the sphere of legal disputation. And then there is a broader principle which must be recognized. There is no characteristic of our civilization so marked as the element of interdependence as between social units. We are all dependent upon our fellows in one way or another. Some occupations, however, are more hazardous than others, and the rule of the past, in compelling those engaged in dangerous activities to bear unaided the burden of this great risk, is not right. The workmen's compensation law in this State, which, however, lacks the compulsory feature, has made steady growth in popularity. The heavy decrease in rates clearly indicate economy and efficiency in the administration of the State liability board of awards. The compulsory feature, however, should at once be added. I respectfully, but very earnestly, urge its adoption amendatory of the present law with such other changes as experience might dictate. There is some force and justice in the contention that the employers should be given the option of insuring either in the State fund under the liability board of awards or in liability companies which have met all the requirements of the State department of insurance. If the State board gives better service and lower rates it will be perfectly apparent that the liability companies are operating on the wrong base. If, on the other hand, insurance concerns yield an advantage in both service and rates, then it would be safe to assume that efficiency and economy of administration are lacking with the State board. The competitive feature may be wholesome. The objective to be sought is the fullest measure of protection to those engaged in dangerous occupations with the least burden of cost to society, because, after all, the social organization must pay for it. The ultimate result of this law will be the reduction in death and accident, because not only the humanitarian but the commercial consideration will suggest the necessity of installing and maintaining with more vigilance modern safety devices.

Government as a science must make its improvement along the same practical lines which develop system, simplification, classification of kindred activities and better administrative direction in the evolution of business. A private or corporate enterprise is compelled to promote in the highest degree both efficiency and economy because its income is subject to the hazards of business. Government without this spur of necessity, because its revenue is both regular and certain, does not effect reorganizations and combine common activities so readily. One reason, of course, is that new legislation is required and that is not easy at all times. Wherever human energies are now being directed toward more efficient public service we find the consolidation under one administrative unit or bureau of all departments which deal either in direct or different manner with the same general subject. Investigation develops many duplications in both labor and expense in the departments of the State. No business institution would continue such a policy, and recognizing now the importance of conducting the business of the Commonwealth along the same modern and efficient lines of private and corporate operations, there is submitted herewith to your honorable body two recommendations which in my judgment are of tremendous importance, namely, the creation of an industrial commission and a department of agriculture. The first-named organization would combine every existing department which deals with the relation between capital and labor. It is certainly a logical observation that the department heads clothed with the responsibility of details will find it extremely difficult to rise to the moral vision necessary to construct and conserve policies dealing with big things. Besides duplication of service is a waste of both human energy and State funds. The bureau of labor statistics is in charge of a commissioner, and the expense for the past year was $32,460. The department of inspection of workshops, factories, and public buildings is directed by a chief inspector, and the expense for the year was $80,240. The State mine inspection department is in charge of a chief inspector, and the cost for the year was $42,040. The department of examiner of steam engineers is in charge of a chief examiner. It was run at a cost of $32,700. The department of inspection of boilers or board of boiler rules is composed of five members, including the chief engineer, who is chairman of the board, and who gives all of his time to the State. His salary is $3,000. The compensation of the other four members is $1,000 each. This department cost the State last year $40,700. The State liability board of awards consists of three members, who receive a salary of $5,000 each. It cost the administration for the year $42,081. The total is $270,221 for these departments, not counting additional provisions by the emergency board.

These several departments touch the relation of capital and labor. In some of the large cities of the State separate offices are maintained. There is nothing new or experimental in this suggested consolidation. It is so obviously in harmony with modern methods that it is almost useless to investigate the experience of other States where the plan is universally commended and stands without an expressed criticism from either capital or labor. The departments involved are all rendering splendid service now, and this suggestion must not be accepted as the slightest criticism of the personnel. It is highly important, however, that every agency of government render its utmost with a view to bringing these two reciprocal elements of industrialism to a basis of common understanding and public indorsement. It is the recommendation, therefore, that the industrial commission be created by legislative enactment, to consist of not less than three members appointed by the governor, and that this organization be given wide discretionary powers for the reasons which have already been advanced in this communication.

The same reasons advanced for the consolidation of the labor departments apply with equal force to the same arrangement in behalf of a department of agriculture. We have three distinct administrative subdivisions, namely, the State board of agriculture, the college of agriculture, and the experiment station. The first two are directed by boards the members of which are appointed by the governor. I have made personal investigation with respect to 25 agricultural activities in the State. Of these direct duplication ensues in 14 departments of the work, while triplication occurs in 11. Every one of the three departments is engaged in orchard, spraying and pruning demonstrations, farmers' institute work, the publication of bulletins, in many instances on the same subject. Lecture work independent of institutes and granges, exhibits at agricultural fairs, investigation of the cost of agricultural production, organization of farmers' clubs, corn shows, field meetings, and farm advice.

Very useful service has been rendered in behalf of the agricultural interests, but the present system can not be justified by any modern method of administration. Our labors have just begun in agricultural research work. Scientific investigation must play a large part, because the mysteries, possibilities, and utilities of nature are subjects to be developed. It touches the question of food and clothing, two very vital considerations, so important, in fact, that there is the highest call for efficient organization. Recommendation has already been made in compliance with the short ballot to abolish as elective the office of dairy and food commissioner. Under the present arrangement the dairy and food commissioner is devoting a large part of the energies of this splendidly conducted department in investigating the illegal sale of liquor. This will logically be transferred to the liquor-license commission, and the remaining operations of the dairy and food department should be taken over by the department of agriculture. In this connection the legislature will find, upon inquiry, that the laws with respect to food inspection and regulation are very inefficient. The dairy industry has shown development in every part of the country where increased inspection is brought to milk products. The police power of the State is a constitutional provision for the primary purposes of conserving the general welfare. The public health is certainly entitled to first consideration. There is no uniformity in the communities of the State in the matter of food regulation. Many places are without local laws on the subject of meat inspection, for instance; and in some cities, even where the provision by ordinance seems sufficient, the local authority is so remiss as to constitute a reproach on government. Every slaughtering and meat-packing house engaged in interstate traffic is subject to inspection by the Federal Government. The result is that these institutions, in their desire to escape loss from condemned animals, make the first selection from stockyards and farms. The meat slaughtered for purposes that do not constitute interstate traffic and which, it must be understood, is limited to consumption in the State, is procured from the herds that have been picked over. It is true both with respect to meat and milk, that the lowest quality, with its disease-producing possibilities, goes to the communities where the food regulations are lax. Ohio demands attention to the subject of human conservation, and the police power of the State lodged in the hands of a strong department of agriculture could be exercised for the protection of our citizenship. I therefore recommend the consolidation of the State board of agriculture, the Ohio experiment station, and the College of Agriculture, under what shall be known as the department of agriculture, the agricultural commission, or such other designation as the wisdom of the legislature might suggest. The College of Agriculture is a part of the State University and the dual relation of the college to both the university and the department of agriculture occasions the only real problems. However, the university at Columbus is a State institution conducted with funds appropriated by the State, and with the relation which is now being established as between the State government and the State University there is every belief that common interest is sure to prevent any conflict in administration.

This introduces the subject of coordinating the energies of the State government and the State University. Wisconsin has made its greatest progress because of this relation. Students whose services under experienced heads have been called into practical operation come back to the institution of learning with problems from the field, and the result has been an alert and progressive faculty. The advantage is so clearly mutual both in the development of Government and learning, and in the economy of public expense, that no one will deny the self-evident wisdom of the plan. To take issue with it one must predicate his position on the contention that research, experimentation, and education are not useful elements in the affairs of man or government.

There should be established a bureau of legislative research for the development of every subject vital to the State and the legislature, and a salary should be provided to make possible the employment of an expert. In other States the detail work of this department, under the direction of the chief, is performed in most part by students in the university and the bibliography of the subjects is developed in such thorough and systematic manner as to make the department an institution of enduring service and value to the State. The director should also be related to the department of political economy in the university, and be given the authority to employ an official draftsman during the session of the legislature for the use of its members. The bar of the country has given enthusiastic indorsement to this plan and wherever it has been installed it has saved confusion in administration and reduced the element of delay occasioned by legal tests on ultra technical grounds.

The subject of farm credits is claiming the attention of all civilized powers. They all recognize that the movement from the farm to the city continues in such increased proportion as to create a distinct and perplexing problem. At the conference of the governors held at Richmond, Va., Ambassador Myron T. Herrick, now located at the French capital, and an ex-governor of this State, made this observation:

"The drift of the population to the city has not yet been stayed. Over 10 per cent has been added to the ratio of urban population in the last two decades. In 1900 there was one farm for every 13.2 persons; in 1910 there was one farm for every 14.5 persons. On the average, therefore, each farm has to furnish food for more than one more person than in 1900. Under the circumstanses, it is not altogether surprising that in the last 20 years the price of cattle has ad-

vanced nearly 62 per cent, of hogs 96 per cent, of cotton 28 per cent, of wheat 67 per cent, of corn 200 per cent, and of potatoes 288 per cent, and that the prices of other farm products have steadily advanced."

Rural opportunity is the thing to be considered. Good roads and a modern common-school system will do much toward increasing the advantages of country life, but the fact remains that there must be more tillers of the soil. The question of farm credits in the opinion of experts on the subject must be solved in the first instance through State rather than national legislation. Farmers need two sorts of credit: Long-time credit for the purchase of land and the making of permanent improvements, and short-time credit for the operation of their property, purchase of stock, fertilizer, financing their crops, etc. In both of these respects facilities are very insufficient in the United States. It is the recommendation that your body provide for the selection of a special commission for the purpose of making an investigation with respect to the exact needs of Ohio farmers for credit and the credit facilities that are now afforded. There is such a lively interest taken in this subject that I am convinced the commission would serve without compensation. Ex-Governor Herrick has given his personal assurance that he will give every cooperation in the way of personal service and the contribution of such information as he has procured at home and abroad.

Additional regulation is also needed for the protection of breeding of live stock. Ohio is notoriously a dumping ground for diseased and unsound stock used for breeding purposes. It is also important that the fertilizer laws be strengthened and the farmer given better protection against adulteration in all fertilizing and spraying materials.

The Department of Health has asked for an increased appropriation of $25,000 to render more effective the combat against tuberculosis. It ought to be given. The agencies engaged in this work are being given every cooperation possible, governmental and otherwise, in every part of the world. Science has contributed much in reducing the mortality, but our work has scarcely begun. The relatively small appropriation which is asked to maintain for two years the annual expense of $3,000 necessary to investigate the subject of occupational diseases ought also to be allowed. Let me remind the legislature that $25,000 was appropriated by the State for the production of hog-cholera serum. The requested appropriation to produce antitoxin for diphtheria was not allowed. The economic loss from hog cholera in this State for the last year has been appalling. It has assumed almost the proportions of a disaster to many farmers and resulted in greatly increased prices for food supplies. Ample appropriation should not only be made for the production of hog-cholera serum, but a system should be created making it more available. However, this should not be done to the neglect of the child. He is also entitled to protection against the disease of diphtheria. The circumstance is an index to the legislative tendency of the day. As I have myself served for four years in the Federal legislative body this observation is not made in any invidious spirit.

The newly amended constitution gives to the State the right to adopt the minimum wage, and to pass laws for the general welfare of the employee. There should be a common understanding of this subject as developed by a survey of the wage question. I am convinced there should be no law passed until after this is accomplished, except to provide for obviously unjust conditions affecting the wages of women and children. The labor departments or the industrial commission, if it is established, could doubtless make this survey without adding to the public expense. It is a question of live concern, and I regret that the information is not at hand so that a legislative remedy might be applied without delay. It is recommended that your body pass a resolution empowering such agency as in your judgment seems best to make the investigation.

The State is paying in rentals over $50,000 a year for the reason that our public buildings are insufficient for the needs of the several State departments. This sum of money is ample to carry the interest charges on more than a million-dollar investment. For approximately this sum, the State could unquestionably provide its own property and insure better accommodations for the departments. I am mindful of the importance of guarding the finances of the State and keeping our operations within our revenues. But it is admittedly false economy to continue the rental system. Another thing to be considered is the rapidly appreciating value of business real estate in the vicinity of the capitol, where purchase inevitably must be made. It is suggested that the general assembly appoint a legislative committee to investigate the conditions and report on the expediency of acquiring property by condemnation for the purpose of this project.

The commission appointed by Gov. Harmon to codify all subjects which relate to the child has developed many interesting aspects, and I am convinced that its suggestions can profitably claim the most careful consideration of your body. The ablest juvenile officials of the State have responded in cooperative service in a very patriotic way, and the measure of information which has been adduced on child life will be of distinctive benefit to our people. The commission takes up the vital subject of the widows' relief bill, and while it has not unanimously agreed as to the desirability of such a law, it is conceded that should any be passed, it should provide:

"For the partial support of women whose husbands are dead or become permanently disabled for work by reasons of physical or mental infirmity, or whose husbands are prisoners, when such women are poor, and are the mothers of children under the age of 14 years, and such mothers and children as have a legal residence in any county of the State."

The order making an allowance shall not be effective for a longer period than six months, but, upon expiration, the time can be extended, provided the home has first been visited and conditions investigated. The child or children must be living with the mother. The allowance should be made only when in the absence of it the mother would be required to work regularly away from her home and children. The mother must be a proper person, morally, physically, and mentally, for the bringing up of the children. The purpose of such a law is to keep together families of widows and small children, that might otherwise be broken up, the belief being that it is cheaper to maintain these children in their homes than in public institutions, and that they are much better off with their mothers. The moral and humanitarian considerations make strong appeal to public favor. The great majority of juvenile judges believe the law should be passed, but that it should be a felony rather than a misdemeanor for any person to attempt to obtain an allowance for anyone not entitled to it. The State inspector of workshops and factories is enthusiastically in favor of the law. He reports that in certain cases he has investigated, where the child-labor law has been violated employment is rendered necessary by the absolute dependence of a widowed mother. In such instances, the growth of the child, physically, intellectually, and morally, is interfered with, and these are considerations which must be measured on a higher footing than the items of public expense. Under existing law, the father who consigns his children to the county children's home, because of his inability to maintain a satisfactory domestic arrangement, can not pay the county for this service. Instances have been reported where the parent has desired to do this, but there is no enabling statute. This one item would help to bear the expense of giving aid to dependent widows. The codifying commission, in its suggestion, has, with far-seeing vision, created apparently every safeguard. It may be true that the most perfect law it is possible to enact will have its abuses. Most laws have. I recommend this whole subject for the very careful consideration of your honorable body.

A thing to be avoided is the rapidly increasing expense in the cost of maintaining the militia. While this organizaton has its function and its maintenance in large degrees is made possible by the patriotic service of privates and officers who are devoted to military subjects, still it is scarcely conceivable that any necessity exists for such disbursements in our State as almost equal the total expense of two of the three constitutional branches of the government—the judicial and the legislative. One of the unfortunate tendencies of the time is toward excessive armament.

The moving-picture business is one of the marked evolutions of the day. Its growth and the countless thousands which attend the shows daily stagger the imagination. Without the restraint of governmental authority, abuses are apt to develop; in fact, I am not sure they have not already done so. The picture films should be censored and the police power of the State should be exercised in making it a State rather than a community regulation. The business has many useful functions, and under proper restrictions it can become a pleasurable and profitable recreation for the people. The youth is entitled to protection against improper preservations. Immoral pictures in public places, with apparent official sanction, can not but excite a bad influence. I recommend the passage of a law which will establish this regulation and assess against the business concerned sufficient fees to maintain the administrative machinery.

I join in the recommendations made by Gov. Harmon in relation to the following matters: The Perry Victory Centennial, the Panama Exposition, State supervision over private banks, and the power of special counsel from the attorney general's office to appear before grand juries.

JAMES M. COX.

JANUARY 14, 1913.

AGRICULTURE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURNHAM. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BURNHAM, Mr. WARREN, and Mr. GORE conferees on the part of the Senate.

EIGHT-HOUR LAW.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 72), which was read:

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and that the action of the Speaker of the House of Representatives and the President of the Senate in signing said enrolled bill be rescinded.

Mr. SHIVELY. I ask that the Senate concur in the resolution.

The resolution was concurred in.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.

That the House recede from its amendments numbered 3 and 5.

P. J. McCUMBER,
BENJAMIN F. SHIVELY,
HENRY E. BURNHAM,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 6.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, and 5, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 4, 6, and 7.

That the House recede from its amendments numbered 1, 2, 3, and 5, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHARLES E. FULLER,
Managers on the part of the House,

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2.

That the House recede from its amendment numbered 3; and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

COMMITTEES OF THE SENATE (S. DOC. NO. 1122).

Mr. BACON. Mr. President, I have had furnished me a very old Senate document, of which I presume this is probably the only copy to be found. It is, I think, of great value from a historical and practical standpoint. It is Miscellaneous Document No. 2, printed at a special session of Congress in 1863, and gives an exhaustive review of all the precedents of the Senate in regard to the appointment of its committees. It evidently required a great deal of labor to prepare, and I think it would be unfortunate if it should pass away without being reproduced. I therefore ask that it may be reprinted. I will not ask that it be printed as an ordinary Senate document, because in that case it would be distributed as specified in the rule; but I shall ask that it be printed for the use of the Senate, as it relates exclusively to matters in which the Senate is interested.

The PRESIDENT pro tempore. The Senator from Georgia asks that the document indicated by him be printed for the use of the Senate. Without objection, that order will be made.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore. Morning business is closed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 27475.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, before the word "acting," to insert "late," so as to read:

The name of Emma L. Cole, widow of William C. Cole, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to read:

The name of Julia A. Rouse, widow of Oliver H. P. Rouse, late of Company D, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

The name of Elizabeth M. Rutherford, widow of George Rutherford, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to strike out:

The name of Emma E. Kanzleiter, widow of Daniel Kanzleiter, late of Company E, One hundred and thirty-sixth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 11, before the words "per month," to strike out "$30" and insert "$24," so as to read:

The name of Gideon F. Denton, late of Company H, Seventh Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 15, before the words "per month," to strike out "$36" and insert "$30," so as to read:

The name of David W. Stafford, late of Company D, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 4, before the words "per month," to strike out "$24" and insert "$12," so as to read:

The name of Charles P. Harder, late of Company C, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. I inquire if we are proceeding now to dispose first of committee amendments?

The PRESIDENT pro tempore. The bill contains certain committee amendments, which are being acted upon as the bill is read. There is no agreement as to the consideration of amendments, and they may be offered from the floor at any time.

Mr. BRYAN. I move to strike out the lines from 1 to 4, on page 7.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 7, at the top of the page, it is proposed to strike out:

The name of Charles P. Harder, late of Company C, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

Mr. McCUMBER. I ask the Senator if he will not allow us to pass over that until I can get the report, and then we can recur to it?

Mr. BRYAN. I suggest to the Senator from North Dakota that we can act upon the committee amendments first and then go back, if that is satisfactory.

Mr. McCUMBER. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 7, after line 4, to strike out:

The name of Catherine M. Hazelton, widow of Frank B. Hazelton, late first lieutenant and adjutant, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 18, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to read:

The name of Frederick Kinner, late of Company H, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to strike out:

The name of James K. Waltermire, late of Company I, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 15 to strike out:

The name of Walter S. Reeder, late of Company C, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to read:

The name of Senobio Cordova, late of Capt. Graydon's independent company of New Mexico Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out:

The name of Patrick L. Kennedy, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 2, after the word "receiving," to insert: "*Provided*, That in the event of the death of Ira Cotterell, helpless and dependent child of said John Cotterell, the additional pension herein granted shall cease and determine," so as to read:

The name of Nancy A. Cotterell, widow of John Cotterell, late of Company H, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and Company B, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ira Cotterell, helpless and dependent child of said John Cotterell, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to strike out:

The name of Elizabeth O'Reiley, widow of Peter O'Reiley, late of Company H, Thirty-fifth Regiment New Jersey Volunter Infantry, and pay her a pension at the rate of 20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. BRYAN. So that the chairman of the committee may know the amendments I propose to offer, I now move to strike out lines 14 to 17, inclusive, on page 20.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 20, line 19, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to read:

The name of James David Rich, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 21, to strike out:

The name of Charles Reynolds, late chaplain, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 9, after the name "Caroline," to strike out "Koch" and insert "Knarr," so as to read:

The name of Caroline Knarr, former widow of Jonathan Kennedy, late of Company H, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 16, before the words "per month," to strike out "$25" and insert "$24," so as to read:

The name of Frances M. Dille, widow of John B. Dille, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 12, before the words "per month," to strike out "$25" and insert "$24," so as to read:

The name of Lizzie Dovener, widow of Robert G. Dovener, late assistant surgeon, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 16, after the words "per month," to strike out "in lieu of that she is now receiving," so as to read:

The name of Elizabeth J. Todd, former widow of Ephraim L. Webb, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 27, after line 22, to strike out:

The name of Melvin J. Ringler, late of Company C, Sixty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to strike out:

The name of Tilla L. Eckard, widow of Calvin J. Eckard, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 29, line 23, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to read:

The name of David R. Edmonds, late of Company A, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 4, to strike out:

The name of Mary A. Missner, former widow of Mitchell Haynes, late of Company H, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 30, line 20, before the words "per month," to strike out "$25" and insert "$20," so as to read:

The name of Louise Taylor, widow of Charles C. Taylor, late of Company F, One hundred and seventy-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 7, before the words "per month," to strike out "$20" and insert "$12," so as to read:

The name of William H. Cummings, late of Company I, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 6, after the word "receiving," to insert "*Provided*, That in the event of the death of Jennie Dickinson, helpless and dependent child of said James D. Dickinson, the additional pension herein granted shall cease and determine," so as to read:

The name of Martha Dickinson, widow of James D. Dickinson, late of Company D, Seventeenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jennie Dickinson, helpless and dependent child of said James D. Dickinson, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 36, after line 10, to strike out:

The name of William T. Mills, late of Company E, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 38, line 10, before the words "per month," to strike out "$24" and insert "$50," so as to read:

The name of Samuel A. Pearce, late of Company B, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, after line 10, to strike out:

The name of Fredericka Welfley, now Wurthner, former widow of Gottlieb Frederick Welfley, late of Company H, Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 2, before the words "per month," to strike out "$25" and insert "$24," so as to read:

The name of Emily A. Kennedy, widow of Oliver H. S. Kennedy, late of Companies B and F, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 4, before the word "widow," to insert "former," so as to read:

The name of Mary Gourno, now Earle, former widow of Louis Gourno, late of Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 18, after the word "receiving," to insert "*Provided*, That in the event of the death of Roy L. Moffatt, helpless and dependent child of said Joseph L. Moffatt, the additional pension herein granted shall cease and determine," so as to read:

The name of Julia A. Moffatt, widow of Joseph L. Moffatt, late of Company I, Seventh Regiment United States Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Roy L. Moffatt, helpless and dependent child of said Joseph L. Moffatt, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 42, line 21, before the words "per month," to strike out "$40" and insert "$50," so as to read:

The name of Archibald McLain, late of Company C, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The PRESIDENT pro tempore. The items passed over temporarily will now be read.

The SECRETARY. The first item passed over is, on page 7, beginning with line 1, as follows:

The name of Charles P. Harder, late of Company C, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The PRESIDENT pro tempore. The Senator from Florida [Mr. BRYAN] moves to strike out those lines. The question is upon the Senator's motion.

Mr. McCUMBER. I call attention to the fact that there is an amendment there reducing the $24 to $12 a month.

Mr. BRYAN. The House committee, in reporting this omnibus bill, prepared a report, and its report with reference to the item now under consideration is as follows:

H. R. 9296. Charles P. Harder, aged 60 years, served as a drummer in Company C, One hundred and eighty-seventh Regiment Pennsylvania Infantry, from June 20, 1863, to January 9, 1864, and from April 14, 1864, to August 3, 1865, and is now a pensioner under the act of June 27, 1890, at $6 per month on account of rheumatism and resulting disease of heart. Address, Orville, Pa.

Medical examination, June 27, 1897, shows rheumatism, disease of heart, and piles.

Two physicians, May 17, 1911, have treated him for impaired vision, neuritis, rheumatism, indigestion, and is unable to follow his usual occupation.

Pensioner states that his income, including his pension, is about $125 a year.

An increase to $24 per month is recommended.

Upon a preliminary examination by the clerks in the office of the Senate Committee on Pensions the following notice was made of this item:

This man is pensioned at $6 per month under the act of June 27, 1890, and has not applied for increase at the bureau in over 13 years. Inasmuch as the rule requires that he must establish his title to and be granted the maximum rate under that act of June 27, 1890, before bringing his case to Congress, it does not appear that special legislation is warranted at this time in his behalf. He enlisted when only 10 years of age.

Rule I of the committee requires, as stated in this comment, that he must have pursued that course. The rule says, among other things:

No bill will be considered by this committee unless application for pension or increase of pension has first been made to the Bureau of Pensions, nor while the claim is pending in the bureau, except in cases where conclusive proof is presented that the claimant has no pensionable status under existing laws.

He has a pensionable status under existing law. Under existing law he can be allowed, if he has no specific disability, as high as $30 per month. He is on the pension roll; and here is what the rule says with reference to increase of pensions:

With reference to increase cases it will be required that the applicant shall have had his claim adjudicated at the bureau within a reasonable period of time prior to the presentation of the bill.

And, according to the report of the House committee, the last application, as I understand it—if the rather indefinite language as to the time of his medical examination can be construed as a date—was in 1897, nearly 16 years ago.

We have heard much about the rules of this committee. Yet here is a case that the majority of the Committee on Pensions recommend to the Senate with a favorable report, as to an individual whom the clerk of the committee says would not be entitled, and whom the rule of the committee says would not be entitled, to consideration under a special bill.

If this man can come in and have his pension granted, he understands perfectly well that the rule is not meant to or does not operate to his disadvantage; but every other soldier seeing and reading that rule—and the rules are printed for their guidance—will say, "Well, I have no right to get upon that roll under the rules of the committee." Those rules are liberal ones. Yet the committee of the House of Representatives, and in theory—in theory only, I admit—the House of Representatives itself passes a private bill for this man in spite of the rules of the committee of the Senate and the House. It is not only generous enough to waive its rules in his behalf, but is also generous enough to quadruple the pension of a boy who enlisted when he was 10 years old and saw the end of his service at the great age of 12!

If the Senate wants to pass that kind of a bill for a man who is now 60 years old, who was 10 years old when he went into the service, and who was 12 when he went out, who was only a drummer boy, and who can trace no injury to service, I have nothing further to say with reference to this item.

Mr. McCUMBER. This man enlisted, according to the records, when he was 13 years of age. He is 60 now. He enlisted in 1863. At that time, therefore, he must have been 13.

Mr. BRYAN. If the Senator will pardon me——

Mr. McCUMBER. I guess the Senator is right. He enlisted first as a drummer boy.

Mr. BRYAN. When he was 10.

Mr. McCUMBER. And he remained in the service something over two years.

Mr. BRYAN. He was 12 when he went out.

Mr. McCUMBER. Under the present law he would be entitled at the expiration of two years to a pension of $15 a month for his service. It is true that our rules require that he should first exhaust every right that he would have before the department.

Mr. BRYAN. Let me ask the Senator, if he will permit me, has he not done that?

Mr. McCUMBER. If the Senator will give me a chance, I was going to say it is true, also, that he has not done that; but this is a House bill. The House committee has the same rules. Its members evidently thought the circumstances were such as to justify departing somewhat from that rule, in view of the fact that in a very short time he would be entitled to $15 per month. The House passed the bill at $24 per month. The Senate cut it down to $12 per month, which is $3 less than he will be entitled to receive in less than two years. I think it really ought to pass at $12, but I am willing to take the sense of the Senate upon it.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Florida [Mr. BRYAN]. [Putting the question.] The Chair is in doubt.

Mr. THOMAS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. NELSON (when his name was called). I have a pair with the senior Senator from Georgia [Mr. BACON]. Not knowing how he would vote, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a pair with the senior Senator from California [Mr. PERKINS], and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I have a general pair with that Senator, and withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER]. I do not see him in the Chamber, and I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], who seems not to be present. I therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I inquire whether the junior Senator from West Virginia [Mr. CHILTON] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULLOM. I have a general pair with him. I will transfer that pair to the Senator from South Dakota [Mr. GAMBLE], and vote "nay."

Mr. BRIGGS. I ask if the senior Senator from West Virginia [Mr. WATSON] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BRIGGS. I have a general pair with that Senator, and therefore withhold my vote.

Mr. DILLINGHAM. I will inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DILLINGHAM. I have a general pair with that Senator, which I transfer to the Senator from Rhode Island [Mr. LIPPITT], and vote. I vote "nay."

Mr. RICHARDSON. I inquire if the junior Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. RICHARDSON. Being paired with the junior Senator from South Carolina, I withhold my vote.

Mr. BRIGGS. As I announced previously, I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN] and vote "nay."

The PRESIDENT pro tempore. The Chair is paired with the Senator from New York [Mr. O'GORMAN].

Mr. WARREN. I will transfer my pair with the Senator from Louisiana [Mr. FOSTER] so that that Senator will stand paired with the Senator from New Hampshire [Mr. BURNHAM]. I vote "nay."

Mr. RICHARDSON. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Rhode Island [Mr. WETMORE] and vote "nay."

The result was announced—yeas 19, nays 29, as follows:

YEAS—19.

Ashurst	Gardner	Owen	Smith, Ga.
Bankhead	Gore	Percy	Swanson
Bryan	Kavanaugh	Pittman	Thomas
Culberson	Martin, Va.	Sheppard	Webb
Fletcher	Martine, N. J.	Smith, Ariz.	

NAYS—29.

Bourne	Crawford	Kenyon	Stephenson
Bradley	Cullom	La Follette	Stone
Brandegee	Cummins	McLean	Townsend
Briggs	Curtis	Oliver	Warren
Bristow	Dillingham	Page	Works
Burton	Gronna	Richardson	
Chamberlain	Jackson	Root	
Clark, Wyo.	Jones	Smoot	

NOT VOTING—47.

Bacon	Fall	McCumber	Shively
Borah	Foster	Myers	Simmons
Brady	Gallinger	Nelson	Smith, Md.
Brown	Gamble	Newlands	Smith, Mich.
Burnham	Guggenheim	O'Gorman	Smith, S. C.
Catron	Hitchcock	Overman	Sutherland
Chilton	Johnson, Me.	Paynter	Thornton
Clapp	Johnston, Ala.	Penrose	Tillman
Clarke, Ark.	Kern	Perkins	Watson
Crane	Lea	Poindexter	Wetmore
Dixon	Lippitt	Pomerene	Williams
du Pont	Lodge	Reed	

So Mr. BRYAN's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I desire to make a statement before proceeding to the next amendment. I hope Senators will not ask for a yea-and-nay vote on any of these items which I shall move to strike out of the bill, for two reasons. In the first place, I am not trying needlessly to take up the time of the Senate nor to embarrass Senators or make them come from the important committees in which they are working to be present. I am perfectly willing to leave it to the judgment of the Chair on a viva voce vote.

There is another reason which will appeal to the Senator from Colorado [Mr. THOMAS] a little later, and that is that it is perfectly useless to do it. I want it understood that I am not in any degree undertaking to filibuster against this bill. I am upon the Committee on Pensions, and I propose to move to strike out of the bill some of the items which violate the rules of the committee. The Senate has placed itself upon record as willing to do that, so there is no use to have it repeated on every motion.

Now, I ask, and I want to get it into as close juxtaposition with the vote of the Senate as I can, that rule 1 of the Committee on Pensions be inserted in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it will be inserted.

The matter referred to is as follows:

RULE 1. No bill will be considered by this committee unless application for pension or increase of pension has first been made to the Bureau of Pensions nor while the claim is pending in the bureau, except in cases where conclusive proof is presented that the claimant has no pensionable status under existing laws. With reference to increase cases it will be required that the applicant shall have had his claim adjudicated at the bureau within a reasonable period of time prior to the presentation of the bill. It has been frequently noted that applicants ignore the bureau and apply direct to Congress where no effort has been made through the regular channels for a period of from 5 to 10 years and more. The committee will give no consideration to such cases but will require applicants to make claim for increase at the bureau and have their rights adjudicated there.

Mr. BRYAN. I move to strike out lines 14 to 17, inclusive, on page 20 of the bill.

The PRESIDENT pro tempore. The Senator from Florida moves to strike out certain lines which will be read.

The SECRETARY. On page 20, strike out lines 14 to 17, inclusive, in the following words:

The name Izanna J. Kemp, widow of George H. Kemp, late of Company E, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. I send to the desk the report of the House committee upon this item and ask that the Secretary may read it.

The PRESIDENT pro tempore. Without objection the Secretary will read as requested.

The Secretary read from House Report No. 1278 as follows:

H. R. 19731. Izanna J. Kemp, aged 73 years, is the widow of George H. Kemp, who served as a private in Company E, Fourth Regiment Massachusetts Heavy Artillery, from August 20, 1864, to June 17, 1865, and on U. S. S. *Somoma*, etc., August 13, 1862, to June 25, 1863, and on U. S. S. *Ohio* and *Minnesota*, April 23, 1861, to September 9, 1861, when he deserted. Total faithful service, 1 year 8 months.

Sailor was pensioned under act of June 27, 1890, at $12, and died November 12, 1900. The pension accrued at his death was paid to this applicant, whom he married December 1, 1858.

A pension was denied her because when she applied it was discovered that in a prior service he had deserted. She applied a second time, claiming the benefit of the joint resolution of July 1, 1902, but was again denied on the ground that the bounty received for his last enlistment was greater than that which he would have received had he faithfully performed his first contract of service.

Dr. G. F. Martin, December 4, 1911, says she is too weak and feeble to work or earn any part of her living.

Neighbors testify that she owns no property or income; that she was supported by her son until he died recently, and now she tries to assist in housework, and, owing to her advanced years, can not do but little housework.

Since soldier had faithful services of 1 year and 8 months and applicant was his wife prior to the Civil War, and is quite old and penniless, an allowance of $12 a month is advised.

Mr. BRYAN. Upon that item the force which assists the Senate committee in its labors upon the great number of private pension bills that make their way into Congress at every session, and who have had to consider during the Sixty-second Congress, as I understand it, about 15,000 private pension bills, makes the following note with reference to this item:

Izanna J. Kemp. In this case the soldier husband was a deserter from his first service, although he had one year and eight months faithful service.

Widow is poor and needy. But the Senate committee has never recommended granting pensions except for faithful service.

If there are any extenuating circumstances as to his desertion, a bill to correct that record would give the widow a pension.

Yet, Mr. President, the Senate committee to-day recommends the giving of a pension to the widow of a man who has achieved the double distinction of being a deserter and a bounty jumper, according to the report of both the Senate and House committees. The record that he made crooked on the field of battle in time of war the Congress of the United States in time of peace makes straight for him in the face of legislation that protected a deserter who returned within a reasonable time of service, in the face of a joint resolution of 1902 which provided that if he got an honorable discharge from a subsequent contract of service it should operate to be an honorable discharge from a prior contract of service.

Yet the committee of the House and the committee of the Senate urge upon their respective bodies the passage of this bill. When he got an opportunity he deserted. Oh, but he came back into the Army, they say. Yes; he came back for a bounty. That is patriotism. In these latter days we do not measure patriotism by the old standard that the Government which protects its citizen in time of peace has the absolute right to demand his service in time of war. But you by this kind of

legislation invite him to come in although he deserted, because you think, well, it may be that at one time he was loyal. The Senate of the United States, I presume, will join the majority of the committee in providing that not only a deserter but a man who went back for money into the Army of the United States should be so distinguished and separated and isolated and placed above the great body of the loyal men of the Union Army who are not here besieging Congress to grant them any peculiar privileges, but are satisfied to receive only the pensions that come to them under the general legislation of Congress.

That is all I care to say. I think it is my duty to say that much, and I leave it for the Senate to retain the item in the bill if it shall so desire.

Mr. McCUMBER. Mr. President, had this been a pension for the soldier himself I have an idea that probably the committee would not have granted the pension. But the facts were discussed before the Committee on Pensions, and the committee undoubtedly focused their attention upon the condition of the widow rather than upon the fact that a bounty had been received by the husband at the time of one of his enlistments.

I will state the facts, and I want the Senate to look at it as the majority of the committee looked at it.

This man had a service of one year and eight months—nearly two years of service—during the war. This woman was his wife during that service of about two years. She is now 73 years of age; she attempts to make a living by trying to do housework; she is sick and feeble, and has no money whatever. There is a widow, in my opinion, who is drawing a pension and has been voted one where the conditions were far less justifiable than in this woman's case. I repeat, she is a woman 73 years old, and in her condition a pension of $12 is a small pittance. While her son was living and was able to take care of her she made no attempt to secure a pension. After she learned that there had been a bounty paid to her husband, after her son's death, and having to rely on herself, with no one to support her, and being 73 years of age, the committee, or a majority of the committee—and I have here on this floor to represent the view of the majority of that committee—concluded that because of that service and because of her destitute condition and her age she ought to be allowed $12 per month. I speak only the views of the majority of the committee and the basis on which they allowed the pension. I am willing to take the sense of the Senate upon it.

Mr. BRYAN. Mr. President, just a word. The clerk of the committee was right. If there was any question about this man being a deserter, he had a right to have that shown. The way to do that is to refer it, to have his military record corrected, or to have his crooked record straightened; but that would do no good. There is no question about his being a deserter; there is no question that he could not come in. Even under the liberal provisions of the general law this widow could not get upon that roll unless the Senate should waive that and waive the fact that he went back into the service for pay.

The Senator from North Dakota [Mr. McCUMBER] bases, as he has to base, this claim upon what? Upon the fact that the widow is old and poor. Mr. President, that shows the vice and the evil of this special pension legislation. I have stated before, and I now repeat, that it would be much better if Congress would simply enact as a law the rules of the Committee on Pensions and send them down to the Pension Bureau to be administered. Why? Because they would follow the rules; they would not violate them, as the Senate did a minute ago and in the case of the previous amendment which I offered. They would not yield to the temptation to give a pension as an act of charity upon the part of the Government to every old or needy person who applied.

Mr. President, I have as much sympathy, I hope, as has the Senator from North Dakota with the old and the needy; but I say that we are by this legislation establishing a precedent which will come back to plague this country in the near future. The United States pays more money for pensions than all the balance of the civilized world put together, and that, too, half a century after the war is over. Other countries pay pensions because of injuries received in battle, and no one needs special legislation for that. I began the other day to comment upon a bill that was introduced for the "Old Age Home Guard of the United States Army."

Senators smiled at that; Senators thought that was a wild dream of some irresponsible person. That bill was framed upon the theory that we in later days are not granting war pensions, but that we are selecting simply a class, and that if a poor widow 73 years old, needing help from somebody, simply because of that was put upon the pension roll, there is no reason on earth why every other poor person under like circumstances should not also be placed there.

Who was behind the bill to which I referred a few days ago? In the Denver convention, which met in 1908, of the American Federation of Labor, a committee was appointed to report back to the next annual convention a form of bill for old-age pensions. They were also authorized and required to take legal advice. They came back to the Toronto convention, in 1909, and approved the bill to which I referred, but which I did not then have time to explain.

It is true that those who enlisted in the Civil War, as compared to the widows and dependents, are in the proportion of only 5 to 4. They are dying off rapidly. There is now pending—and I understand it will be pressed before adjournment here—legislation designed to give pensions to the widows of the veterans of the Spanish-American War and to remove any restrictions in regard to the date of marriage as to widows of veterans of the Civil War. It will not be long—it will not be two years—before the noncombatants will outnumber those upon the pension roll designated as having been enlisted in the Civil War.

There are not 25 per cent of those who enlisted in the War between the States upon the pension rolls to-day. Less than one year ago Mr. Gardner, formerly a Representative from Michigan, said that most of the old veterans of the war were gone, and that the 600,000 or 800,000 people who enlisted at the close of the war, and who did not even get the polish off their shoes, formed the great majority of those now upon the pension roll. The number of those on the pension roll on account of the Spanish-American War is 29,000——

Mr. FLETCHER. Mr. President, may I interrupt my colleague?

The PRESIDENT pro tempore. Does the Senator from Florida yield to his colleague?

Mr. BRYAN. Certainly.

Mr. FLETCHER. I want to get clearly in my mind just the meaning of the statement that not 25 per cent of those who enlisted in the war were on the pension roll. I want to ask the Senator if he means that not 25 per cent of those on the pension roll ever enlisted in the war, or does he mean that not 25 per cent of those who enlisted are on the pension roll?

Mr. BRYAN. Not 25 per cent of those who enlisted. There were over 2,000,000 enlistments in the Civil War, and there are less than half a million now on the pension roll, although the pension roll itself numbers about 900,000 names. There are on the pension roll because of the War with Spain, in round numbers, 29,000 pensioners.

In the battle of Santiago there were about 15,000 soldiers engaged. They were all of the Regular Army, except the Rough Riders, and the Rough Riders only numbered 557; but you have now upon the pension roll 29,000 pensioners of the Spanish-American War, with 7,000 applications pending, and by general legislation and special legislation we increase it from time to time.

The yea-and-nay vote, taken a few minutes ago, showed that the rules relating to pensions amounted to nothing. There is but one rule, and that is to pay a pension if it is asked for.

The bill that came in here, to which I have referred, had back of it the American Federation of Labor. I think it is a great mistake; but I think that those people have as much right to be put upon the pension roll as the women who happened to marry men who enlisted in a war. If the Congress of the United States can not resist the temptation to grant whatever money is asked, if the pension roll in the two years that I have had the honor to serve in this body has jumped from $150,000,000 to $180,000,000, and if you are going to pass before Congress adjourns two more bills that will bring the total up to $190,000,000, I predict that before 1914 we will spend $200,000,000 for the pension roll, and that it will be impossible to resist the 18,000,000 laboring men who are asking to be put upon that roll.

There will be 1,250,000 of them entitled to be so placed, as the proposition is presented.

The Senate acted upon a measure this week. It went out upon a point of order, but what would you have done if you had had a chance to vote upon it—to pension civil employees of the Government in the postal service. It was said that it would not cost much; that this class was small in number; but, Mr. President, there are 400,000 people in the civil service, and to pension them would add about $40,000,000 a year to the expenditures of the Government.

So the advocates of the Crago bill say that it will only cost two and a half millions to put the widows of Spanish-American War soldiers on the pension roll now; but those men have studied history; they know that that was the way the pensioning of the widows of the Civil War was started; but these men live in a much faster age, and they are getting upon the roll quicker.

There were 400,000 enlistments in the War with Spain, and we will have more pensions if we listen to the plea of the Senator from North Dakota that this woman is old and needy, until finally some genius will propose to provide pensions for the men who have been in the public service, and perhaps, after a while, there will be pensions for Members of Congress. In Great Britain they have pensions for those who hold office when the office is abolished. We are getting along faster than England ever did, and some genius will propose to provide a pension for a man who gets beaten for office. The sum total of the whole thing will be that every man will get a pension. Who is going to pay them? I do not know. We will be lifting ourselves by our boot straps. Two-thirds of the money that comes to the customhouses of this country to-day is spent in the payment of pensions, with less than a half million men on the rolls who ever smelled gunpowder.

Oh, Mr. President, simply because—and that is the only excuse—this woman is old and needy, are we to place her upon the pension rolls? If so, you can not resist the demands that will be placed before Congress by the 1,250,000 decrepit, dependent laboring people, backed by the great American Federation of Labor. You will not resist the demands of the 400,000 civil-service employees. I think the Senator from Iowa [Mr. CUMMINS] recognizes that the only way to get away from that is to provide a retirement plan and make the employees contribute to it.

It does not make much difference to me; it does not make any difference whether you pay a pension to this woman or not; but it is not in accordance with the rules of the committee. It is in the teeth of every requirement of the statute. We are to pay her a pension because she is poor, because the committee has had compassion upon her, and, in addition to her poverty, she had a husband who was both a deserter and a bounty jumper. If the Senate wants to do that, well and good; but I do not think I would be doing my duty if I should sit silent as a member of that committee without calling attention to the fact that in a few items we are violating the rules of the committee and violating the statutes we have solemnly passed, and are doing it upon no theory at all except that under the system that prevails if a constituent has enough influence or can get close enough to or can get acquainted with the Representative from his district, out of that acquaintanceship grows a private pension bill. Members of Congress, I understand, have the privilege of securing consideration for so many bills, not upon merit—I do not mean to say they are not passed upon their merits, or such merit as this case displays, or such merit as is involved in the case of the 10-year-old soldier boy to whom we granted a pension a few moments ago; but outside of that they have no merit.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. BRYAN. Certainly.

Mr. GORE. I desire to ask the Senator from Florida if he does not think that the present pension policy is a wise policy on the part of those who desire to create a necessity for high taxes and a necessity for protective duties?

Mr. BRYAN. I do not believe, Mr. President, that, rich as this country is, it can afford to pursue this policy much further. I think the time has come in this country for men from all sections to say that we have given and given until we have about used up the immense resources of this great Government, and we will just have to disappoint some of our friends who have enlisted for military service.

I am very glad somebody has introduced a bill to pension the veterans of the Spanish-American War, because while I do not feel that I have any prejudice against the veterans in the Union Army of the Civil War, certainly nobody can charge with fairness that I would be prejudiced against many of my own constituents, men who enlisted in the War with Spain, but never got to Cuba, and who, yielding to this Nation-wide demand to get upon the pay roll of the Government, are urging legislation for the widows of the Spanish-American War veterans. I know opposition to it is unpopular. I know the camps of the veterans have petitioned us to vote for this bill, but I do not believe that all the patriotism of men is gone. I should like once more to have it felt by the young men of this country that the Government does not owe them a living.

I rather admire the spirit of independence, the spirit for which this Government has stood, that it is no part of the business of the Government to provide a man a living, but to give him a chance equal with everybody else. I rather like the sentiment, "Look every man in the eye and tell him to go about his own business." He is an independent, free American citizen, and not dependent upon the charity of the Government which protects his life and property.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. BRYAN. Certainly.

Mr. OWEN. I only rose to suggest to the Senator from Florida that this "widespread demand" for enlarging the pension list is not in reality a widespread demand from the people of the United States. It is a demand of individuals organized together and banded together for the purpose of promoting the interests of individuals by putting them on the pension list. I took the vote of Oklahoma audiences, one after another during the last year, with regard to the proposed blanket extension of pensions, and the people of that State were almost unanimously against it. I will say easily 99 out of 100 citizens were against it, and I am sure 99 out of 100 of the citizens of the United States are against this extravagant policy, which seems to know no limit and no ending.

Mr. BRYAN. Mr. President, taking the question in its large sense, I believe the statement of the Senator from Oklahoma is accurate. The trouble is that men organize for the old soldiers.

Mr. OWEN. It is the pension attorneys.

Mr. BRYAN. These men who went into the war without reward or the hope thereof, when the war was over went back to build names for themselves in times of peace. But there are organizations, and the people are not active in resistance. They rather sympathize with the desire of anybody to get along in life easily. Another trouble is, the people do not realize that they are paying the taxes collected in an indirect way. But the organizations know their business.

Mr. OWEN. They do.

Mr. BRYAN. I want to read, right here, a colloquy that occurred in the Committee on Pensions not long ago when the colleague of the Senator who last interrupted me, the senior Senator from Oklahoma [Mr. GORE] inquired of Mr. McElroy as I shall read. I beg to assure Senators that I shall close my remarks very shortly. I have taken up a vast deal more time than I intended to consume; but in answer to the Senator's question I will read extracts from this hearing.

This gentleman was careful to let the committee understand just exactly who he is:

> I presume you gentlemen all understand that I am the editor of the National Tribune, and I am talking to these men all of the time.

The National Tribune is the official organ of the Grand Army of the Republic.

Then he said in another place:

> Aside from that, I want to reiterate that it is grossly immoral and a danger to public morals to have the Government of the United States say that one marriage can be different in a way from another marriage.

He is an expert on what it takes to constitute morality. So the senior Senator from Oklahoma, in his innocence, asked these questions:

> Senator GORE. Colonel, is it your opinion that these pensioners ought to support the political party that grants them pensions?
> Mr. MCELROY. No.
> Senator GORE. You were at the head of the pension organization in the late campaign, were you not?
> Mr. MCELROY. No; I was not.
> Senator GORE. Did you not write letters to the veterans stating that you had been placed in charge?
> Mr. MCELROY. I wrote letters as a Republican.
> Senator GORE. Did you not state that you had been placed in charge?
> Mr. MCELROY. Of what?
> Senator GORE. Of that bureau—the organization of the old soldiers—for the campaign committee?
> Mr. MCELROY. Yes; I stated that I was placed in charge of the veteran wing, as a veteran, talking to veterans as a Republican veteran and writing to veterans. I wrote to them and told them that I thought it was good policy for them to support the Republican Party.
> Senator GORE. That is the point. You think they ought to support the party that grants the pension?
> Mr. MCELROY. Certainly; I am a Republican.
> Senator GORE. Did you write to the commandants of the camps telling them to go through the editorials of papers that were not supporting Mr. Wilson and to get editorials that were specially mean and harsh against Mr. Wilson?
> Mr. MCELROY. Yes; yes. I think that is perfectly legitimate politically. I wrote to comrades. I did not write to the commanders of the camps. I wrote to comrades with whom I am in correspondence.
> Senator GORE. Do you think that is good pension ethics?
> Mr. MCELROY. Yes; I think it is good political ethics.
> Senator GORE. All right. I just wanted to get your standard and ideals about it. That is all.

He will support any party that will give him what he wants. I do not mean to say, because I know it is not true, that one party will be less liberal to these men than another party. My opinion has been that no party has had the determination and the sense of justice to call a halt.

So, Mr. President, I move to strike out this item. The fact that this woman is old and poor ought not, according to any

standard of morals or ethics or justice, to entitle her to a place upon the pension roll, or entitle her to be supported by the Government.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Florida [Mr. BRYAN].

The amendment was rejected.

Mr. BRYAN. Mr. President, I move to strike out lines 11 to 14, inclusive, on page 27.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, it is proposed to strike out all of lines 11, 12, 13, and 14, which read as follows:

The name of Mary J. Weddel, helpless and dependent child of William P. Weddel, late of Company A, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, I ask that the Secretary read from the report the item with reference to Mary J. Weddel on page 5.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

Mr. McCUMBER. What page is it?

The SECRETARY. Page 59, at the top of House report 1278:

H. R. 23708. Mary J. Weddel, aged 60 years, is the helpless and dependent child of William P. Weddel, who served as a private in Company A, Twelfth Regiment Michigan Volunteer Infantry, from March 16, 1865, to February 15, 1866 (11 months). Address, Olivet, Mich.

Soldier was pensioned under the general law at $30 by reason of bronchitis and resulting phthisis pulmonalis. He died September 5, 1886. He and the mother of applicant were married April 8, 1849; she died August 11, 1901. She had been pensioned under the general law at $12 from date of soldier's death.

No one now pensioned on above service. This applicant was born May 18, 1852.

Dr. A. H. Burleson, August 20, 1912, says applicant is a permanent cripple, due to dislocation of hip, the ball of the joint being several inches out of place; she also has occasional attacks of pleurisy, such attacks being brought on by work; he believes applicant unable to do any kind of work.

William L. Emerson testifies that he has known her since before the Civil War; that in the early sixties she was injured by falling off a load of wood, dislocating her hip. The hip was not properly set or attended to, and as a result she became a confirmed cripple, and whenever she attempts to work she has pleurisy of the side.

Other testimony shows her to be the legitimate child of soldier and Nancy J. Weddel; that she never married; that she can not work, being a cripple and suffering from chronic pleurisy; that she has no property except a small house and lot; that there is no one to contribute to her support.

The county assessor certifies that applicant's property is assessed at $1,200; further, it is mortgaged, but he knows not the amount.

All the village officials have united in a petition asking that she be pensioned and indorsing her application as a true statement.

A rate of $12 a month may be allowed.

Mr. BRYAN. Mr. President, I call the attention of the Senate to the report prepared in the Senate committee:

Mary J. Weddel. In this case it is proposed to pension a 60-year-old helpless child of a soldier. The child was born before the services of the soldier. There is no evidence to show that she was helpless prior to attaining the age of 16 years.

The statute allows children who are dependent or helpless before they reach that age to be pensioned. There is no provision of law to authorize a pension after that time; so this bill confessedly is in the teeth of the law.

I read further:

It is true she is now an old woman and helpless and disabled, largely on account of age; but if pensions are to be granted to children of a soldier who become helpless through the infirmities of age pensions on account of the Civil War will continue for a hundred years. Therefore the item should be stricken from the bill.

I did not write that. That was written by the clerk of the Committee on Pensions, employed to state the facts. He stated the facts; and under the facts this person is not entitled to this pension either by any rule of the committee or by any law, but it is in the face of the law we have made.

If we make fish of one and fowl of another, and if we pension this woman because she is poor and 60 years old, I want to know why it is that the demand of those who advocate an old-age pension can not lay equal claim not only to the consideration but to the approval by Congress of their demands?

It is useless to urge this. My sole purpose is to make the Senate understand that it is violating its own rule; that it is violating the law. I know it will be passed.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Florida [Mr. BRYAN].

The amendment was rejected.

Mr. BRYAN. The Senator from Nebraska [Mr. HITCHCOCK] asks me why I am making the fight. I have had more experience in this business than the distinguished Senator from Nebraska. I know what will happen. We have a case here where the Senate violated the rule, admittedly so, in defiance of the facts. Nobody disputes that. It is pure charity; and you are inviting anybody in this country to come in and get an organization behind him and demand a pension.

Mr. HITCHCOCK. It is not because it is charity. I think the strongest objection is that it is favoritism, rank favoritism. A rule is adopted and applied to some, and others are exempted from its operation.

Mr. BRYAN. If the Senator from Nebraska wants to test it, let him try it. I know what will happen.

I move to strike out the paragraph from lines 19 to 22, inclusive, on page 28.

The PRESIDENT pro tempore. The Senator from Florida moves to strike from the bill what will be read.

The SECRETARY. On page 28, beginning in line 19, strike out the following item:

The name of Mary F. Hess, former widow of Thomas K. Hess, late of Company F, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. I send to the desk and ask that the Secretary may read the report upon this item, beginning at the bottom of page 61.

The PRESIDENT pro tempore. Without objection the Secretary will read as requested.

The Secretary, reading from page 61 of House Report 1278:

H. R. 24047. Mary F. Hess, aged 66 years, is the former widow of Thomas K. Hess, who served as a private in Company F, Thirty-second Regiment Ohio Infantry, from August 15, 1861, to June 25, 1862 (10 months).

Soldier was pensioned under the general law at $15 for gunshot wounds of both thighs; he died June 22, 1873. He and applicant were married June 25, 1868. She, with one child, was pensioned under the general law at $8 and $2. February 17, 1875, date of her remarriage to one Zeenos Shaffer, from whom divorced January term, 1880, and alowed to resume use of former name.

Mr. BRYAN. The report of the Senate committee on the pending omnibus bill contains the following:

H. R. 24047. Mary F. Hess, aged 66 years, is the former widow of Thomas K. Hess, who served as a private in Company F, Thirty-second Regiment Ohio Infantry, from August 15, 1861, to June 25, 1862 (10 months).

Soldier was pensioned under the general law at $15 for gunshot wounds of both thighs; he died June 22, 1873. He and applicant were married June 25, 1868. She, with one child, was pensioned under the general law at $8 and $2. February 17, 1875, date of her remarriage to one Zeenos Shaffer, from whom divorced January term, 1880, and allowed to resume use of former name.

Dr. A. W. Bice, a specialist in diseases of the eye, testifies that without well-fitted glasses she is unable to see well enough to work, and that by reason of her poor health and age she is unable to do much work. It is further shown she has no real estate, personal property, except a few household goods valued at $25, no income, or resources of any kind.

Precedents allow a rate of $12 a month.

I read from rule 8 of the rules of the committee:

RULE 8. Consideration will not be given to any bill proposing to grant a pension to a widow who has remarried since the death of her soldier husband, even though she is again a widow, or has been divorced from her second husband, unless she was the wife of the soldier during the time of his service.

Oh, unanimous consent can always be had to suspend the rules of the Committee on Pensions. But I want the country to know that they are making fish of one and fowl of another. You say publicly by your rules that this class of widows are not entitled to pensions, but there is a mental reservation that if they can come in and say that they are poor, that they are 50 years old or 60 years old or 45 years old, the rule will not be enforced against them if, even after the war, they happen to have had the good luck to marry a man who had enlisted.

Mr. McCUMBER. Mr. President, it is probably proper for me to say in justification of the committee that this is a House bill. It came here from the House. In looking over the bill, my committee clerk made a note of all the facts suggested by the Senator from Florida. The committee in its judgment by a majority vote decided that the item ought to stay in the bill.

I presume the committee decided it, Mr. President, upon these grounds: First, that while this woman technically could not have been the widow of the soldier her long life was as the wife of this soldier, and he died from injuries incurred in the service. Afterwards she married, when she was well along in years, probably for a home. She made a mistake and left her husband after a short time, obtaining a divorce, and resumed her other name. The committee overlooked this second marriage, under the circumstances. I am willing to submit the question to the Senate.

Mr. BRISTOW. Mr. President, I am somewhat interested in this case. Do I understand that this is a widow who was married to a soldier and the soldier died and she afterwards remarried, and this overlooks the remarriage and pensions her because her first husband was a soldier?

Mr. DU PONT. That is the case.

Mr. BRISTOW. I want to know why the committee will bring this report in on one bill and turn it down in another. I

have an exactly similar case from my own State, and the Committee on Pensions refused to grant the pension.

Mr. DU PONT. Mr. President, I agree to the Senator's proposition. I think when we have a rule it ought to be observed. The excuses for making this exception to the rule are sickness and destitution, but in the cases of others who are turned down under the rule is there not also equal ill health and equal destitution? But the fact is that all the cases presented to the committee are cases in which the people are old and probably needy and in want. Such being the case, I believe that a citizen of one State should not be allowed to have a pension in violation of the rule and a citizen of another State be denied a pension because of the rule.

In my own State, because of the rule, there have been large classes of people denied the benefits of the pension law. The soldiers of the Fifth and Sixth Delaware Volunteers have been denied any participation in the benefits of the present pension law, and there are many widows of these soldiers in suffering and in want. Why should not the case of these people be considered if a violation of the rule in the case of other people is to be given consideration? I think they are entitled to the same justice and equity.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. I do.

Mr. BRYAN. Does not the Senator see it is inevitable that if you establish rules for your guidance and do not abide by those rules, injustice and favoritism are bound to be shown? Does not the Senator know that that is bound to be true? I have simply pointed out four or five instances where under the rules of the committee that is the case.

Mr. BRISTOW. The inquiry that I was making was whether this woman was the wife of a soldier who served in the Army at the time of his service. As I understand the rule, if the widow was the wife of a soldier at the time he served——

Mr. BRYAN. The Senator is mistaken. She married him after his service, several years afterwards, according to the data collected.

Mr. BRISTOW. So she was not the wife at the time of the service of the soldier in the Army?

Mr. BRYAN. According to this report she was not.

Mr. BRISTOW. She married him afterwards?

Mr. BRYAN. Yes, sir.

Mr. BRISTOW. That is exactly the case of a very worthy woman who lives in my home county, who is as poor as anybody and has to be supported by her friends. She had a second unfortunate marriage. I took the matter up with the committee personally, and it was refused upon the ground that such exceptions were never made, and I am amazed to find exceptions of that kind in this bill. I want to know if there is a rule for one Senator in regard to widows of that kind that is not applied to others.

Mr. McCUMBER. Mr. President, the principal offender in destroying the rules of the committee has been the Senate here, and the two Senators who have spoken have been as conspicuous as anyone else I know of in turning down the rules of the committee.

The chairman has endeavored in all instances to hold the committee to stringent rules, and we have had two or three of them turned down within the last few days. We had one turned down for the benefit of the Senator from Delaware [Mr. DU PONT]. The committee provides that under no circumstances will we ever grant a widow over $50 a month, and the pension was raised to $75 or $100 a month; and my good friend from Florida [Mr. BRYAN] joined with a majority in allowing that amount, clearly, Mr. President, against the rules of the committee, clearly against the efforts of the chairman of that committee to hold to the rule. When he could not hold the committee down to that rule he has tried to hold them just as closely as it is possible to the rules of the Senate. The House, of course, may not have the same rules. They are governed by their own set of rules, and they may see fit to set aside whatever rules they may have in particular cases.

Mr. DU PONT. Mr. President, I simply wish to say that I am sure the Senator from North Dakota does not wish to make a misstatement in reference to the bill granting a pension to Mrs. Hawkins. The statement, as I understood it, was that she received a pension greater than $50 a month, in violation of the rule of the committee. That is a complete error. The pension granted in the bill that passed yesterday was only $50 a month.

Mr. McCUMBER. My attention was directed in another direction and I did not hear the remark of the Senator from Delaware.

Mr. DU PONT. I will repeat it. I said that I am sure the Senator from North Dakota does not wish to make a misstatement in reference to the bill pensioning Mrs. Hawkins.

Mr. McCUMBER. I am speaking of the bill pensioning Mrs. Porter.

Mr. DU PONT. I thought the Senator spoke of the bill pensioning Mrs. Hawkins.

Mr. McCUMBER. I did not mention any name, but the bill I had in mind was that pensioning Mrs. Porter. The principle is the same.

Mr. DU PONT. Mrs. Porter receives only $50 a month.

Mr. McCUMBER. I think she receives $75.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield to the Senator from Florida.

Mr. BRYAN. I desire to ask the Senator two questions. Is it not true that the House committee has the same rules as the Senate Committee on Pensions?

Mr. McCUMBER. We have had, but I think they have rather modified their rules during the last year. I judge that more particularly from the kind of bills they are sending over here. I know they are not drawing the line as strictly as they did before. I would have to know what their rules are before I could answer the Senator.

Mr. BRYAN. Is not the Senator familiar with the rules of the House Committee on Pensions?

Mr. McCUMBER. I am familiar with the fact that we adopted joint rules some time ago, but I do not know whether the present committee of the House still adheres to the old joint rules.

Mr. BRYAN. I wish to ask the Senator one more question. Do these rules anywhere say how much we can devote to private pensions? I want to say to the Senator—granting that there is a rule prohibiting a pension above $50 to a widow—I think I have had a very bad example set me as to the rule. Really, I had understood from my experience on the committee that the rules are not enforced, and if I fell by the wayside in voting for what I conceive to be a meritorious bill for the widow of Fitz John Porter, I can only plead as my excuse that it was my only offense. I think the Senator will bear me out in that, whereas it is the exception for a majority of the committee not to override the rules whenever they please. I do not believe it is fair to take the case of Mrs. Porter, whose husband was treated unjustly, and who lost his pay for years, and compare it with the ordinary case that comes before the committee.

Mr. BRISTOW. Mr. President——

Mr. McCUMBER. I yield to the Senator from Kansas.

Mr. BRISTOW. Referring to the statement of the Senator from North Dakota that I had been one of the offenders in inducing the Senate to violate the rules of the committee, I want to say that the Senator is entirely mistaken. I may have voted to overrule the committee upon one or two cases—I do not remember; but if I did it was in behalf of a bill that some Senator was advocating and which the committee was resisting. I know that I have never taken a case from the committee to the floor of the Senate in which I was personally interested and attempted to get the committee overruled. Whenever the committee announces that the rules of the committee forbid a pension, under such circumstances I yield to the decision of the committee, and I always have done so.

I wish to say that if the committee on its own motion and by the vote of its own members violates those rules and reports for one Senator a case and under exactly the same circumstances refuses a report for another Senator, it is a gross injustice and indefensible.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. Let me first answer the Senator from Kansas. The Senator must know, I think, that this is a House bill; it is not a Senate bill. It comes to us from the House with a House report on it. The House undoubtedly can act in accordance with its rules or waive its rules in a particular case. Of course, we can not govern what the House may do. The chairman tries to call the attention of the committee at each of its sessions to every case that he thinks is an infringement upon the rule.

The committee, like the Senate itself, often turns down the views of the chairman as to what ought to be done upon the rule. That is not the fault of the chairman. He attempts in all instances to have the rules applied to House bills that are applied to Senate bills, and applied equally to all persons. I think the Senator will agree with me that no one has been more

diligent in their efforts, both in committee and on the floor, to appeal to Senators that they do not make bad precedents.

Mr. BRISTOW. I admit that.

Mr. McCUMBER. If they have voted in a way that the chairman thought was wrong in one instance, the chairman has called attention to the fact that that one instance would make a bad precedent. The chairman must be more or less responsible; he has to defend the committee whenever there is a precedent brought up, and it is his desire to make matters as clearly right as possible.

Let me say to the Senator that being unable to get the committee to agree with me in all instances that we ought not to grant a pension to any person who has been remarried, the chairman has at least succeeded in his efforts in holding the committee down to this proposition: That where the husband has died of injuries incurred in the service, and where the second marriage was after the woman had become old and practically helpless and had rather remarried in order to secure a home in her old age, and her real life and about all her married life was with the soldier husband, and having made a mistake in her anxiety to secure a home in marrying a man whom she ought not to have married, and having obtained a divorce in a very short time, the majority of the committee seemed to look at that as more of a mistake than a real marriage, and they would regard her long life with the soldier husband—would regard the fact that he had died of injuries incurred in the service as justifying them in overturning the rule.

Mr. BRISTOW. In response to what the Senator from North Dakota has just said, if he will permit me, I want to give him credit for defending the rules of the committee on the floor with great vigor. I think he is entitled to commendation for the way he has done so. I believe that thoroughly; but my complaint is a serious one, because it opens the field to very great injustice.

Suppose it is a House bill. The situation might be then that the Member representing a district can take the identical case to the House and get the pension, while the Senator is precluded from getting the pension, if the bill should originate in the Senate. So the Senator can readily see that nothing could be more unjust, more inequitable, or more demoralizing as a legislative procedure.

Mr. McCUMBER. I agree with the Senator. I have stated that again and again.

Mr. BRISTOW. It is almost unthinkable that the Senate would tolerate such a thing as that.

Mr. McCUMBER. But I think the Senator would probably find that the case he has in mind would not coincide with this in all respects; first, as to the fact of the death of the husband being due to injury incurred in the service; second, as to the great length of the real married life with that husband; and, third, as to the very short time of the second marriage and the divorce immediately following. Possibly that might differentiate the case the Senator refers to. I do not say that it does.

Mr. BRISTOW. I do not think that such is the case.

Mr. McCUMBER. It may not be.

Mr. BRISTOW. The evidence may not have been clear that the death occurred from injuries in the service, because that is a difficult thing to prove, as the Senator well knows.

Mr. McCUMBER. Certainly.

Mr. BRISTOW. It gets into very hazy kind of evidence when we undertake to trace back the cause of death. I certainly must contend that when the Senate committee reports a bill of this kind under these circumstances in violation of its rules, it is due to the Senators who undertake to conform to those rules that such a case should not be permitted to pass.

Mr. DU PONT. Mr. President, the Senator from North Dakota has referred to me as an offender, inasmuch as I was one of those who induced the Senate to violate the rules of the Pension Committee in the case of Mrs. Porter and, I believe, in that of Mrs. Hawkins. Be that as it may, I should like to say that my advocacy of those cases on the floor of the Senate was simply the support of the majority report of the Pension Committee, and if these be offenses I must say that I glory in such offenses.

Mr. McCUMBER. I think possibly I am justified in stating that the cases referred to did not come within the rule of destitution. Under the rules of our committee no pension should be allowed under any circumstances by private bill unless there is a case of destitution, and it was not stated that either of the cases came within that rule.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 27874.

Mr. DU PONT. I should like to inquire if that is a House omnibus pension bill.

Mr. McCUMBER. It is.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27874) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, at the top of page 2, to strike out:

The name of William Bennett, late of Capt. Hart's independent company, Florida Mounted Volunteers, Florida war with Seminole Indians, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to strike out:

The name of George W. Lyons, late of Capt. N. P. Willard's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $10 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the words "per month," to strike out "$15" and insert "$12," so as to read:

The name of John E. Jones, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to strike out:

The name of John E. Zoucks, late of Capt. G. U. Ellis's company, Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to strike out:

The name of Robert P. Prescott, late of Capts. Jernigan and Rutland's independent company, Florida Mounted Volunteers, Florida war with Seminole Indians, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to strike out:

The name of Josiah J. Sikes, late of Capt. Brady's company, First Regiment Florida Mounted Volunteers, Florida war with Seminole Indians, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to strike out:

The name of Rosalia Spohr, widow of Mathias Spohr, late of Capt. Sommer's company, Louisiana Volunteers, Florida war with Seminole Indians, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. BRIGGS. Mr. President, I move to add an amendment at the end of the bill, which I send to the desk.

The PRESIDENT pro tempore. The Senator from New Jersey offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

The name of Ellen B. Woodbury, widow of Thomas C. Woodbury, late colonel Third Regiment, United States Infantry, and pay her a pension at the rate of $50 a month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Thomas C. Woodbury until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 28379.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28379) granting pensions and increase of pensions to certain soldiers

and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 2, to strike out:

The name of Cornelia A. Mobley, widow of William L. Mobley, late of Capt. Martin's and G. W. Smith's companies, Florida Volunteers, Florida Seminole Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to strike out:

The name of James H. Swallum, alias James H. Shields, late of Troop H, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 24, before the name "Space," to strike out "Aminda" and insert "Arminda," so as to read:

The name of Arminda Space, dependent mother of William H. Space, late of Battery K, First Regiment United States Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to strike out:

The name of Sarah J. Wood, widow of Buzzilla Wood, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of House bill 28282.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28282) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 6, line 4, after the word "receiving," to insert: "*Provided*, That in the event of the death of California Haysmer, helpless and dependent child of the said James Haysmer, the additional pension herein granted shall cease and determine," so as to read:

The name of Anna M. Haysmer, widow of James Haysmer, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of California Haysmer, helpless and dependent child of the said James Haysmer, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 9, after line 18, to strike out:

The name of Anna O. Stanton, widow of Clark Stanton, late of Company A, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 23, before the words "per month," to strike out "$24" and insert "$30," so as to read:

The name of Henry C. Adams, late of Company E, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 19, after the word "helpless," to insert "and dependent," so as to read:

The name of Ida Newcomer, helpless and dependent child of Henry Newcomer, late of Company K, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 26, line 1, after the name "Samuel," to strike out the letter "R" and insert the letter "F," so as to read:

The name of Samuel F. Garrett, late of Company I, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 19, before the word "widow," to insert "former," and in line 23, before the words "per month," to strike out "$17" and insert "$12," so as to read:

The name of Frances A. Ayers, former widow of Benjamin S. Ayers, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and Company G, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 29, after line 6, to strike out:

The name of Rosa Prentiss, widow of Leander P. Prentiss, late of Company E, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 2, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Volunteer" to insert "Mounted," so as to read:

The name of Peter F. Dixon, late of Company E, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 19, before the words "per month," to strike out "$40" and insert "$30," so as to read:

The name of Isaac J. Nichols, late of Company A, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 12, to strike out:

The name of Severyn T. Bruyn, late of Company K, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 11, before the words "per month," to strike out "$60" and insert "$50," so as to read:

The name of John H. Civits, late of Company C, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, after line 5, to strike out:

The name of Frances D. Cadamus, former widow of Robert Phillips, late of Company D, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 41, line 22, before the words "per month," to strike out "$40" and insert "$50," so as to read:

The name of Daniel Caswell, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 2, to strike out:

The name of Andrew W. McCullough, late of Company E, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company A, Fifty-fourth Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 2, before the words "per month," to strike out "$25" and insert "$24," so as to read:

The name of Finetta L. Wood, widow of Enoch Wood, late of Company F, Seventeenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, line 17, after the name "Reindeer," to insert "United States Navy," and in line 22, after the word "determine," to trike out "*And provided further*, That in the event of the death of Elizabeth N. Brand, the name of said Charles Alfred Brand shall be placed on the pension roll subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth N. Brand," so as to read:

The name of Elizabeth N. Brand, widow of George J. Brand, late seaman United States ships Grampus and Reindeer, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Alfred Brand, helpless and dependent son of said George J. Brand, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 50, line 23, before the words "per month," to strike out "$60" and insert "$50," so as to read:

The name of Albert S. Bloomer, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 8, to strike out:

The name of Mary L. Merchant, widow of Silas B. Merchant, late of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

Mr. McCUMBER. I move that the amendment be disagreed to.

The amendment was rejected.

Mr. McCUMBER. On page 52, line 12, after the words "rate of," I move to strike out "$25" and to insert "$20."

The amendment was agreed to.

The next amendment was, on page 56, after line 13, to strike out:

The name of Louisa I. Baldwin, widow of William H. Baldwin, alias William Dunlap, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 58, line 21, before the words "per month," to strike out "$24" and insert "$20," so as to read:

The name of Dorothy E. Bacon, widow of Francis H. Bacon, late acting ensign, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 16, before the word "Volunteer," to strike out "Mounted," and, in the same line, after the word "Volunteer," to insert "Mounted," so as to read:

The name of Samuel C. Robertson, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 61, line 8, before the words "per month," to strike out "$30" and insert "$24," so as to read:

The name of Mary Bartlett Taylor, widow of Isaac Taylor, late of Company H, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 61, line 17, after the words "per month," to insert "such pension to cease upon proof that the soldier is still living," so as to read:

The name of Sarah A. Bland, widow of Francis M. L. Bland, late of Company D, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

The next amendment was, on page 63, after line 13, to strike out:

The name of Hannah M. Brewer, widow of Benjamin Brewer, late of Company C, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 65, to strike out:

The name of Stephen G. Lindsey, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 67, line 7, before the word "widow," to insert "former," so as to read:

The name of Nancy Walton, former widow of Jacob Walton, late of Company H, Seventy-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 68, line 7, before the word "widow," to insert "former," so as to read:

The name of Jennie McMurtrie, former widow of Rudolph McMurtrie, late private United States Marine Corps, and of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 68, line 17, before the word "widow," to insert "former," so as to read:

The name of Rachel Castell, now Robbins, former widow of Hiram Castell, late of Company C, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 71, line 16, after the word "receiving," to insert "*Provided*, That in the event of the death of Maria E. Seib, helpless and dependent child of the said Jacob Seib, the additional pension herein granted shall cease and determine," so as to read:

The name of Caroline Seib, widow of Jacob Seib, late of Company F, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Maria E. Seib, helpless and dependent child of the said Jacob Seib, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 73, after line 13, to strike out:

The name of Sarah J. Benton, widow of James P. Benton, late of Company I, Sixty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 75, line 10, before the word "Regiment," to strike out "Fourtieth" and insert "Fortieth," so as to read:

The name of George W. Lawson, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 80, line 8, before the word "widow," to insert "former," so as to make the clause read:

The name of Nancy Stutesman, now Olmstead, former widow of James Stutesman, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 82, after line 21, to strike out:

The name of Nellie McMillan, helpless and dependent child of Daniel McMillan, late of Company F, One hundred and fifty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 83, line 8, after the word "receiving," to insert "the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension," so as to read:

The name of James Anderson, late of Company C, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, the same to be paid to him without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

Mr. BRYAN. On page 28, I move to strike out lines 11 to 14, inclusive.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 28, after line 10, it is proposed to strike out:

The name of Mary A. Pfister, widow of Reinhard Pfister, late of detachment of Artillery, United States Military Academy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. BRYAN. Mr. President, I presume this item can be acted upon without any discussion.

Mr. McCUMBER. May I ask the Senator on what page of the report the item appears?

Mr. BRYAN. On page 59. As I started to say, I think this item can be acted upon without discussion, if the Senate follows the precedent established in the case of the last item upon which we voted. This is the case of a widow who married after the service of her husband. His service is designated by the report as a "peace service at the West Point Military Academy." I simply say that, according to the last action of the Senate, this item should be stricken out.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. BRYAN. I move to strike out lines 14 to 17, inclusive, on page 21.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, after line 13, it is proposed to strike out:

The name of Edwin F. Miller, late of Company F, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. BRYAN. I request the Secretary to read the record of the soldier affected by this item.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

H. R. 14345. Edwin F. Miller, aged 65 years, served as a private in Company F, Ninety-eighth Regiment Pennsylvania Volunteer Infantry,

from April 8, 1865, to July 10, 1865 (3 months), and is now a pensioner under the act of February 6, 1907, at $12 per month on account of age. Formerly pensioned under act of June 27, 1890, at $8 for loss of sight of left eye and injury to left ankle and right hand. Address, Leechburg, Pa.

Three physicians testify that pensioner is now totally blind, cataracts having grown over both eyes; besides he has rheumatism and is entirely unfit to care for himself, and requires assistance at all times.

Neighbors testify that soldier has no property, real or personal, and no income whatever other than his pension.

An increase to $24 is recommended, his short service not justifying a larger amount.

Mr. BRYAN. The report which passed the committee reads as follows:

In this case the soldier did not enlist until April 8, 1865, the close of the war, and only served three months, but he is now totally blind, and it might be allowed.

Mr. President, it is simply allowing our feelings of sympathy for a blind man, who never saw any service in the war, whose blindness is not due to any enlistment, who only enlisted the day before Lee's surrender, and who saw no service at all—it is purely and simply a pension because of his unfortunate condition and because he is poor. That is all I care to say about the case. It is not a war pension at all.

Mr. McCUMBER. Mr. President, the claimant in this case is totally blind. He is not very old, being only 65 years of age, and probably could not have enlisted prior to early in 1865 unless he had enlisted very much under age. He had sufficient service so that he was drawing a pension under the act of 1907, and on account of his total blindness and the necessity of having an attendant the House granted the little pension of $24 per month. If he had had longer service the pension might have run up as high as $40 or $50 a month.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Florida.

The amendment was rejected.

Mr. BRYAN. I move to strike out lines 19 to 23, on page 28.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 28, after line 18, it is proposed to strike out:

The name of Frances A. Ayers, former widow of Benjamin S. Ayers, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and Company G, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, as I understand, this case is identical with the case which attracted the attention of the Senator from Kansas [Mr. BRISTOW]. The bill provides for a remarried widow whose first marriage was subsequent to her deceased soldier husband's service. According to the rule which the Senator from Kansas says he has always felt to be binding upon him, this item ought not to be in this bill. It is exactly like the item heretofore stricken out.

Mr. McCUMBER. I ask the Senator on what page of the report that item appears, in order that I may look it up?

Mr. BRYAN. On page 60. The report, I will say to the Senator, of the clerk of the Committee on Pensions is:

In this case it is proposed to grant a pension of $17 per month to a remarried widow. The soldier's death was not due to service, and in such cases $12 is the amount usually allowed.

Mr. McCUMBER. This is similar to the cases which I have heretofore mentioned, where there has been a remarriage. This widow was the soldier's wife during his service.

Soldier and applicant were married June 3, 1862. She was pensioned under act of June 27, 1890, at $8, her claim under the general law having been rejected, because soldier's death was not due to the service. Her name was dropped from the rolls by reason of her remarriage, November 13, 1907, to Isaac H. Myers, from whom she divorced at her own request, April term, 1910, and allowed to resume her name of Ayers.

When rather an old woman she was remarried in 1907, making the usual mistake that old ladies make at that time of life in getting married; but the Senate committee seems to have overlooked that error on her part, and granted the pension. I leave the matter entirely to the Senate.

Mr. BRYAN. I desire to call attention to the fact that the property of this woman is assessed at $500, and she derives from it a net rent of $75 a year. She is 66 years old. She is not now the widow of a soldier. According to the record, she did marry him between two periods of service; so I was mistaken in saying that this case is exactly like the case acted upon a few moments ago. I do not care to say anything further about it. Under the rules of the committee, she would not be entitled to be upon the pension roll.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Florida to strike out the paragraph.

The amendment was rejected.

Mr. BRYAN. I move to strike out lines 24 and 25, on page 53, and lines 1 and 2, on page 54.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 53, after line 23, it is proposed to strike out:

The name of Augusta Batdorf, former widow of John C. Sanders, late of Company A, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, in brief, this is the case of a widow whose husband saw service between November, 1863, and July, 1865. She was married to him in 1869; she was remarried in 1893, and, therefore, under the rules of the committee she is not entitled to a pension. This case is identical in principle with the case which attracted so much attention from the junior Senator from Kansas a few moments ago, and the Senate voted to strike that item from the bill; so, in order to be consistent, this item ought also to be stricken from this bill.

Mr. McCUMBER. Does the Senator remember the page of the report? As he is aware, the report is quite voluminous and it takes some time to find particular items.

Mr. BRYAN. Page 110 of the House report. There is another interesting thing about this case. The comment of the clerk of the committee is:

She did not marry the soldier until 1869, four years after his discharge. She was his wife about 10 years. She again married and was the wife of the second man 10 years, and then again married. The third husband committed suicide in 1911. The principal question in this case is whether she should be considered the widow of the soldier. It is clearly against the rules of your committee as to granting pensions to remarried widows.

Mr. McCUMBER. I wish to state to the Senator that I shall not oppose his motion.

Mr. BRYAN. I do not know but that other Senators might oppose it. I hope the Senator will not oppose it, because if we grant her a pension it ought to be because her third husband committed suicide. There is no other reason for it. To grant a pension in such a case is against the rules of the committee; and for the fight I have made here for about two hours, I should like to be rewarded by seeing this item go out of the bill.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. BRYAN. I desire to say there are two other amendments that I wish to offer, but I am not able to turn to the pages of the bill where they are found; but I can turn to the pages in the report and we can identify them in the bill and have them acted upon in that way. I move to strike out the item which grants a pension to Mary O'Brien, which we will identify. I would state, Mr. President——

Mr. McCUMBER. On what page in the report is that item found?

Mr. BRYAN. On page 123 of the House report. Her husband saw service only from April 19, 1861, to July 26, 1861. He was never pensioned. He started in at the war, and got enough in three months, and never went back any more. His widow applied for a pension under the general law, and her application was rejected. She is now receiving $12 a month. But, Mr. President, she did not marry the soldier until 1863, two years after his service, and under the rules of the committee should not be in this bill.

The PRESIDENT pro tempore. If the Senator will pardon the Chair, the item will be found on page 60, lines 7 to 10, inclusive.

Mr. BRYAN. Then I move to strike that from the bill, Mr. President. I want to say now that, of course, I am not interested in these particular items, but it is a most dangerous precedent if we start out to pension widows who have no better claim to it than is shown in this case, it makes no difference how pitiable the condition is or how poor they are, because they can not be separated by any process of reasoning from those in like condition who have never happened to marry a soldier.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60 it is proposed to strike out lines 7, 8, 9, and 10, as follows:

The name of Mary O'Brien, widow of Timothy O'Brien, late of Company H, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The PRESIDENT pro tempore. The question is upon the amendment.

The amendment was agreed to.

Mr. BRYAN. Mr. President, I can not locate the place in the bill, but the next item which I move to strike out relates

to Leora R. Maxon, and is found in the House report, on page 107. The comment in this Senate document is as follows:

If the beneficiary were helpless before arriving at the age of 16 years, she could get a pension by applying at the bureau and proving helplessness. The testimony indicates that she incurred her injury long after arriving at the age of 16 years.

The PRESIDENT pro tempore. If the Senator will pardon the Chair, the item will be found on page 52, in lines 5 to 8, inclusive.

Mr. BRYAN. I compliment the Chair on being able to turn to it so quickly.

Mr. President, that would also be a dangerous precedent. It is not only not authorized by law, but it is forbidden by law. We certainly ought to keep within the provisions of the statute and not go outside them. The statutory provisions are broad and liberal enough already. I hope the chairman of the committee will concede the wisdom of having that item stricken from the bill. We must some day stop adding new classes. If we begin now to pension the children whose fathers were in a war somewhere, at some time, after they are grown, there never will be any end to this pension roll, and it will sooner or later tend to reflect upon those who have a rightful place on the roll.

Mr. President, it was only in 1911 that the last pensioner of the Revolutionary War went off the rolls. If we start this kind of practice now, in addition to the liberality of recent years, we will be pensioning the great-grandchildren of anybody who ever enlisted in the Civil War. I hope the Senator will agree with me that this item should be stricken out, and raise no objection to it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 52, it is proposed to strike out lines 5, 6, 7, and 8, as follows:

The name of Leora R. Maxon, helpless and dependent child of Jonathan H. Maxon, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. McCUMBER. Mr. President, I call attention to the fact that under the present law pensions are allowed to helpless and dependent children where the cause of the helplessness accrued before the child became 16 years of age. There was some doubt in this case as to when it accrued, but the committee agreed with the statement made by the Member introducing the bill. That statement was:

The Member introducing this bill has known applicant since childhood, and says she has been virtually helpless all that time, and that she has no property or means of support.

I am giving that simply to show that it would come within the rules, if that statement be correct. Being a helpless child, having been a helpless child of the soldier from infancy until the present time, it is clearly within the right and within the rules to grant the pension.

Mr. BRYAN. The Member who introduced the bill, as I understand, does not say "since infancy"; he says "since childhood." If it be a fact that she was injured before she was 16, she does not need a special bill, and the comment of whoever prepared this Senate document is applicable and very pertinent. If it be the fact that she was helpless before she was 16, she does not need any special bill. The law will give her that protection without a special act of Congress.

Mr. McCUMBER. I will call attention to the fact that in a number of instances, where the department has held that the ailment was not incurred until after 16 years of age, the committees of both Houses, after going through the evidence, have disagreed as to what the evidence established; and in many instances, not only in reference to cases of this character, but in other cases, the committees of both Houses, in their judgment, have found upon the facts differently from the Bureau of Pensions.

Mr. BRYAN. Mr. President, I think it will be conceded that these matters can be much more justly settled by a pension bureau, which is interested only in administering the law as it is written, and the rules under which it is to act, than we can settle them here.

It ought not to be hard to ascertain, either from this applicant for a pension herself, or from somebody, somewhere, when it was that she suffered her illness. It seems to me that in that vicinity, among her acquaintances, somebody could fix the time; and if that time be fixed before she was 16, she is already protected. She already has the right. If it was after she was 16, we are, by the passage of bills like this, establishing a precedent that injuries at any time will allow them a place upon the pension roll. If it is desired to establish that kind of a precedent, it ought to be done with a full knowledge of what may be expected.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Florida.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. I move that the Senate proceed to the consideration of Order of Business 1144. I desire to say to Senators that there are only two very short bills left now, and then we will be through with them.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

Mr. MYERS. I move to amend the pending bill, on page 3, line 9, by striking out "$40" and substituting in lieu thereof "$50," so as to make the paragraph read:

The name of Belle McP. McCrackin, widow of Alexander McCrackin, late captain in the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

My reason for making that motion is that the widow in this case, as I understand, is the widow of a naval officer who was a commodore when he died; and I understand the rule to be that no widow of a naval officer shall receive $50 per month except widows of men who were commodores in active service. This deceased husband was only a captain while he was in active service, but when he was retired and put on the retired list he was made a commodore. He was then a retired commodore, and he died a commodore, although he was not actually in service as a commodore. There are some special circumstances, however.

This man entered the United States Navy as a boy, when he was 13 years of age. He ran away from home and got in the Navy as a boy, and served during the War of the Rebellion, beginning as a boy 13 years old. He afterwards entered the Regular Navy and remained in it all of his life, and made a most efficient officer. He died in very straitened circumstances. I understand the widow has no income, aside from this pension, except about $20 per month; she has a daughter about 16 years old to educate, and it is insufficient. I move that the amount be made $50.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, line 9, it is proposed to strike out "$40" and insert "$50."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. I move that the Senate proceed to consider Order of Business No. 1145.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 28699), making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DU PONT. I now move that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

The motion was agreed to.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "permanent establishment," on page 2, line 5, after the word "cadets," to strike out "$360,000" and insert "$390,000," so as to make the clause read:

For pay of cadets, $390,000.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the word "service," to strike out "$1,000" and insert "$864," so as to make the clause read:

Additional pay for length of service, $864.

The amendment was agreed to.

The next amendment was, on page 4, line 5, after the word "service," to insert "detachment," so as to make the clause read:

For pay of general Army service detachment: One first sergeant, $540.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to strike out:

For additional pay of one sergeant in charge of detachment mess, at $6 per month, $72.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to strike out:

For additional pay for one sergeant in charge of mess, $72.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 27, line 1, after the word "completion," to strike out "$70,500" and insert "$95,500: *Provided*, That $25,000 of this amount shall be available for furnishings and fittings such as are necessary to suitably equip this new building for the purposes for which erected," so as to make the clause read:

For completion of the East Academic Building, including finished grading, approaches, etc., in accordance with the plans and specifications approved by the Secretary of War, to be immediately available and to remain so until completion, $95,500: *Provided*, That $25,000 of this amount shall be available for furnishings and fittings such as are necessary to suitably equip this new building for the purposes for which erected.

The reading of the bill was concluded.

Mr. ROOT. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, after line 5, it is proposed to insert:

Provided, That hereafter whenever all vacancies at the Military Academy shall not have been filled as a result of the regular annual entrance examinations the remaining vacancies shall be filled by admission from the list of alternates from the respective States in which the vacancies occur, selected in their order of merit established at such entrance examinations. The admissions thus made shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law: *Provided*, That whenever, by the operation of this or any other law, the Corps of Cadets exceeds its authorized maximum strength as now provided by law the admission of alternates as prescribed in this act shall cease until such time as the Corps of Cadets may be reduced below its present authorized strength.

Mr. ROOT. I will say that this amendment is the provision to avoid vacancies in the Military Academy by reason of the failure of candidates to pass their examinations in the form which was agreed upon by the Committee on Military Affairs last year. It was passed by the Senate last year, but fell by the wayside in conference.

I think it is quite absurd to keep that great plant at West Point, designed to accommodate a given number of pupils, and then have a large number of the places vacant, when we have the young men who wish to enter and who pass the requisite examination for their admission.

I hope the Senate will take the same view that it did last year and that another attempt will be made to cure this rather wasteful and futile condition, in which we have the plant, the professors, the teachers, and the drillmasters to deal with vacancies.

Mr. DU PONT obtained the floor.

Mr. OWEN. Mr. President——

Mr. DU PONT. I yield to the Senator from Oklahoma, if he wishes to discuss this matter.

Mr. OWEN. I merely wish to ask whether this provision would transfer the appointments from one district to another, or whether it would confine them to the alternates within the district?

Mr. ROOT. Mr. President, under the present law the appointment stays in the district until all the candidates named from that district as principal, first alternate, second alternate, and, I think, now, third alternate, have been exhausted. If none of them is able to pass the necessary examination, then there is a vacancy from that district. Under this provision, in that case the vacancy would be filled from the list of alternates from other districts of the same State in the order of merit as shown by their examination.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from New York.

The amendment was agreed to.

Mr. CURTIS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert, at the end of the bill, the following:

For construction of a building for instruction purposes for the military post at Fort Leavenworth, Kans., heretofore provided for in the act making appropriations for the support of the Army, as approved August 24, 1912, $10,000, and there is hereby continued available for the construction of this building the amount which was appropriated therefor by the terms of the act mentioned.

The amendment was agreed to.

Mr. CURTIS. I should like to have printed in the RECORD a letter which I have here explaining the necessity for this amendment.

The PRESIDENT pro tempore. Without objection, that order will be made.

The letter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE QUARTERMASTER CORPS,
Washington, February 13, 1913.

Hon. D. R. ANTHONY, Jr., M. C.,
United States House of Representatives, Washington, D. C.

MY DEAR SIR: The Army appropriation act for the fiscal year 1913, as you know, contains an item of $10,000 for the construction of a building for instruction purposes at Fort Leavenworth, Kans.

The original estimate for the building desired by the local authorities amounted to $37,768.19, and the original amendment proposed to the Army appropriation bill provided for an appropriation of $20,000 for the building in question. The bill as finally passed, however, contained a provision for only $10,000.

With a view of putting the work under contract at the earliest practicable date, this office investigated the matter, and received a report as to the number of children to be provided for in the proposed school building, and their approximate ages, in order to determine the size of building needed. It has been found that accommodations for approximately 135 pupils will be needed. To construct a building suitable for that number would cost not less than $15,000, and a building to cost $20,000 is recommended.

As you were interested in obtaining the provision in the Army bill above referred to, before making recommendation that the amount now available for this purpose be allowed to lapse into the Treasury, and steps taken to include the sum of $20,000 in the Army appropriation bill for the fiscal year 1915, I thought it advisable to bring this matter to your attention, with a view of obtaining any suggestion in connection therewith that you may desire to make.

Very respectfully,

J. B. ALESHIRE,
Chief, Quartermaster Corps.

Mr. JOHNSTON of Alabama. I offer an amendment, to come in just after the last amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just agreed to, at the end of the bill, it is proposed to insert:

The President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint William W. Prude, late a cadet at the Military Academy at West Point, to the position of second lieutenant of Infantry in the Army and to place him upon the retired list with the pay of a retired second lieutenant of Infantry.

Mr. JOHNSTON of Alabama. I hope the chairman will accept that amendment.

Mr. DU PONT. I will accept the amendment. I believe it to be right in principle and a simple act of justice.

Mr. BRISTOW. I should like an explanation of that. It seems to me a dangerous thing to do. What are the circumstances which call for retiring this young man before he enters the Army, apparently?

Mr. JOHNSTON of Alabama. The circumstances are that he went to West Point a hearty, vigorous boy, stayed there about three years, contracted tuberculosis, and is now in a desperate condition. He contracted tuberculosis while at West Point. I will say to the Senator that a bill on this particular subject has already passed by a unanimous vote.

Mr. ROOT. Mr. President, I do not know anything about this case, but I know we passed a precisely similar bill here a little while ago for a young man at the Naval Academy. I made some inquiry into that case and satisfied myself that he had contracted the tuberculosis because we did not take sufficient care to safeguard the health of the young men there. The tuberculosis manifestly came from cows that were infected, and that ought to have been guarded against.

Mr. JOHNSTON of Alabama. I simply want to say that when this young man went there he was a boy of splendid physique, and stood high in his class. That a man should intentionally contract tuberculosis, or that he should do it from mischance, is hardly probable. It is exactly a parallel case to that involved in the bill which was passed two years ago.

The amendment was agreed to.

Mr. FLETCHER obtained the floor.

Mr. DU PONT. Before the Senator from Florida offers an amendment which I believe will lead to some discussion, I will ask that he yield to me to offer an amendment which I assume

will provoke no discussion. I will send it to the desk to be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, or at the end of the bill, it is proposed to add a new paragraph, as follows:

The Secretary of War is hereby authorized to permit John C. Scholtz, a citizen of Venezuela, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said John C. Scholtz shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said John C. Scholtz shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board: *And provided further*, That in the case of the said John C. Scholtz the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

Mr. DU PONT. I should like to explain that this amendment embodies the substance of a joint resolution which has already been passed by the Senate. It was offered here upon the recommendation of the State Department and approved by the War Department. It appears that in the congestion of business in the other House it will be impossible to pass it there. So at the request of some members of the Military Committee of the House I have proposed to attach it to this bill.

The amendment was agreed to.

Mr. FLETCHER. I offer the following amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On page 2, line 5, after the amendment agreed to at that point, insert:

Provided further, That the President be, and he is hereby, authorized to reassemble the court-martial, or as many members thereof as practicable, not less than the minimum prescribed by law, which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy at West Point, N. Y., for having violated on August 4, 1911, paragraph No. 132 of the former regulations of the said academy, and sentenced them to be dismissed from the service, and to resubmit the case of any one or more of said cadets upon his or their application to said court for reconsideration of the sentence; and upon such reconsideration the court is authorized to construe said paragraph as not necessarily requiring a sentence of dismissal, but as permitting a lesser punishment, as provided in paragraph No. 142 of the current regulations approved June 15, 1911, and to modify the sentence accordingly: *And provided further*, That the President be, and he is hereby, authorized to carry such modified sentence or sentences into effect, notwithstanding the prior dismissal of said cadets, by reinstating them in accordance with the terms and conditions of the modified sentence as approved by the President.

Mr. BRISTOW. I make the point of order that that is general legislation on an appropriation bill.

Mr. FLETCHER. Will the Senator from Kansas be kind enough to state his point of order?

Mr. BRISTOW. It is legislation on an appropriation bill.

Mr. FLETCHER. Mr. President, I desire to say that this joint resolution passed the Senate at the present session of Congress. It went to the House and was referred to the appropriate committee there, and it was favorably reported and entered on the House Calendar. It will probably require unanimous consent before it can be reached. It is a resolution which has already passed this body, and it has been favorably reported by the appropriate committee in the other body.

I do not see that the point of order can be well taken. I suppose it rests under Rule XVI. I do not know what part of that rule it has reference to. If it is under the first part of the rule, then the amendment is in pursuance of a resolution which has previously passed the Senate during this session and is excepted from the rule. If it has reference to the question of relevancy, then it would be covered by subdivision 3 of Rule XVI. I fail to find any language in that rule in accordance with the point suggested by the Senator from Kansas.

Mr. BRISTOW. The Senator must realize that this is legislation. If he is changing existing law under the rule, it can not be added to an appropriation bill. The rule of the Senate is well known. It has probably been appealed to a hundred times in the last 10 days.

Mr. FLETCHER. I should like to have the Senator specify the provision in the rule where he finds a rule that warrants and justifies the objection which he makes. Will he point it out?

Mr. BRISTOW. Rule XVI.

Mr. FLETCHER. What part of it?

Mr. BRISTOW. There are three:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The PRESIDENT pro tempore. The Chair is prepared to rule upon the point of order.

Mr. FLETCHER. I should say, Mr. President, that this could scarcely be called general legislation. I believe the point was raised in the House that it was improperly on the calendar there because it was not general legislation; that it should be classified under the head of private bills rather than bills of a general nature. I do not see that it is general legislation. It would be legislation that applies only to those particular cadets and to this particular case. It can not be classed as general legislation. It does not cover all cases of even a similar character arising at the academy. It refers particularly to these individuals and to this particular case, and it is not general legislation. It can not be considered general legislation. It refers to a particular instance.

The report shows—and I will take the time of the Senate, if it is desired, to go into that—the reason why this special provision is sought to be enacted under the joint resolution which passed this body and is pending in the other House. It is not general legislation. It could only be claimed that it is special legislation, and that does not come within the rule. The reason, as I said, as set forth in the report on this subject, is that the regulations under which these cadets were dismissed had received a construction by the court-martial board which was not authorized, which was erroneous, as is pointed out by the letter of the Secretary of War upon that subject. The regulation itself had been changed, although the change had not been communicated to the officers at the academy. This court-martial sat on the 16th of August. This identical regulation was changed on the 15th of June. These cadets were not tried under the changed regulations, which had not yet been promulgated there, showing the intention and purpose under the regulation to be that the penalty of dismissal was not a mandatory requirement under the regulation as it then existed.

The PRESIDENT pro tempore. The Chair suggests to the Senator from Florida that the Chair is prepared to rule on the point of order.

Mr. SWANSON. Before the Senator from Kansas insists on his point of order, I wish to say I am satisfied he would not raise it in this case if he understood all the facts. This is the last chance——

Mr. BRISTOW. Mr. President, I do not want to prolong this discussion. I am thoroughly familiar with this case. It has been before the Senate time and again.

The PRESIDENT pro tempore. The Senator from Kansas has submitted a point of order, and the point of order is sustained. If there be no further amendments to be proposed to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SWANSON. I ask the attention of the Senator from Kansas. This matter was fully discussed in the Senate, and the Senate, after full discussion, passed it, the Senator from Kansas simply voting against it and recognizing more or less the justice of this claim. The Secretary of War recommends it. The House committee has reported it favorably. This is the last chance for four or five young men of high character and standing to get justice. It is not a question of any lack of discipline at the academy. The members of the board who tried them said they tried them under a misapprehension as to what the rules were. The rules have been changed.

I should like to offer this amendment again in the Senate, and I ask the Senator from Kansas to reconsider his objection. It simply allows them to go back and reconvene the board according to the law, which they say they did not understand at that time. If the Senator from Kansas will get the facts, I do not believe he will oppose the amendment. Secretary Stimson investigated this matter. He said the board understood that the rules had not been changed, and if they had known they had been changed they would have considered that. The Committee on Military Affairs of the House, the Committee on Military Affairs of the Senate, the Secretary of War, and the Senate have all passed on this case. This is the last chance five boys have of getting justice at the hands of Congress. The President himself would change it if he had authority. It is too late. The Secretary of War would correct it if he could. This is a case where justice should be given, and I offer that amendment in the Senate.

The PRESIDENT pro tempore. The Senator from Virginia reoffers the amendment.

Mr. SWANSON. I hope the Senator from Kansas will not object to it.

The PRESIDENT pro tempore. The amendment need not be read again unless it is desired. The question is on agreeing to the amendment submitted by the Senator from Virginia.

Mr. DU PONT. Mr. President, I should like to say that from first to last I have had a great deal to do with this case and I have examined it in every detail. Without taking up

the time of the Senate to go over the whole matter, I will say that I consider these four young men have been treated with gross injustice, and it is the least that Congress could do to give them a chance. It is not proposed to reinstate them, but to give them a chance to have their case reinvestigated by the tribunal which originally tried them.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Virginia.

The amendment was agreed to.

Mr. BRISTOW. In view of the circumstances, I feel that I should make my position clear. I do this because I think I ought to do it, not because it is a pleasant thing to do. It is a conviction with me, and I can not change——

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Kansas that the amendment has been agreed to.

Mr. BRISTOW. The amendment that I made the point of order against?

The PRESIDENT pro tempore. It is.

Mr. BRISTOW. I did not withdraw the point of order.

The PRESIDENT pro tempore. The amendment was reoffered in the Senate by the Senator from Virginia [Mr. SWANSON].

Mr. BRISTOW. Mr. President, when did the bill get into the Senate?

The PRESIDENT pro tempore. In the usual procedure.

Mr. BRISTOW. While Senators were on their feet speaking?

The PRESIDENT pro tempore. No; the Senator must not impute to the Chair any wrongdoing.

Mr. BRISTOW. Well, Mr. President, I think——

Mr. SWANSON. I will say to the Senator from Kansas that no effort was made to take any advantage of him. I addressed my remarks for nearly 10 minutes to the Senator from Kansas, urging him——

Mr BRISTOW. It is clear there was an advantage taken.

Mr. THORNTON. Urging him not to make the point of order in the Senate.

Mr. BRISTOW. Oh, yes; I understand.

Mr. SWANSON. I was addressing him, and I thought I had convinced the Senator so that he was not going to make the point of order. The amendment was submitted and voted on, and I thought the Senator had reconsidered the conditions in the case and decided, after he ascertained the facts, not to make the point of order. My remarks were addressed to him, asking him not to make a point of order against the amendment.

Mr. DU PONT. After the Senator from Virginia had reintroduced the amendment in the Senate I then went personally to the Senator from Kansas and requested him not to oppose it. I assumed that he understood it perfectly.

Mr. BRISTOW. I understood the purpose of the Senator from Delaware and the purpose of the Senator from Virginia, and I listened to them as attentively as I could, and to other friends of these young men. This is not a personal matter with me. I never saw the young men. I think that such legislation as this is unwise, and ought not to be made. I appealed to the rules of the Senate and exercised the rights I have under those rules. I had not the slightest idea that the bill had passed from the Committee of the Whole to the Senate. If a Senator loses his rights in such a sudden way as that, because he listens with attention and courtesy to Senators who are speaking to or addressing him, it seems to me it is a very unusual proceeding here.

Mr. SWANSON. I will say that I stated distinctly that the bill had passed from the Committee of the Whole to the Senate, and that this amendment was again in order. I stated distinctly that I hoped the Senator from Kansas would not make his objection. I addressed my remarks to him, and not to the Senate. Then the amendment was submitted and passed. If this is wrong the Senator from Kansas can move to reconsider the vote by which it was passed.

The PRESIDENT pro tempore. It is proper the Chair should say that the bill passed from the Committee of the Whole to the Senate in the usual manner. The Senator from Virginia then offered the amendment and the Chair ventured to say that unless a request was made the reading would be dispensed with. The Chair put the question on agreeing to the amendment, supposing that the Senator from Kansas had changed his mind, as he made no point of order against it.

Mr. BRISTOW. I suppose that I was listening to the chairman of the committee, and this process of passing from the Committee of the Whole into the Senate took place when my attention was diverted.

Mr. DU PONT. If the Senator will allow me, I have already stated that it was after the Senator from Virginia reintroduced the amendment and after the Presiding Officer of the Senate had stated it and said that it would not be read again unless requested, that I left my seat and spoke to the Senator from Kansas. It was not before that. So the Senator could not possibly have been talking to me when that event took place.

Mr. SWANSON. If the Senator from Kansas had listened attentively to me, he would have known that it was done openly.

Mr. BRISTOW. I understand it is perfectly easy when a case is before the Senate like this for a Senator to be deprived of his rights by different processes.

Mr. SWANSON. So far from being deprived of any rights the Senator failed to exercise his rights; he failed to listen to what was going on in the Senate. If he had been attentive to the Senator who was addressing him and called him by name he would not have been deprived of any right. This matter was up; it was debated. It had not been disposed of, for the bill came back into the Senate. Am I to be deprived of the right of offering in the Senate an amendment that is rejected in Committee of the Whole? Everything was done publicly, openly, and fairly. I offered the amendment, and when I offered it I addressed my remarks especially to the Senator from Kansas, appealing to him as an individual Senator to give these boys a chance to have a wrong righted.

I flattered myself that my appeal had convinced him. There was a delay in submitting it, and he had an opportunity to interpose. I thought that he remembered the debate we had heretofore at one time. An objection would then prevent its coming up. The Senator from New York objected at one time, and the Senator from Kansas afterwards simply voted against it, and did not object to unanimous consent, if I remember correctly.

I have no desire to deprive the Senate of its right to pass its judgment upon this question. This is the last chance these boys ever will have of having a wrong corrected. I know that the President would like to correct it; I know that the Secretary of War would like to correct it; the Senate itself has said it would like to correct that wrong; and the military committees of the House and the Senate desire to correct it.

I hope the Senator from Kansas will let the amendment remain in the bill.

Mr. FLETCHER. Will the Senator from Kansas allow me? After the Senator from Virginia had submitted his amendment, the Senator from Delaware [Mr. DU PONT] rose and made remarks upon the subject. Then the Chair, in regular order, put the question on the amendment. There was no purpose or intention and, as a matter of fact, there was not any sort of practice that could at all deprive the Senator of his right in the matter. It came up regularly, and was discussed regularly. That was some time after the Senator's attention had been attracted.

Mr. BRANDEGEE. If it is in order and a proper request, I should like to have the stenographer turn back to the remarks of the Senator from Virginia when he was appealing to the Senator from Kansas stating that he would offer the amendment again when it came into the Senate, and asking him at that time to refrain from making the point of order.

Mr. BRISTOW. Mr. President——

Mr. SWANSON. I have no objection. After the bill got in the Senate I offered it. I stated that I would offer it.

Mr. BRANDEGEE. Whatever the facts are, I should like to have the notes read.

The PRESIDENT pro tempore. The stenographer's notes will be read.

Mr. BRISTOW. I desire to say that it is well known to the Senator from Virginia, and the Senator from Connecticut and the Senator from Delaware know, that when a Senator goes to the desk of another and engages him in conversation he can not listen with courtesy to that Senator and keep track of the details at the Secretary's desk at the same time.

Mr. BRANDEGEE. I should like to have the stenographer's notes read.

Mr. BRISTOW. If the Senator from Virginia was addressing me at that time and the Senator from Delaware was appealing to me at the same time, it was not easy to listen to both. Now, this is not an unusual incident here; it frequently occurs.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. BRISTOW. There is nothing mysterious or unusual about this. The Senator from Virginia knew that I had interposed an objection.

Mr. JOHNSTON of Alabama. I should like to interrupt the Senator for a moment if he will permit me.

Mr. BRISTOW. I will.

Mr. JOHNSTON of Alabama. I want to say to the Senator from Kansas that I heard and saw exactly what was going on at the time. The Senator from Virginia offered his amendment, and it was not the Senator from Delaware, but the Senator

from Kentucky [Mr. PAYNTER] who was attracting the attention of the Senator from Kansas. It was the Senator from Kentucky, who has had nothing at all to do with this matter, and who was, I suppose, discussing some other question with the Senator from Kansas.

Mr. DU PONT. I have already taken occasion twice to remind the Senator from Kansas that I did not attempt to engage in conversation with him until a subsequent time. It was the Senator from Kentucky, as the Senator from Alabama states.

The PRESIDENT pro tempore. The Senator from Connecticut has requested that the stenographer should read his notes as to what actually occurred when the vote on the amendment offered by the Senator from Virginia was taken.

Mr. BRISTOW. I do not know that I am controverting statements Senators make here. I know——

Mr. BRANDEGEE. The point, if the Senator will pardon me——

Mr. BRISTOW. This may be very funny to those who think they have caught me in a trap and prevented me from interposing an objection and having the Rules of the Senate enforced. It is no joke. It is not a question of the merits of this case; it is a question of the rights of a Senator on this floor.

Mr. BRANDEGEE. I wanted to be perfectly courteous to the Senator. I made a request, which I supposed was proper, one that any Senator could make, for the purpose of refreshing my own recollection about what led up to this matter, to have the stenographer's notes read so that what transpired may appear. I think I am entitled to have that done.

The PRESIDENT pro tempore. The Senator is entitled to that. The stenographer will read as requested.

The Reporter read as follows:

The PRESIDENT pro tempore. The Senator from Kansas has submitted a point of order and the point of order is sustained. If there be no further amendments to be proposed to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SWANSON. I ask the attention of the Senator from Kansas. This matter was fully discussed in the Senate, and the Senate, after full discussion, passed it, the Senator from Kansas simply voting against it and recognizing, more or less, the justice of this claim.

* * * * * * *

I offer that amendment in the Senate.

The PRESIDENT pro tempore. The Senator from Virginia reoffers the amendment.

Mr. SWANSON. I hope the Senator from Kansas will not object to it.

The PRESIDENT pro tempore. The amendment need not be read again unless it is desired. The question is on agreeing to the amendment submitted by the Senator from Virginia.

Mr. DU PONT. Mr. President, I should like to say that from first to last I have had a great deal to do with this case, and I have examined it in every detail, and so forth.

* * * * * * * *

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Virginia.

The amendment was agreed to.

Mr. BRISTOW. Mr. President, I desire to say that I did not know that the Senator from Virginia had offered this amendment. I thought it was another amendment. I did not know that he had renewed the amendment at all, and supposed that it was some other amendment relating to something else in the bill. I should have made the objection, the same as I did formerly, if I had known it. If the Senate desires to take advantage of the conditions and circumstances that surrounded me at that time, they have the power to do it, and I have nothing to say; but if this is to be the proceeding, then any Senator can go to the seat of another, engage him in conversation, and bills be passed without objection. This is surely enforcing the rule in a most extraordinary way.

Mr. PAYNTER. Mr. President, the Senator from Alabama has referred to the circumstance that I was engaged in conversation with the Senator from Kansas [Mr. BRISTOW], and also stated that I have no interest in the matter, which is true. A young man in my State to whom I had given the appointment at West Point was there at the time of this trouble and was involved in it, and I was earnestly appealing to the Senator from Kansas to withdraw the point of order; but the proceedings to which reference is now made, and of which complaint is made, took place after I ceased to have the conversation with the Senator from Kansas.

I want to say that I had not the slightest knowledge that such a motion would be made, and I did not know that the question was pending in the Senate, because I had been earnestly appealing to the Senator from Kansas to withdraw his objection.

Mr. SWANSON. Mr. President, if I had not offered the amendment when I did, the bill would have passed in a moment. Desirous of taking no advantages whatever of the Senator from Kansas, I called his attention to the fact—he was looking over this way and I did not know that he was listening to another Senator—that I was going to offer this amendment in the Senate against which he had made a point of order as in Committee of the Whole. I had to do it in one minute or the bill would have passed. I repeat, I addressed myself to him.

The question involved is simply a technical one. These boys are entitled to some rights. They are five young men who have been treated with injustice that the Secretary of War desires to correct; that the President would be glad to correct; that the committee of the Senate desires to correct; that the committee of the other House would like to correct, but on account of the conditions of its business can not correct. I think these five young men, who can never have another opportunity in this country unless some such action as this is taken, are entitled to have their rights presented to the Senate; and if the Senator from Kansas will not listen when he is addressed in connection with their rights, then I, for one, shall insist that the matter shall be disposed of according to the rules of the Senate.

Mr. BRISTOW. Mr. President, the Senator from Virginia [Mr. SWANSON] assumes a good deal in regard to this case. I have been advised that the Secretary of War does not think that injustice has been done these men; I have been advised that the President does not believe that an injustice has been done these men.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Delaware?

Mr. BRISTOW. I do.

Mr. DU PONT. I am in a position to contradict that point, so far as the President is concerned. The Secretary of War has written to that effect.

Mr. BRISTOW. Mr. President, the Senator from Virginia speaks about this being the last chance. The bill to which the Senator alludes has been before Congress for a year.

Mr. FLETCHER. Will the Senator from Kansas allow me just one moment?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BRISTOW. I do.

Mr. FLETCHER. The Senator from Kansas suggests that he is advised as to the attitude of the Secretary of War being different from that indicated by the Senator from Virginia [Mr. SWANSON]. The letter of the Secretary of War is attached to the report. In it, after referring to the case, he says:

I came to the conclusion that the court in sentencing these cadets was probably influenced by the mistaken construction that under article 132 of the Regulations of the Military Academy, under which these cadets were tried, a penalty of dismissal was mandatory instead of discretionary with the court.

Then he proceeds to say that after conference with the President he gives his assent to the resolution. That is his statement which, as I have said, is attached to this report.

Mr. BRISTOW. Mr. President, of course I do not care to go into a discussion of the merits of the case. About a year ago, as I remember, when it was discussed, I looked into it, though I have not followed it very carefully since; but the Senator from Virginia is appealing in behalf of this case because he says it is the last chance. The bill passed the Senate; it went to the other House; it has been there for months; and now the Senator holds that, because the other House has not passed this bill, it is a gross injustice because the Senate refuses to violate its rules and put it on an appropriation bill. The responsibility for the failure of that legislation, if it fails, is with the House of Representatives.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Delaware?

Mr. BRISTOW. I do.

Mr. DU PONT. My information is that the bill has been held up in the House of Representatives by a single individual, who is able to do so under the antiquated rules which obtain there. That is the reason the legislation has not been passed. It is not the action of the House of Representatives, but it is the action of a single individual, a single Member of that body.

The PRESIDENT pro tempore. The Chair would caution Senators as to the rule regarding allusions to the other House.

Mr. DU PONT. I do not wish to make any disrespectful allusion. The only commentary I made upon their rules was that they were antiquated; I will withdraw the word; but the fact is that a single individual, under the rules of that House, can hold up the consideration of any measure if it is his disposition to do so.

Mr. BRANDEGEE. How does that differ from the situation in the Senate?

The PRESIDENT pro tempore. The Chair feels it incumbent upon him to make a further observation as to the procedure.

When the bill referred to was before the Senate the present occupant of the chair spoke briefly against it and voted against it. The present occupant of the chair has not changed his mind in regard to the bill. For that reason he gave the Senator from Kansas [Mr. BRISTOW] a rather unusual opportunity to repeat his objection, having with great deliberation put the motions that were put, and which culminated in the agreement to the amendment.

Mr. BRISTOW. Mr. President, I desire to state further that because of my attention being diverted by different Senators who came to my desk and were talking to me about the case, I did not hear the statement of the Chair and I did not know that the amendment had been offered. I supposed that the amendment under consideration was a different amendment from the one offered as in Committee of the Whole. I do not think that any blame can be attached to me, for I do not think that my conduct in this case has been different from that of any other Senator upon the floor. When a Senator comes to my desk I try to listen to him with attention and courtesy. I did so in this case, and if an advantage is to be taken of a Senator in this way, I want to enter my protest. It is unusual; it is not customary. Nobody would resent it more violently than would the Senator from Virginia [Mr. SWANSON] if the conditions had been changed; and I for one will say that I would not take advantage of the rules of the Senate if he were in my position and I were in his.

Mr. PAYNTER. Mr. President, will the Senator from Kansas permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Kentucky.

Mr. BRISTOW. I do.

Mr. PAYNTER. I want to make one statement which I omitted to make when I was on the floor a moment ago, in view of the fact that the attention of the Senator from Kansas was diverted from the consideration of this question, because I know it was by reason, in part, of my conversation with him. The statement I wish to make, however, is that neither the Senator from Virginia [Mr. SWANSON], the Senator from Florida [Mr. FLETCHER], the Senator from Alabama [Mr. JOHNSTON], or the Senator from Delaware [Mr. DU PONT] or any other Member of this body knew that I was going to discuss the question with the Senator from Kansas or to appeal to him to withdraw his point of order. The only Senator who could have known it, other than the Senator from Kansas, was the Senator from Delaware, when he approached the Senator from Kansas and made the same kind of an appeal as did I. After that was done the Senator from Delaware approached his seat, and as I left the Senator from Kansas the Senator from Delaware had commenced his address on the merits of the proposition. So the motion which was made by the Senator from Virginia [Mr. SWANSON] in the Senate was after the conclusion of the address which the Senator from Delaware made and was after I had left the Senator's desk. I make that statement particularly so that the Senator from Kansas will feel assured that no one was aware of the purpose of my visit to them, except himself, myself, and the Senator from Delaware [Mr. DU PONT].

Mr. BRISTOW. I desire to say that I do not attribute to the Senator from Kentucky any unworthy motive at all in coming to my desk and talking to me; I never thought of such a thing. I know that he would not do that with the purpose of attracting or diverting my attention.

Mr. PAYNTER. I did not suppose the Senator had; but in view of the fact that my name was mentioned in connection with it, I felt it due me and the Senate to make this statement.

Mr. SWANSON. I simply want to say that, so far as I am concerned, I have as high respect for the rights of Senators, properly exercised, as has any Senator in this body. I would not under the circumstances have made this motion without an effort to notify the Senator from Kansas, and I addressed my remarks to him; but after this bill has passed, after it has been submitted, is the business of the Senate to be delayed because when business is proceeding in the ordinary course and publicly and openly a Senator from Kansas was so courteous as to be diverted to other matters? This matter was urgent; this matter was before the Senate; I was entitled to his attention, and if I had not gotten his attention and made this motion, in one minute this bill would have passed without an opportunity of doing justice to these boys. Consequently, in justice to them and in justice to my rights as a Senator, and in view of the fact that I was addressing my remarks to him, although it appears he was not giving them attention, I do not feel that I should ask to have this action set aside because of a mere technical objection and not one to the merits of the measure itself.

The PRESIDENT pro tempore. The question is, Shall the amendments be engrossed and the bill read a third time?

Mr. BRISTOW. I move that the vote by which the amendment was adopted be reconsidered.

The PRESIDENT pro tempore. The Senator from Kansas moves to reconsider the vote whereby the amendment in question was agreed to. [Putting the question.] The noes appear to have it.

Mr. BRISTOW. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Kansas demands the yeas and nays.

Mr. BRANDEGEE. I rise to a point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. I want to ask the Senator from Kansas if he voted for the amendment on the ground that a motion to reconsider, as I recall, must be made by a Senator who had voted in the affirmative? I will, however, withdraw that point.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas to reconsider the vote by which the amendment was agreed to, on which he demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PAYNTER (when his name was called). I inquire if the senior Senator from Colorado [Mr. GUGGENHEIM] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. PAYNTER. I have a general pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. BRADLEY. I refrain from voting, being paired with the junior Senator from Indiana [Mr. KERN], who is unavoidably absent.

Mr. DU PONT. I inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. DU PONT (after having voted in the negative). Such being the case, as I have a general pair with the Senator from Texas, I shall have to withdraw my vote.

Mr. FLETCHER. I am satisfied that if the Senator from Texas was present he would vote the same way as would the Senator from Delaware.

Mr. DU PONT. Under that assurance, I will let my vote stand.

The PRESIDENT pro tempore (Mr. GALLINGER) (after having voted in the affirmative). The present occupant of the chair is paired with the junior Senator from Florida [Mr. BRYAN], and will therefore withhold his vote.

The result was announced—yeas 33, nays 33, as follows:

YEAS—33.

Borah	Cullom	La Follette	Stephenson
Bourne	Cummins	Lippitt	Townsend
Brandegee	Curtis	Lodge	Warren
Bristow	Dillingham	Page	Webb
Burnham	Dixon	Penrose	Wetmore
Burton	Gamble	Perkins	Works
Clapp	Gore	Poindexter	
Clark, Wyo.	Jones	Smith, Mich.	
Crawford	Kenyon	Smoot	

NAYS—33.

Ashurst	Gardner	Oliver	Smith, S. C.
Bacon	Hitchcock	Owen	Stone
Bankhead	Johnston, Ala.	Pittman	Swanson
Bryan	Kavanaugh	Pomerene	Thornton
Catron	Lea	Richardson	Tillman
Chamberlain	McCumber	Sheppard	Williams
du Pont	Martin, Va.	Smith, Ariz.	
Fletcher	Martine, N. J.	Smith, Ga.	
Foster	Newlands	Smith, Md.	

NOT VOTING—29.

Bradley	Fall	Myers	Shively
Brady	Gallinger	Nelson	Simmons
Briggs	Gronna	O'Gorman	Sutherland
Brown	Guggenheim	Overman	Thomas
Chilton	Jackson	Paynter	Watson
Clarke, Ark.	Johnson, Me.	Percy	
Crane	Kern	Reed	
Culberson	McLean	Root	

So the motion to reconsider was not agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I wish to call up the conference report on the legislative, executive, and judicial appropriation bill, which was presented some time ago, read to the Senate, printed in the RECORD, and also as a document; but there was some objection then made to it and it went over. I now move that the report be adopted.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. BORAH. Mr. President, I understand this conference report, so far as the subject matter in which I am interested is concerned, provides an appropriation for certain assay offices until January 1, 1914.

Mr. WARREN. That is correct.

Mr. BORAH. And that there is no provision in the bill affirmatively abandoning these assay offices?

Mr. WARREN. The Senator is correct.

Mr. BORAH. I take it, Mr. President, that the fact that the appropriation extends only to January 1, 1914, is to some extent a notice that the hour of execution is not far away?

Mr. WARREN. The Senator is correct as to the intention of those who wish to abandon the offices.

Mr. BORAH. Mr. President, in view of that I want to say a few words in regard to these assay offices scattered throughout the country, particularly the West. I think there is a misunderstanding as to their usefulness, and also a misunderstanding as to their expense. First, as to the expense of these assay offices, they practically pay their own cost or the amount necessary to maintain them. So far as the office which is located in Boise City is concerned, and so far as I am concerned as a citizen of that particular city, I would rather have a public park in its place than to have the assay office, speaking purely as a resident of the city. But it nevertheless is of great value to a large class of people who are engaged in developing the mining industry of that great intermountain region, which mining industry has not yet been developed, as so many people seem to assume. For instance, the State of Idaho has produced as vital money of the country, since it became a Territory and a State, $300,000,000, and yet it is confidently asserted by those who have familiarized themselves with the capacity or resourcefulness of that country that we have only begun to develop our mining resources. Anything which tends to accentuate the development of that industry or to give encouragement to men to explore the mining regions with a view to finding more of the vital money of the country seems to me a thing which we ought not to disregard, especially when these assay offices take care of themselves.

There is one thing about these assay offices which is of special moment, and that is that they are particularly beneficial to the small mine owner or the prospector, as you might say. Out of the 547 mines depositing in the Boise assay office during the last year 490 of them deposited less than a thousand dollars, which speaks for itself and shows that the office is especially beneficial to the man who is not prepared to ship his ore to a distant point and pay the freight and expenses and await the return.

At the risk of detaining the Senate in what I consider a matter of some importance, I am going to read a statement from the man in charge of the Helena (Mont.) office:

> These offices are so vital to the mining industry in the West that it is nothing short of a crime to abolish them.
>
> The great injury would come to the small miners, who bring their gold to these offices and within a short time receive payment for its value. They depend upon an immediate return from each clean-up to meet their pay rolls and purchase needed supplies. To force them to send their gold a long distance, with consequent high carrying charges, would mean that a number of small properties which are now conducted under decent profit would be compelled to shut down, throwing a large number of men out of employment, making a general stagnation in various small camps.
>
> The mining development of this section of the country served by these offices is now entering upon a revival, which means a great deal to the country if it is properly fostered and aided instead of being hampered by attacks of this nature.
>
> The uses of these offices to the miner are best shown by the records. Take the assay office in this city, which has been in existence since 1874. Since that time it has smelted and paid over $80,000,000 in gold bullion. The cost of the Government for handling this immense sum has been a little less than three-fourths of 1 per cent, or at the rate of about $15,000 a year.

We have not very many governmental institutions that disclose such a record.

> The convenience of the local office has been of untold benefit. Eleven counties in the State of Montana sent to the Helena office last month gold bullion of the amount of $136,695.55. A very large percentage of the producers of this gold bullion is composed of small miners who bring to the office anywhere from 1 ounce to a thousand dollars, and they consequently would suffer the most if the office was abolished. When these small savings are melted and the value determined, the owner is at once given the cash for his gold. The cost for this service is about $2. If he were obliged to resort to a private refinery, the expense would be prohibitive.
>
> This is a matter of vital importance to the entire West, not only to the people engaged in the industry but to the wholesale, mercantile, and manufacturing industries furnishing supplies and machinery.
>
> If the men who are attempting to abolish these offices on the ground of economy would come here and make an honest investigation, they would not only cease this campaign but would inaugurate one for the enlargement and support of these assay offices.

I here call attention to a part of the report of the State mine inspector of Idaho.

> Idaho's output of the vital money metal of the world has already aggregated $300,000,000, largely from surface placer deposits; and while our present output is not so large as formerly, it has shown a gradual increase for several years past, and is susceptible of a rapid advancement in the future from our extensive and partly demonstrated primary resources of gold ore.
>
> As an example, we have a recently discovered ore deposit tributary to Boise, on which a report was made by one of the most conservative and capable authorities in the country, in which an investment of $2,500,000, largely for mill construction and development, was recommended, that proposed a milling capacity of 3,000 tons daily of ore that shows an average of $4.40 per ton, and on which tests indicate a recovery of $4 per ton, with a tonnage resource that promises to last for years at this rate of production.
>
> This deal has not yet been consummated, but is likely to be perfected in the near future. This is only one of a dozen similar prospects of new gold supply which this State contains.
>
> Millions of dollars have been invested in Alaskan and other ore deposits recently that average only $2 per ton by successful engineers and mining capitalists. The future gold supply of the world must come from ore of this class, and Idaho is in line to become one of the chief sources of supply; and its Federal assay office will stimulate this line of development, as it saves the risk of long bullion shipments and gives immediate and satisfactory results by the Federal indorsement of its business, which are conclusive, and amount in effect to stamping the coin eagle on the gold, and is highly appreciated by the producer, besides keeping him in closer touch with and respect for the Central Government.
>
> A great deal of public money is annually spent in pure display and patriotic purpose by all governments, and it seems to me that it would be an unwise policy to eliminate such branches of Federal authority as these in the gold-producing regions of the Nation, as they are a good deal more than self-sustaining if the seigniorage on the silver bullion they separte from the gold is taken into consideration, and their specific purpose in assisting in the discovery and disposition of new gold and the consequent expansion of the basic credit of the Nation is well worth the paltry cost of their maintenance without taking into account their seigniorage profits.

But I want to put into the RECORD now this notice:

These assay offices are practically self-sustaining. They are of immense benefit to the people who are developing the great mountain regions of the Northwest; but they are peculiarly beneficial to a class of people who need them because of their limited means. I want further to put into the RECORD the statement that, believing that the maintenance of these assay offices is necessary to the interests of the West, I do not propose to consent, now or later, to their abandonment.

They are particularly beneficial to the man whom we know in the West as the prospector.

The prospector, Mr. President, is one of the unique, one of the most exceptional and most worthy of all those remarkable characters who have exploited and led the way for the development of the West. The West owes him a debt of gratitude which the West can never pay. Always poor, often homeless, self-reliant, hopeful, generous, and brave, he has been the solitary explorer of desert and mountain fastness; the man who has unlocked from its imprisoned silence the countless millions of what is now the world's wealth. He penetrates the most remote and inaccessible regions, defies hunger and storms alike, sleeps upon the mountain side or in improvised cabins, restlessly wanders and searches through weeks and months and years for nature's hidden and hoarded treasures. Oftentimes his search ends in poverty and distress and failure, sometimes in success. Without the prospector—this poor, isolated solitary wanderer—the great mining centers of the West would not exist. Without his uneasy, never-tiring efforts, millions of dollars now on their way to minister to the happiness and comfort of the race would never have been poured into the channels of business and commerce.

These assay offices scattered about near the mining camps are distinctly to his benefit and advantage. They encourage him to go forth and they enable him without great trouble and expense to get the benefit of his too often meager returns. Let us strike out some other expense, some extravagance which ministers to a fad or a fancy and leave these inducements for these hardy explorers.

The prospector, as everyone in the West knows, is being very rapidly deprived of his occupation, by reason of the fact that he is practically prohibited from going into a large portion of the country which he has heretofore traversed; and now the last incentive for his activity and for his energy is being removed by making it prohibitive upon his part to ship his ore and to get any return to justify his generally impecunious condition.

AMENDMENT TO FOOD AND DRUGS ACT.

Mr. OLIVER submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out, and the insertions made by said amendment, insert the following: "That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this act"; and the Senate agree to the same.

(Matter stricken out printed in brackets.)

"An act (H. R. 22526) to amend section 8 of an act entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,' approved June 30, 1906.

"*Be it enacted, etc.*, That section 8 of an act entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,' approved June 30, 1906, be, and the same is hereby, amended by striking out the words 'Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package,' and inserting in lieu thereof the following:

"'Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this act. (1) [That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with the provisions of this act.] That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where in his judgment exactness is impracticable, and shall keep a record thereof: *Provided further*, That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less.'

"SEC. 2. That this act shall take effect and be in force from and after its passage: *Provided, however*, That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to (2) [twelve] eighteen months after its passage."

GEORGE T. OLIVER,
R. M. LA FOLLETTE,
E. D. SMITH,
Managers on the part of the Senate.
W. C. ADAMSON,
J. HARRY COVINGTON,
F. C. STEVENS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. POMERENE. Mr. President, I regret very much that I am unable to give my approval to this conference report. It is with great reluctance that I say anything on the subject, but I do feel that it would be very much better to leave the subject where it is than to agree to this report. I want very briefly to present my reasons for this statement.

I recognize, as a matter of practical experience, that it is impossible to have exact weights and exact measures in package goods. On the other hand, we know full well that short weights and short measures in package goods are entirely too prevalent. It was the purpose of the House and of the Senate to devise some methods which would at the same time protect the consuming public and be fair and just to the manufacturer.

Under this bill it seems to me we are making no provision whatsoever which is going to protect the public, but we are giving to the manufacturers the whip hand and delegating the entire subject to the board provided for in the pure-food act.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Will the Senator from Ohio permit the Chair to ask a question of the Senator from Wyoming? The Senator from Wyoming had a conference report before the Senate, being considered, when the Senator from Pennsylvania offered another conference report. The Chair thought it was simply a perfunctory matter and would be agreed to. The Chair will have to assume that the Senator from Wyoming is yielding for this purpose.

Mr. WARREN. Mr. President, I was not requested to yield, but did yield to the report presented by the Senator from Pennsylvania [Mr. OLIVER]. I suggest that if the report is to be in any manner antagonized or delayed it should go into print and await the disposition of the one already before the Senate.

The PRESIDING OFFICER. As the Chair understands the situation, the Senator from Wyoming yielded for the presentation of a conference report?

Mr. WARREN. Yes.

The PRESIDING OFFICER. But not for its present consideration.

Mr. POMERENE. Mr. President, I was not aware of the parliamentary status, and I appreciate the fact that under the circumstances the Senator from Wyoming has the right of way.

Mr. OLIVER. I wish to say that I did not appreciate the parliamentary situation, or I should not have interposed my report ahead of the disposition of the one under consideration.

Mr. WARREN. The Senator from Nevada [Mr. NEWLANDS] has been seeking recognition from the Chair to speak to the conference report that was made some time ago, and is now in issue.

The PRESIDING OFFICER. Without objection, the conference report, offered by the Senator from Pennsylvania [Mr. OLIVER], will be received and will lie upon the table until called up by the Senator from Pennsylvania.

Mr. OLIVER. I wish to give notice that I will call it up immediately after action upon the conference report now pending.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate resumed the consideration of the conference report on the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. NEWLANDS obtained the floor.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. NEWLANDS. Certainly; I yield.

Mr. ASHURST. I presume the Senator from Nevada and I are about to ask questions of the same import. I desire to ask the Senator in charge of the bill what has been the fate of the mint and the assay office in San Francisco?

Mr. WARREN. The mint and assay office at San Francisco is provided for, for a full year, as usual.

Mr. ASHURST. I view with considerable alarm——

Mr. NEWLANDS. May I ask, is there any provision that at the end of the year the operations of that office shall cease?

Mr. WARREN. Not at all. The mint at San Francisco, the one in Denver, and the one in Philadelphia are all provided for in the regular annual way.

Mr. NEWLANDS. I wish to supplement the remarks of the Senator from Idaho [Mr. BORAH] regarding the closing of certain assay offices in the mining regions; and I wish to address my remarks particularly to the dropping of the so-called Carson Mint, which really for years has been reduced to an assay office.

If I may have the attention of the Senator from Wyoming, I should like to ask him the reason for the difference between the treatment of the Carson Mint or assay office and that accorded to the other assay offices.

I observe, for instance, that the assay office at Boise City, Idaho, is extended in its operations or is provided for, so far as its operations are concerned, until January of next year, whilst the Carson City assay office is to close at the end of the fiscal year in July next.

Mr. WARREN. That difference arises, first—or, at least, that was the claim made by those we had to meet in the conference—from the fact that the business as a mint has been, or was some time since, transferred to these larger mints, so that now it is nil, or nearly so——

Mr. NEWLANDS. I refer only to its operations as an assay office.

Mr. WARREN. I am getting to that—and that as an assay office the amount of business done is very small; that we have already cut out the one at St. Louis and others apparently of equal importance. If the Senator wants to know the reason why I cut it out—if he wishes to put it that way—I will say

that I saved everything I could after several meetings had been held and some 30 days consumed. It was not with my mental consent, but only as a forced consent, to close the matter, that I agreed either to that going out, or to the others being cut down on the 1st of January.

Mr. NEWLANDS. But I wish to get at the special reason for allowing the operations of these small assay offices in the mining regions to continue until January 1 of next year, while the operations of the Carson Mint or assay office are cut short in July next.

Mr. WARREN. Because they were so much smaller than the others, and because that at Carson was a mint, and was closed because it was the last one of the small mints. That is the reason given by those we met in conference.

Mr. NEWLANDS. I have not the statistics before me, but I very much question the accuracy of the statement as to the business of the Carson Mint being less than that of some of these whose operations were continued until January next. To my mind it makes no difference as to whether its operations were less or not. It was entitled to the same treatment as the other assay offices in the West whose operations it is the purpose of the Appropriations Committee to bring to an end. The same considerations which led them to extend the life of these other assay offices until January next ought to have induced them to continue the life of the Carson City assay office for the same period.

It is a misnomer to call this a mint. During the flush times of the Comstock mine it was a mint of very large operations, but long since its minting operations were discontinued, and it has been running simply as an assay office. As an assay office it ought to stand upon the same basis as all the neighboring assay offices in the West. It is in the center of a very large and expanding mining region. Nevada's mineral product is increasing every year. I believe in the precious metals it stands second now among the States of the Union. That assay office is located at a point where it presents great conveniences to the prospector and to the small mining operator.

The action regarding these assay offices has not been taken by the committee charged with jurisdiction upon this subject, the Committee on Mines and Mining; but it has been taken charge of by the Appropriations Committee. That committee proposes absolutely to nullify a law that is now on the statute books.

Mr. WARREN. I hope the Senator will differentiate, and state what Appropriations Committee does that.

Mr. NEWLANDS. The Appropriations Committee of the House.

Mr. WARREN. Yes.

Mr. NEWLANDS. I intended, later on, to say that the Senate had been coerced by the House and compelled to violate existing law. Congress has made its solemn declaration in favor of an assay office at Carson City, just as it has at these other places, by a law passed by both bodies, and approved by the President. That law still remains upon the statute books, unrepealed and unamended. Without action by the appropriate committee, the Appropriations Committee of the House, assuming a jurisdiction that did not belong to it, regardful only of economy and not of wise economics, has practically nullified that law, has coerced the conferees of the Senate, and, if this report is adopted, will have coerced the Senate itself into subjection to its will.

Mr. President, it seems to me there must come a time when the usurpation of jurisdiction by the various Appropriations Committees in matters of general legislation shall cease, and this is a glaring instance of the injustice of their action.

For some time the Appropriations Committee of the House has been bent upon economy—economy in small matters; economy striking at small expenditures; economy in the small appropriations under the control of the general Appropriations Committee of each House. For, strange to say, whilst we have a general Appropriations Committee in each House, that Appropriations Committee has jurisdiction over only about one-fifth of the total expenditures of the Government. Thus, being unable to reach out for the major energies and the major operations of the Government, they have sought to carry out the party instructions regarding economy through a limitation of expenditures in a range covering only one-fifth of the total expenditures of the Government; and they have sought to do that by absolutely nullifying laws authorizing these expenditures—an act of gross usurpation of jurisdiction.

I can understand why there may be times when, upon appropriation bills, general legislation may be desirable, when that legislation meets the clear views of both Houses, and is simply a quick and convenient method of recording their will. But whenever one House is opposed to the action desired, the comity which controls with reference to such general legislation is at an end. Neither House has the right, against the will of the other, to insist upon such general legislation. But this is not general legislation. It is nullification of law.

Mr. WARREN. No, Mr. President; it is perhaps worse than that. It is a failure to appropriate for what the law calls for.

Mr. NEWLANDS. That is true; and hence it is a nullification of law—an absolute refusal by a committee of one House to obey the law.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. The Senator from Nevada is also aware of the fact, I presume, that the Secretary of the Treasury has been for a long time in favor of this movement?

Mr. NEWLANDS. Yes.

Mr. BORAH. And that it comes from a policy which seemed to have originated with the executive department?

Mr. NEWLANDS. What has the Secretary of the Treasury to do with mines and mining? The jurisdiction of the Secretary of the Treasury pertains to the fiscal affairs of the Government. In the pursuit of economy he proposes to strike at a great industry that is under the fostering care of the Government. Economy, as I said before, is one thing; economics is another. The Secretary of the Treasury has jurisdiction, possibly, in matters relating to economy. But the wise pursuit of economics means the development of the resources of the country. Economy means saving; economics means production or development of the resources of a country.

How is it with the great mining industry of this country? It stands upon a par with that of agriculture. And yet what do we do for agriculture? We are to-day expending, I believe, about $15,000,000 annually, perhaps more, in the study of all questions relating to agriculture and to the increase of production. We are entering even into the domain of education in order to promote agriculture. Is not mining an industry of equal importance? Does it not employ almost as many men?

Mr. President, an assay office is an essential incident to mining. It is of the highest importance that these Government officials should be established everywhere throughout the mining region, within convenient reach. The prospector and the small mine owner, who have not the means to employ, as have the large establishments, a great corps of scientific men, have a right to claim that a Government agency should be established which can give them a standard of value, and can tell them the truth with reference to the value of the ores submitted to their inspection. They are just as necessary to the mining industry as the various experiment stations and other instrumentalities established under the Agriculture Department for the promotion of agriculture. Yet what would be said if the Secretary of the Treasury, invading the jurisdiction of the Agriculture Department, as to-day he invades the jurisdiction of the Interior Department, should present to the Appropriations Committee of the House a proposal that by their action alone, nullifying the existing acts of Congress, salaries should be denied to all the experiment stations in the country?

Mr. President, I do not believe the total expenditures involved in all these small assay offices, scattered throughout the mining region, exceeds $50,000 annually. I will ask the Senator from Wyoming whether or not I am correct.

Mr. WARREN. I have not the figures before me, but the Senator is approximately correct. The amount may be as much as $65,000. Let me say to the Senator, if he will yield for a moment——

Mr. NEWLANDS. Certainly.

Mr. WARREN. I hope the Senator will do this: The Senator is one of our old and most valued Members and belongs to a party which very soon will have control of both Houses of Congress. I hope he will secure in the Cabinet of the next Executive men who understand western ways and the western country and who will have some compassion, if I may put it that way, or some good horse sense, to guide them in treating these western matters.

Mr. NEWLANDS. Mr. President, I hope we shall have men who will realize that there is a West as well as an East.

Mr. SMOOT. The Senator says the expense will amount to about $50,000. It does not amount to that when you take into consideration the receipts from the assay offices. It will not be much more than one-half that amount. The Secretary of the Treasury recommended in his 1912 report the abolishment of all assay offices, and it was stated on the floor of the House

by a Member that they would have been abolished if a combination of the Representatives of Western States had not been made.

The PRESIDENT pro tempore. The Chair admonishes the Senator that the rule does not permit a Senator to refer to what is done in the other House.

Mr. SMOOT. I have the RECORD here, and I am quoting nearly the exact language. It is a matter of history. I am not referring to the action of any Member of the House. I am stating what was really said and what can be found in the RECORD. When it came to the House this year some of the smaller offices were eliminated from the bill.

Mr. BORAH. In view of the suggestion made by the Senator from Wyoming to the Senator from Nevada that the incoming administration would take care of this situation, perhaps it would be better that the bill should go over, so as to give them a better chance to get at it.

Mr. NEWLANDS. The Senator from Wyoming is discreetly silent upon that subject.

Mr. WARREN. I do not believe that we ought to take out the neglect or the sins of omission or commission of one or two officials on a great many thousands of deserving employees. There would be caused not only trouble, but perhaps suffering. Whenever there is delay in the passage of an appropriation bill there are losses which occur, as they did last year when we had to extend the appropriations of the preceding year by joint resolution, covering nearly two months, and probably lost anywhere from $150,000 to $200,000 by that delay.

Mr. NEWLANDS. Mr. President, of course we recognize the responsibility that rests on the chairman of the Appropriations Committee and his unwillingness to have the bill fail simply because an injustice is done in a single particular; but those considerations do not address themselves to the Senate at large, and there is no reason why this bill should fail. Unfortunately, no motion can be presented approving the entire action of the conferees except with reference to this matter; and in order to reach this matter we will have to disagree to the report, and the bill will then go back to conference. The debate will show the cause of the disagreement, and then the conferees can address themselves to this single question and can remedy the injustice done, either by striking out all of the provisions limiting the appropriations for these offices or by placing them all upon the same plane, making the same appropriations for the Carson assay office and for the same period that they have made for the other assay offices, whose operations are extended until January of next year, while the operations of the Carson assay office will be ended in July next, thus giving the former the opportunity with the new Congress, Congress meeting in December next, to secure action which would relieve the other assay offices without reducing any of them meanwhile to extinction, as the action of this conference report does do with reference to the Carson assay office.

So I urge upon the Senate to prevent this glaring injustice, this discrimination as between the assay offices of the West, by disagreeing to this report; and if so be we will give the conferees an opportunity to accomplish more regarding this particular matter.

So far as I am concerned, I think the Senate should take decisive action and absolutely insist upon the appropriation bill following the law and not violating the law, and put an end to this system of three or four men upon the Appropriations Committee of the House practically coercing the action of Congress and compelling Congress itself to be a party in the violation of existing law.

I trust, Mr. President, that the Senate will vote against the motion offered.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BORAH. If the Senator from Wyoming desires to address the Senate——

Mr. WARREN. I had only this to say, that having done the very best that can be done for the Senate as one of the managers I hope the Senate will approve of the report. I think there is no doubt but that we could get an agreement to cut out more of the bill by going back; but I do not believe the Senator from Nevada would ask us to do that, and I myself do not like to cut out something that I believe is deserving because I can not get something else that is also deserving, but which we were unable to retain.

I hope the report may be agreed to.

Mr. BORAH. Mr. President, I understand the question is simply a motion to accept the conference report.

The PRESIDENT pro tempore. The Senator is right.

Mr. BORAH. Upon that I ask for the yeas and nays.

Mr. SMOOT. Before the Senator asks for the yeas and nays I wish he would allow me just a moment.

Mr. BORAH. Very well; I will withhold the request.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nevada suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Lodge	Shively
Borah	du Pont	McCumber	Smith, Ga.
Bradley	Foster	Martine, N. J.	Smith, Md.
Brandegee	Gallinger	Myers	Smith, S. C.
Briggs	Gardner	Oliver	Smoot
Bristow	Gore	Overman	Stephenson
Burton	Gronna	Page	Thomas
Clark, Wyo.	Guggenheim	Percy	Thornton
Crane	Johnston, Ala.	Perkins	Townsend
Crawford	Jones	Pomerene	Warren
Cullom	Kenyon	Richardson	Webb
Cummins	Lea	Root	Williams
Curtis	Lippitt	Sheppard	Works

The PRESIDENT pro tempore. On the call of the roll 52 Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho demands the yeas and nays on agreeing to the conference report.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Utah will proceed.

Mr. SMOOT. Mr. President, I do not intend to occupy more than a few minutes. The plea that is made for the abolishment of certain assay offices is on the ground of economy. A year ago the Secretary of the Treasury asked that not only the assay offices which are to be abolished by this conference report, but that the assay office at Seattle and the mint at San Francisco should be discontinued as well upon the same plea of economy. But to-day we find that his recommendation is different, and he now wishes that the mint at San Francisco be maintained and that the assay office at Seattle be continued. The excuse given for retaining the assay office at Seattle is on account of the gold production in Alaska.

When we stop to think, in the United States to-day there is produced nearly $100,000,000 of gold and silver, most of the same produced in the States in which are located the assay offices recommended to be discontinued. The Senate provided an appropriation of $64,000 for the maintenance of the assay offices that will be abolished if this conference report is adopted. The receipts from these same assay offices are about one-half the amount appropriated. I do not believe the Senate desires the intermountain States to be deprived of an assay office for the mere pittance of $30,000.

That is all that there is involved in this question, and I denounce it as false economy. Their abolishment is not going to be a burden upon the man who owns a rich, well-developed mine. It will be a burden upon the small miner and poor prospector, the man who has no capital, the pioneer in the development of our precious-metal mining.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. Certainly.

Mr. SMITH of South Carolina. I should like to ask the Senator from Utah a question. If the assay offices located in the mining regions should be abolished, where would the prospector have his ore assayed so as to know its value or whether it was workable?

Mr. SMOOT. He could perhaps find an assay office somewhere within 100 miles or 200 miles of the place where he is prospecting.

Mr. SMITH of South Carolina. Assay offices, then, are owned by private corporations or individuals. Can the Senator state what would be the difference in cost between an assay by a private corporation and the assay work by the Government?

Mr. SMOOT. The question of assaying ore is a small part of the difficulty. It is the small producer of ore who will suffer. At present he can send his gold and silver to the assay office and get his money at once, and is not compelled to send it to New York or San Francisco and wait for the return. This he is not able to do. He has to pay his employees and live upon what he receives from the metals produced, and he must get his returns as quickly as possible.

Mr. SMITH of South Carolina. Are there any charges made by the Government on individuals for the assay?

Mr. SMOOT. There are certain charges for assay, but the great advantage comes principally from the fact that the gold produced by the small miner can be settled and paid for at these assay offices, instead of his being compelled to send it to San

Francisco or New York, if the conference report is adopted; or he would have to sell it to private parties at a loss, who in turn would send it to New York and make his commission.

All the expense involved in this question, as I said, is not more than $30,000. This amount, if expended in maintaining the assay offices, will protect the small producer of gold and silver against the speculator who would buy it from him and then send it to some distant assay office.

Mr. President, it does seem to me that this is of so much importance to the great mining industry of the intermountain country, an industry putting millions and hundreds of millions of dollars of gold and silver into circulation, the very life blood of commerce, that the expenditure of a few thousand dollars should not be considered. It will have the effect of retarding the growth of that industry. I do not believe that the Congress of the United States fully comprehends it or they would not hesitate to appropriate the paltry sum of $30,000 to develop and encourage this great industry.

As the Senator from Nevada says, we are appropriating from fifteen to sixteen million dollars toward the education of the people along agricultural lines. I would not care if it was twice the amount. This is for a similar purpose, for the development of the great mining industry that has added so much to the wealth of this country.

I certainly trust the Senate will send this conference report back and see if the conferees on the part of the House will not recede from the disagreement of the House to this amendment, so that we shall have these offices retained.

[Mr. ASHURST addressed the Senate. See Appendix.]

Mr. OVERMAN. Mr. President, as a member of the conference committee I think perhaps I ought to say that this was one of the great questions that divided the conferees two years ago. The conferees on the part of the Senate held out until finally it was agreed to let the assay offices remain one more year. This year we had the fight again and we held out for weeks and weeks. There is one of these assay offices, I will say to the Senator, in my own State, and of course I was personally interested; but we could get no agreement at all unless we made the compromise, allowing the assay offices to remain until the 1st day of January, and then the next Congress can take such action as it may please. The Senate can send the bill back to the conferees if it desires to do so, but we have been notified that the House will never agree, and the bill will probably be lost. I do not know what the House will do.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. OVERMAN. I yield.

Mr. SMITH of South Carolina. As this seems to be a matter of very great importance—and I think myself it is—I should like for the Senator from North Carolina, who is a member of the conference committee, to explain upon what ground the conferees on the part of the House seemed to oppose the retention of these assay offices. It seems that the arguments that have been made in favor of them are almost unanswerable, and I should like to hear, if there is any Senator who can give the information to the Senate, on what ground the House desires to abolish the assay offices.

Mr. OVERMAN. Their abolition is recommended by the Superintendent of the Mint and by the Secretary of the Treasury, and I believe——

Mr. SMITH of South Carolina. On what ground did the Secretary of the Treasury base his recommendation?

Mr. OVERMAN. On the ground that the offices do not pay; that they are expensive, and that there is no need for them.

Mr. BORAH. That may be the reason assigned by the Secretary of the Treasury, but——

Mr. SMITH of South Carolina. It does not make any difference what reason may be assigned; I want to know from those who are on the ground whether the reasons that have been given are true.

Mr. BORAH. No; they are not true. The facts can be had, and anyone who wishes to investigate will find that the statements are not true. The Secretary is simply in error; that is what I mean to say.

Mr. OVERMAN. I want to say that the conferees on the part of the Senate stood out as long as possible to sustain the action of the Senate, as it was their duty to do, but finally yielded after a long struggle on this matter.

Mr. BORAH. No one is criticizing the Senate conferees.

Mr. OVERMAN. I understand the Senator is not; but I am giving him the position of this bill as it now stands. We were notified that the House of Representatives will never agree. If it is desired to send the report back, I am willing to have it sent back. As I have said, I am interested because one of these assay offices is almost right at my door.

Mr. BORAH. There is no reason why the Senate should, out of courtesy, yield when the action which has been taken is aimed at the destruction of a great industry.

Mr. OVERMAN. It was not out of courtesy that we yielded, but it was because we are compelled to have this great appropriation bill passed.

Mr. BORAH. We are not compelled to have a bill any more than the House of Representatives is compelled to have a bill, and inasmuch as the provision so seriously affects what all concede to be a great industry, there is no reason why we should yield. Let those who are in error do the yielding.

Mr. NEWLANDS. Let me suggest to the Senator from Idaho that it not only involves a great injury to that industry, but it also involves the sacrifice of a principle, for we have here a clear case where the Appropriations Committee of the other House propose to force upon the Senate, on a general appropriation bill, a nullification of existing law now authorizing these assay offices and providing for their operation without accomplishing in the usual way the repeal of that law. After this action is taken, the law authorizing the operation of these assay offices and fixing the salaries of the officials will still remain on the statute books. Thus, by this action, initiated in the House of Representatives and forced upon the Senate, the Senate being the victim of coercion, we are practically called upon to aid the House and the Secretary of the Treasury in nullifying existing law.

There is another thing I wish to say. This action does not involve in any degree any of the mints. It is true that the Carson City assay office is called a mint. That arises from the fact that it was at one time a great mint, but its operations have been gradually diminished until now it is simply an assay office, for the convenience of prospectors and small miners of that great region. So far as the minting operations are concerned, they are now concentrated at San Francisco, Denver, and Philadelphia. Whilst for a long time some of us from the West insisted that the operation of minting be not contracted to so small an area, yet that contention has been abandoned, and we are now simply endeavoring to save these assay offices, which are as much a convenience to the great mining industries of that region as are the agricultural experiment stations to the farmers of the country.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Yes.

Mr. POMERENE. Can the Senator give us an estimate as to the additional expense which would be incurred by the miners of that section if these assay offices were discontinued?

Mr. NEWLANDS. No; I can not. They would be subjected to the charges of private assayers, and it has been suggested that they would be compelled to resort to the great smelting organizations in that region and be compelled to submit to what the smelting organizations said their ores contained, for, recollect, we are making a scientific inquiry here, through competent men, as to the value of the ores of small operators. The big men have, of course, scientific men to attend to all such matters, but the Government is now pursuing various activities of this kind in various ways, having to-day a Bureau of Standards right here in Washington devoted to the question of establishing standards, and the Government itself is looked upon——

Mr. OVERMAN. With the exception——

The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Yes.

Mr. OVERMAN. I want to state that the assay offices are not abolished.

Mr. NEWLANDS. That is what I say; they are not abolished, but their operations are abolished.

Mr. OVERMAN. The appropriation is made for them until the 1st of next January. That was a compromise. Of course, the conferees wanted to except the Carson assay office.

Mr. NEWLANDS. Let me say to the Senator that a glaring injustice was done to the Carson assay office, miscalled a mint, for its salaries were only continued until July next, and it will not be until next December that we will have another opportunity to act on the matter.

Mr. OVERMAN. A compromise had to be made, and the compromise was that we would provide appropriations to the 1st of July and the 1st of January and then let Congress take 1st of July and the 1st of January and then let Congress take are appropriated for just as they have always been except that

we have only appropriated for them until July and to January next.

Mr. NEWLANDS. There is no appropriation whatever, if the Senator will permit me, made for the Carson assay office. The Carson assay office appropriation was made last year and runs only until July next, so that there is no appropriation in this bill whatever for that office; and as to the other assay offices, the appropriation is made for only one-half of the year, and not for another year, and that notwithstanding the fact that the law authorizing these assay offices and providing for their operation is still on the statute books and will remain upon the statute books after their officials are discharged.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. KENYON. I thought the Senator had given up the floor.

Mr. NEWLANDS. Well, I will yield the floor.

Mr. KENYON. I rise to offer a privileged motion under clause 6 of Rule VII. I move that the Senate proceed to the consideration of the veto message of the President of the United States on Senate bill No. 4043, and in connection with that I call the attention of the Chair to clause 6 of Rule VII, on page 10.

Mr. WARREN. Mr. President, we are already considering a privileged question, which I hope will soon be determined.

Mr. NEWLANDS. I will ask the Senator from Iowa whether he will not permit a vote now on the conference report? I imagine the discussion is ended, and the question is upon agreeing to that report.

Mr. KENYON. I will withhold the motion if there can be a vote without further debate.

Mr. NEWLANDS. I have no doubt there can be.

Mr. WARREN. The yeas and nays have already been ordered.

Mr. JONES. I want just a minute or two.

Mr. KENYON. If there is to be no debate, Mr. President, I will withhold the motion temporarily, but if debate is to ensue I will proceed.

Mr. JONES. I want a minute or two on this matter. I do not care to prevent the Senator from Iowa from proceeding, but I simply want to say that I desire to discuss this matter briefly.

Mr. NEWLANDS. I understand, Mr. President, that the discussion——

Mr. KENYON. I insist upon my motion, if there is to be debate.

Mr. NEWLANDS. I understand that discussion has ended and we are ready for a vote. When the conference report is disposed of, then, of course, the Senator from Iowa can proceed.

Mr. KENYON. I will be very glad to withhold the motion, if the Senate is ready to vote; but the Senator from Washington announces that he desires to discuss the matter, and hence we are not ready for a vote, and I will ask that my motion be put.

Mr. NEWLANDS. I supposed that the Senator from Washington desired to speak upon the question which the Senator from Iowa desires to bring up.

Mr. KENYON. Mr. President, I will withhold my motion until the conclusion of the remarks of the Senator from Washington.

Mr. JONES. Mr. President, I merely want a minute or two, and I will not delay the matter further. I desire to say that the assay office in my State is cared for in this bill, but I have not lost my interest in the other assay offices throughout that great section of the country, and I think the conference report should be disagreed to.

As has been said, these assay offices are very much to the miners and prospectors what the agricultural experiment stations are to the poor farmers, and the Senate should not adopt the proposition to abolish them. The subject has never been considered by the committees of the Senate or the House having jurisdiction over the matter; it has not been referred to any such committee, and there has been no bill on this question reported by any such committee. This simply comes here on an appropriation bill, and we can not escape our responsibility by saying that it has been suggested by the executive department. If we adopt the report, this action becomes our legislative act, and we are responsible for it. I hope the Senate will reject the conference report.

The PRESIDENT pro tempore. Will the Senator from Iowa permit a vote to be taken on the conference report, on which the yeas and nays have been ordered?

Mr. THOMAS. Mr. President——

Mr. LODGE. The question is on agreeing to the conference report, is it not?

The PRESIDENT pro tempore. It is; but the Senator from Colorado addressed the Chair. [A pause.] The question is on agreeing to the conference report, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. Otherwise I should vote "nay."

The roll call having been concluded, the result was announced—yeas 15, nays 55, as follows:

YEAS—15.

Brandegee	Curtis	McCumber	Warren
Burnham	du Pont	Overman	Wetmore
Burton	Gallinger	Tillman	Williams
Clarke, Ark.	Johnston, Ala.	Townsend	

NAYS—55.

Ashurst	Dixon	Myers	Sheppard
Borah	Fall	Newlands	Shively
Bradley	Gardner	O'Gorman	Smith, Ariz.
Brady	Gronna	Oliver	Smith, Ga.
Bristow	Guggenheim	Owen	Smith, S. C.
Brown	Hitchcock	Page	Smoot
Bryan	Jones	Paynter	Stephenson
Catron	Kenyon	Percy	Sutherland
Chilton	Kern	Perkins	Swanson
Crawford	Lea	Pittman	Thomas
Culberson	Lodge	Poindexter	Thornton
Cullom	McLean	Pomerene	Webb
Cummins	Martin, Va.	Richardson	Works
Dillingham	Martine, N. J.	Root	

NOT VOTING—25.

Bacon	Crane	Kavanaugh	Smith, Md.
Bankhead	Fletcher	La Follette	Smith, Mich.
Bourne	Foster	Lippitt	Stone
Briggs	Gamble	Nelson	Watson
Chamberlain	Gore	Penrose	
Clapp	Jackson	Reed	
Clark, Wyo.	Johnson, Me.	Simmons	

So the conference report was rejected.

Mr. WARREN. I move that the Senate further insist upon its amendments and request a further conference with the House on the disagreeing votes, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. WETMORE, and Mr. OVERMAN conferees on the part of the Senate.

INTERSTATE SHIPMENT OF LIQUORS—VETO MESSAGE.

The PRESIDENT pro tempore. The Chair lays before the Senate the following message from the President of the United States, which will be read:

The message is as follows:

To the Senate:

I return herewith, without my signature, S. 4043.

The bill, including title and enacting clause, is as follows:

An act divesting intoxicating liquors of their interstate character in certain cases.

Be it enacted, etc., That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package, or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, is hereby prohibited.

After giving this proposed enactment full consideration, I believe it to be a violation of the interstate commerce clause of the Constitution, in that it is in substance and effect a delegation by Congress to the States of the power of regulating interstate commerce in liquors which is vested exclusively in Congress.

The most recent expression of the Supreme Court on the general subject is found in the case of the Louisville & Nashville Railroad Co. *v.* F. W. Cook Brewing Co. (223 U. S., 70). This was a bill in equity to enjoin the railroad company from refusing to accept the product of the brewing company at Evansville, Ind., where it was located, for transportation to local-option or so-called "dry communities" in Kentucky.

In delivering the judgment of the Supreme Court, affirming the action of the circuit court in awarding the injunction asked, Mr. Justice Lurton said:

By a long line of decisions, beginning even prior to Leisy *v.* Hardin (135 U. S., 100), it has been indisputably determined:

a. That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce.

b. That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.

c. That until such transportation is concluded by delivery to the consignee, such commodities do not become subject to State regulation, restraining their sale or disposition.

The Wilson Act, which subjects such liquors to State regulation although still in the original packages, does not apply before actual delivery to such consignee where the shipment is interstate. Some of the many later cases in which these matters have been so determined and the Wilson Act construed are: Rhodes *v.* Iowa (170 U. S., 412); Vance *v.* Vandercook Co. (170 U. S., 438); Heyman *v.* Southern Railway (203 U. S., 270); Adams Express Co. *v.* Kentucky (214 U. S., 218).

Valid as the Kentucky legislation undoubtedly was as a regulation in respect to intrastate shipments of such articles, it was most obviously never an effective enactment in so far as is undertook to regulate interstate shipments to dry points. Pending this very litigation, the Kentucky Court of Appeals, upon the authority of the line of cases above cited, reached the same conclusion, C. & N. O. Ry. *v.* Kentucky (126 Ky., 563).

The obligation of the railroad company to conform to the requirements of the Kentucky law, so far as that law prohibited intrastate shipments, is clear, and to this extent its circular notification was commendable. But the duty of this company, as an interstate common carrier for hire, to receive for transportation to consignees upon its line in Kentucky from consignors in other States any commodity which is an ordinary subject of interstate commerce, and such transportation could not be prohibited by any law of the State of such consignee, inasmuch as any such law would be an unlawful regulation of interstate commerce not authorized by the police power of the State.

The Wilson Act, referred to by Judge Lurton, provides as follows:

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory, enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

The Supreme Court, in Rhodes *v.* Iowa (170 U. S., 423), construed this language to mean that the legislative authority of the respective States should attach to intoxicating liquors coming into the States by an interstate shipment, only after the consummation of the shipment, but before the sale of the merchandise. The court held that the right of the consignee to sell before delivery was a mere incident to the shipment, and that it was within the power of Congress to submit the incidental power to sell to the dominion of State authority.

The court declined to express an opinion as to the authority of Congress under its power to regulate commerce to delegate to the States the right to forbid the transportation of merchandise from one State to another. It must be admitted, therefore, that upon the exact point in question, to wit, the right of the Congress to delegate to States the power to forbid the shipment of intoxicating liquors from another State into its jurisdiction, the Supreme Court has declined to express an opinion, though it is difficult to read the language of the court in the case of Rhodes *v.* Iowa (170 U. S., 412); Vance *v.* Vandercook Co. (170 U. S., 438), and of Mr. Justice Catron in the License cases (5 Howard, 504, 599) quoted with approval by Mr. Justice Matthews in Bowman *v.* Railway Co. (125 U. S., 465, 489) without inferring that such a delegation of power would be beyond the power of Congress.

One of the main purposes of the union of the States under the Constitution was to relieve the commerce between the States of the burdens which local State jealousies and purposes had in the past imposed upon it; and the interstate-commerce clause in the Constitution was one of the chief reasons for its adoption. The power was there conferred upon Congress. Now, if to the discretion of Congress is committed the question whether in interstate commerce we shall return to the old methods prevailing before the Constitution or not, it would seem to be conferring upon Congress the power to amend the Constitution by ignoring or striking out one of its most important provisions. It was certainly intended by that clause to secure uniformity in the regulation of commerce between the States. To suspend that purpose and to permit the States to exercise their old authority before they became States, to interfere with commerce between them and their neighbors, is to defeat the constitutional purpose.

This conclusion is sustained in a very careful report prepared by the subcommittee of the Judiciary Committee of the Senate, of which then Senator Knox was chairman. The conclusions stated were as follows:

First. Interstate shipments are not completed until they reach the consignee.

Second. An interruption or interference with interstate shipments before they reach the consignee constitutes a regulation of commerce.

Third. Regulating interstate shipments is an exclusive function of Congress.

Fourth. Congress can not delegate any part of its exclusive power to the States.

Fifth. To remove the bar or impediment of exclusive Federal power which shuts the States out of the Federal domain is to permit or sanction a State law in violation of the Constitution and in effect to delegate a Federal function to the States.

I am quite aware that the purpose of this act is to enable the States more completely to regulate the sale and use of intoxicating liquors in their respective jurisdictions, and that a very large part of the good people of each of such States is strongly in favor of any law which will permit the State to do this, and therefore that the necessity for maintaining the constitutional restrictions in such cases with reference to interstate commerce is not looked upon with popular favor in those States. Recognizing this popular wish, Congress has already gone to the extent of subjecting the original package in which the liquor is imported to the laws of the State as soon as it is delivered into the hands of the consignee. It has regulated the commerce in liquors by forbidding, under sections 238, 239, and 240 of the Penal Code (1) delivery of intoxicating liquor to any person other than the consignee, unless upon his written order, or to any fictitious person; (2) the collection of the purchase price of intoxicating liquor by any common carrier acting as agent of buyer or seller; (3) the shipment of any liquor unless labeled on the outside to show name of consignee, nature of contents, and quantity contained. These restrictions must greatly aid the State authorities in their enforcement of their liquor laws.

If Congress, however, may in addition entirely suspend the operation of the interstate-commerce clause upon a lawful subject of interstate commerce and turn the regulation of interstate commerce over to the States in respect to it, it is difficult to see how it may not suspend interstate commerce in respect to every subject of commerce wherever the police power of the State can be exercised to hinder or obstruct that commerce. I can not think that the framers of the Constitution, or that the people who adopted it, had in mind for a moment that Congress could thus nullify the operation of a clause whose useful effect was deemed so important and which in fact has contributed so much to the solidarity of the Nation and the prosperity that has followed unhampered, nation-wide trade.

But it is said that this is a question with which the Executive or Members of Congress should not burden themselves to consider or decide. It is said that it should be left to the Supreme Court to say whether this proposed act violates the Constitution. I dissent utterly from this proposition. The oath which the Chief Executive takes, and which each Member of Congress takes, does not bind him any less sacredly to observe the Constitution than the oaths which the Justices of the Supreme Court take. It is questionable whether the doubtful constitutionality of a bill ought not to furnish a greater reason for voting against the bill, or vetoing it, than for the court to hold it to be invalid. The court will only declare a law invalid where its unconstitutionality is clear, while the lawmaker may very well hesitate to vote for a bill if of doubtful constitutionality because of the wisdom of keeping clearly within the fundamental law. The custom of legislators and executives having any legislative function to remit to the courts entire and ultimate responsibility as to the constitutionality of the measures which they take part in passing is an abuse which tends to put the court constantly in opposition to the legislature and executive, and, indeed, to the popular supporters of unconstitutional laws. If, however, the legislators and the executives had attempted to do their duty this burden of popular disapproval would have been lifted from the courts, or at least considerably lessened.

For these reasons, and in spite of the popular approval of this bill, I have not felt justified in signing it, because I feel that under principles of proper constitutional construction it violates the interstate-commerce clause of our fundamental law.

I am sustained in the view I have taken by the judgment and opinion of Attorney General Wickersham, which contains an elaborate discussion of the question and considers in detail the issues which have been raised in the congressional debates and elsewhere.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1913.*

DEPARTMENT OF JUSTICE,
Washington, February 28, 1913.

The PRESIDENT.

SIR: I have examined with as much care as the very limited time at my disposal would permit the bill S. 4043, entitled "An act divesting intoxicating liquors of their interstate character in certain cases," which was passed by both Houses of Congress and presented to you on February 17th instant. This bill consists of but one section, which is as follows:

"*Be it enacted, etc.*, That the shipment or transportation in any manner or by any means whatsoever of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind from one State, Territory, or District of the United States or place noncontiguous to, but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States or place noncontiguous to, but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States or place noncontiguous to,

but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, is hereby prohibited."

Senator KENYON, the sponsor of the bill during debate, said "that honest lawyers, frank with themselves, must concede that the questions involved are exceedingly troublesome, but inasmuch as the Supreme Court has expressly left open the question it would seem that this was a proper case to place the matter squarely before them in order that a question of great importance might be determined." Whether or not the doubts concerning the constitutionality of this measure thus frankly expressed are so well founded as to require you to disapprove it or are of a character which, in view of the meritorious purpose of the legislation, you should disregard, leaving them, as Senator KENYON suggests, to be dealt with by the courts, is, I take it, the matter for your immediate consideration and determination.

In the Senate, Senators ROOT and SUTHERLAND, among others, expressed in careful and forceful reasoning their conviction that the act was wholly beyond the constitutional powers of Congress, in which view Representative BRANTLEY and other lawyers of high standing in the House of Representatives concurred.

Traffic in liquor has been the subject of much discussion both in Congress and before the courts of the United States ever since the decision in Leisy *v.* Hardin (135 U. S., 100), which held that a statute of a State prohibiting the sale of any intoxicating liquors except for pharmaceutical, medicinal, chemical, or sacramental purposes, and under a license from a county court of the State, was, as applied to a sale by the importer into the State, and in the original packages or kegs, unbroken and unopened, of such liquors, manufactured in and brought from another State, unconstitutional and void, as repugnant to the clause of the Constitution granting to Congress the power to regulate commerce with foreign nations and among the several States.

This case was decided April 28, 1890, and on August 8, following, Congress passed an act known as the Wilson Act (26 Stats., 315, c. 728) providing:

"that all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein shall, upon arrival in such State or Territory, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise." That act was sustained in the case of In re Rahrer (140 U. S., 555), as a valid exercise of the power of Congress to regulate commerce among the States.

In delivering the opinion of the court, Fuller, C. J., said:

The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraint. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States.

* * * * * * *

Unquestionably, fermented, distilled, or other intoxicating liquors or liquids are subjects of commercial intercourse, exchange, barter, and traffic between nation and nation and between State and State like any other commodity in which a right to traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, and the decisions of courts. Nevertheless, it has been often held that State legislation which prohibits the manufacture of spiritous, malt, vinous, fermented, or other intoxicating liquors within the limits of a State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto.

He referred to the language of Mr. Justice Catron in the License Cases (5 How., 599), to the effect that if from its nature an article did not belong to commerce, "or if its condition, from putresence, or other cause, is such when it is about to enter the State that it no longer belongs to commerce, or, in other words, is not a commercial article, then the State power may exclude its introduction. * * * That is to say, that which does not belong to commerce is within the jurisdiction of the police power of the State; and that which does belong to commerce is within the jurisdiction of the United States."

Coming to consider whether or not, as declared by Congress, imported liquors shall, upon arrival in a State, fall within the category of domestic articles of a similar nature, the Chief Justice continued as follows:

"By the first clause of section 10 of Article I of the Constitution, certain powers are enumerated which the States are forbidden to exercise in any event; and by clauses 2 and 3, certain others, which may be exercised with the consent of Congress. As to those in the first class, Congress can not relieve from the positive restriction imposed. As to those in the second, their exercise may be authorized; and they include the collection of the revenue from imposts and duties on imports and exports, by State enactments, subject to the revision and control of Congress; and a tonnage duty, to the exaction of which only the consent of Congress is required. Beyond this, Congress is not empowered to enable the State to go in this direction. Nor can Congress transfer legislative powers to a State, nor sanction a State law in violation of the Constitution; and if it can adopt a State law as its own, it must be one that it would be competent for it to enact itself, and not a law passed in the exercise of the police power. (Cooley *v.* Port Wardens of Philadelphia, 12 How., 299; Gunn *v.* Barry, 15 Wall., 610, 623; United States *v.* Dewitt, 9 Wall., 41.)"

But, he held, Congress can, in the exercise of the discretion reposed in it, conclude that the common interests do not require entire freedom in the traffic of ardent spirits, and so concluding it had enacted the Wilson law.

"In so doing, Congress has not attempted to delegate the power to regulate commerce, or to exercise any power reserved to the States or to grant a power not possessed by the States, or to adopt State laws. It has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule, whose uniformity is not affected by variations in State laws in dealing with such property."

The Chief Justice added that he perceived no reason why, if Congress chose to provide that certain designated subjects of interstate commerce shall be governed by a rule which divests them of that character at an earlier period of time than would otherwise be the case, it was not within its competency so to do, and accordingly held that the act of 1890 which withdrew the control of Congress over the articles in question upon their arrival within the State into which they were shipped was a constitutional exercise of power.

In Rhodes *v.* Iowa (170 U. S., 412) the court was called upon to construe the meaning of the words "upon such arrival in such State or Territory" in the Wilson Act, it being contended that these words meant on arrival at the State line. But this interpretation was rejected, and it was held that, properly construed, the words meant to withdraw the Federal control when the goods had arrived at the point of destination and were delivered there to the consignee. "Undoubtedly," the court said—

"The purpose of the act was to enable the laws of the several States to control the character of merchandise therein enumerated at an earlier date than would have been otherwise the case, but it is equally unquestionable that the act of Congress manifests no purpose to confer upon the States the power to give their statutes an extraterritorial operation so as to subject persons and property beyond their borders to the restraints of their laws. If the act of Congress be construed as reaching the contract for interstate shipment made in another State, the necessary effect must be to give to the laws of the several States extraterritorial operation, for, as held in the Bowman case (Bowman *v.* Chicago & C. R. R. Co., 125 U. S., 465), the inevitable consequence of allowing a State law to forbid interstate shipments of merchandise would be to destroy the right to contract beyond the limits of the State for such shipments. If the construction claimed be upheld, it would be in the power of each State to compel every interstate commerce train to stop before crossing its borders and discharge its freight, lest by crossing the line it might carry within the State merchandise of the character named covered by the inhibitions of a State statute."

* * * * * * *

"Whilst it is true that the right to sell free from State interference interstate-commerce merchandise was held in Leisy *v.* Hardin to be an essential incident to interstate commerce, it was yet but an incident, as the contract of sale within a State in its nature was usually subject to the control of the legislative authority of the State. On the other hand, the right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect, and imported in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State. The purpose of Congress to submit the incidental power to sell to the dominion of State authority should not, without the clearest implication, be held to imply the purpose of subjecting to State laws a contract which in its very object and nature was not susceptible of such regulation even if the constitutional right to do so existed, as to which no opinion is expressed."

The court quoted from the opinion in the Bowman case, a passage which pointed out the confusion which would arise if the laws of the several States were allowed to have an extraterritorial operation, saying that uniformity in the regulations by which a carrier is to be governed from one end of his route to the other is a necessity in his business, and that to secure it Congress, which is untrammeled by State lines, has been invested with the exclusive legislative power of determining what such regulation shall be; and added:

"And it was doubtless this construction which caused the court to observe, in the opinion In re Rahrer (140 U. S., 545, 552), that the act of Congress 'divests them (objects of interstate-commerce shipment) of that character at an earlier period of time than would otherwise be the case.' We think that in interpreting the statute by the light of all its provisions it was not intended to and did not cause the power of the State to attach to an interstate-commerce shipment whilst the merchandise was in transit under such shipment and until its arrival at the point of destination and delivery there to the consignee, *and of course this conclusion renders it entirely unnecessary to consider whether, if the act of Congress had submitted the right to make interstate-commerce shipments to State control, it would be repugnant to the Constitution.*"

The bill presented for your consideration now squarely presents the question put in the clause above italicized, for the bill avowedly and clearly proposes to submit the right to make interstate-commerce shipments of spirituous, vinous, malt, fermented, or other intoxicating liquor of any kind to State control. Senator ROOT said during the discussion over it:

"What is proposed in this bill is that the Government of the United States shall hand over to the government of each State the right to say how and when and under what conditions interstate commerce in these articles of commerce, so treated and regarded by all the States, shall be had." (Res., p. 2931.)

Yet, in Vance *v.* Vandercook (170 U. S., 438–444) the court in passing on the constitutionality of the South Carolina dispensary act said that the proposition was well established "that the right to send liquors from one State into another, and the act of sending the same, is interstate commerce, the regulation whereof has been committed by the Constitution of the United States to Congress, and, hence, that a State law which denies such a right, or substantially interferes with or hampers the same, *is in conflict with the Constitution of the United States.*"

In discussing the constitutionality of that provision in the act of 1890 which withdrew the protection of Congress from the incidental right of the importer into a State of spirituous or vinous liquors to sell the same in the original package, the court advanced as a conclusive answer to one of the contentions made against its constitutionality, "that the interstate-commerce clause of the Constitution guarantees the right to ship merchandise from one State into another, and protects it until the termination of the shipment by delivery at the place of consignment, and this right is wholly unaffected by the act of Congress which allows State authority to attach to the original package *before* sale but only *after* delivery."

"It follows," said Mr. Justice White in delivering the opinion of the court, "that under the Constitution of the United States every resident of South Carolina is free to receive for his own use liquor from other States, and that the inhibitions of a State statute do not operate to prevent liquors from other States from being shipped into such State, on the order of a resident for his use. * * * To hold the law unconstitutional because it prevents such sale in the original package would be to decide that the State law was unconstitutional because it exerted a power which the State had a lawful right to exercise. Indeed, the law of the State here under review does not purport to

forbid the shipment into the State from other States of intoxicating liquors for the use of a resident, and if it did so, it would, upon principle and under the ruling in Scott *v.* Donald, to that extent be in conflict with the Constitution of the United States.

"It is argued that the foregoing considerations are inapplicable, since the State law now before us, whilst it recognizes the right of residents of other States to ship liquor into South Carolina for the use of residents therein, attaches to the exercise of that right such restrictions as virtually destroy it.

"But the right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States, and does not rest on the grant of the State law. Either the conditions attached by the State law unlawfully restrain the right or they do not; if they do—and we shall hereafter examine this contention—then they are void. If they do not, then there is no lawful ground of complaint on the subject."

Again, analyzing the effect of the State statute, which in substance prohibited the importation of liquor for one's own use without first obtaining a certificate from a State official, the court said:

"The right of the citizen of another State to avail himself of interstate commerce can not be held to be subject to the issuing of a certificate by an officer of the State of South Carolina without admitting the power of that officer to control the exercise of the right. But the right arises from the Constitution of the United States; it exists wholly independent of the will of either the law-making or the executive power of the State; it takes its origin outside of the State of South Carolina and finds its support in the Constitution of the United States. Whether or not it may be exercised depends solely upon the will of the person making the shipment and can not be in advance controlled or limited by the action of the State in any department of its government."

These foregoing decisions were applied in the case of American Express Co. *v.* Iowa (196 U. S., 147), where it was held that a package of intoxicating liquor received by a company in one State to be carried to a purchaser in another State, c. o. d., is interstate commerce and is under the protection of the commerce clause of the Constitution and may not be confiscated under the prohibitive liquor laws of the State.

In Pabst Brewing Co. *v.* Crenshaw (198 U. S., 27) it was held that a State statute which operates upon beer and malt liquors shipped from other States after their arrival and while held for sale and consumption within the State was not an interference with interstate commerce in view of the provisions of the Wilson act of 1890. The purpose of that act, said Mr. Justice White—

"was to make liquor after its arrival a domestic product and to confer power upon the States to deal with it accordingly. The police power is hence to be measured by the right of a State to control or regulate domestic products, a State and not a Federal question as respects the commerce clause of the Constitution.

* * * * * * *

"To decide that an exertion by a State of its power to regulate the sale of malt liquors manufactured within the State was an exercise of its police authority, and yet to say that the same, when applied to liquor shipped into the State from other States, after delivery was not an exertion of the police power, would be to destroy the Wilson Act and frustrate the very object which it was intended to accomplish, and besides would overrule the previous decisions of this court upholding and enforcing that statute."

In Heyman *v.* Southern Railway Co. (203 U. S., 270) it was held that the word "arrival" as used in the Wilson Act means delivery of the goods to the consignee, and not merely reaching their destination; and that the power of the State over intoxicating liquors from other States in original packages after delivery and before sale, given by the Wilson law, does not attach before notice and expiration of a reasonable time for the consignee to receive the goods from the carrier; and that this rule is not affected by the fact that under the State law the carrier's liability as such may have ceased and become that of a warehouseman.

"As the general principle is that goods moving in interstate commerce cease to be such commerce only after delivery and sale in the original package, and as the settled rule is that the Wilson law was not an abdication of the power of Congress to regulate interstate commerce, since that law simply affects an incident of such commerce by allowing the State power to attach after delivery and before sale, we are not concerned," said Mr. Justice White, "with whether, under the law of any particular State, the liability of a railroad company as carrier ceases and becomes that of a warehouseman on the goods reaching their ultimate destination, before notice and before the expiration of a reasonable time for the consignee to receive the goods from the carrier. For, whatever may be the divergent legal rules in the several States concerning the precise time when the liability of a carrier as such in respect to the carriage of goods ends, they can not affect the general principle as to when an interstate shipment ceases to be under the protection of the commerce clause of the Constitution, and thereby comes under the control of the State authority."

In Delamater *v.* South Dakota (205 U. S., 93) it was held that since the enactment of the Wilson law the owner of intoxicating liquor in one State can not, under the commerce clause of the Constitution, go himself or send his agent into another State, and, in defiance of its laws, carry on the business of soliciting proposals for the purchase of such liquors; that although a State may not forbid a resident thereof from ordering for his own use intoxicating liquor from another State, it may forbid the carrying on within its borders of the business of soliciting orders for such liquor, although such orders may only contemplate a contract resulting from final acceptance in another State. Mr. Justice White said:

"It is settled by a line of decisions of this court, noted in the margin, that the purpose of the Wilson Act, as a regulation by Congress of interstate commerce, was to allow the States, as to intoxicating liquors, when the subject of such commerce, to exert ampler power than could have been exercised before the enactment of the statute. In other words, that Congress, sedulous to prevent its exclusive right to regulate commerce from interfering with the power of the States over intoxicating liquor, by the Wilson Act adopted a special rule enabling the States to extend their authority as to such liquor shipped from other States before it became commingled with the mass of other property in the State by a sale in the original package."

Sections 238, 239, and 240 of the Penal Code forbid under penalty (1) delivery of intoxicating liquor to any person other than the consignee, unless upon his written order, or to any fictitious person; (2) the collection of the purchase price of intoxicating liquor by any common carrier, or the acting of such as agent of buyer or seller; (3) the shipment of any liquor unless labeled on the outside to show name of consignee, nature of contents, and quantity contained.

Senator SUTHERLAND said of this legislation that it gives the State "full power to seize and confiscate liquor after it reaches the hands of the consignee, and the sections of the penal code, by requiring delivery to an actual consignee and the plain marking of every package with the name of consignee and the quantity and kind of liquor contained, furnishes information which will enable the State to act." (Rec., 2919.)

The bill under consideration goes beyond all this. It proposes to make unlawful the transportation of liquor from one State to another where it "is intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of" the law of the State, etc., into which it is shipped. If, therefore, the law of any State shall prohibit absolutely the possession or use of liquor within that State, then under this bill the mere introduction of liquor across the boundary line of the State would be conclusive evidence of an intention to violate that law, and would subject the carrier and all persons having any interest in the liquor to penalties imposed by the State law.

On the other hand, in those States where the use of liquor is permitted to any degree under restrictions, the carrier and all persons having any interest in the liquor would, from the moment of its introduction into the State, be liable to the penalties imposed by the State law if the evidence should warrant the inference, that any one of them intended to use the liquor so taken into the State in any manner which should violate the State law. This, of course, would operate to give to the statutes of the State an extraterritorial operation so as to subject persons and property without the State to the restraint of these laws by preventing them from making contracts of sale and delivery which would be lawful in the State where made, but which could not be enforced by delivery within the State of the purchaser if such delivery were prohibited by the laws of such State. If, as was said in Rhodes *v.* Iowa (supra):

"The right to contract for the transportation of merchandise from one State into or across another involved interstate commerce in its fundamental aspect and imparted in its very essence a relation which necessarily must be governed by laws apart from the laws of the several States, since it embraced a contract which must come under the laws of more than one State," this fundamental right, which, as shown in the above cases, is protected by the Constitution, and subjected only to the exclusive power of regulation vested in Congress, would be entirely destroyed by this legislation. This was the principal ground upon which Senator ROOT based his objection to the bill.

"In the second place," he said, "the provision undertakes to invalidate the contracts of the people of each State by reason of the intention of some one else in regard to future conduct under the laws of other States. The laws of a given State require a common carrier to accept and carry an invoice of goods. The contract is obligatory. The contract is made. But under this provision, if it is effective at all, the contract is invalidated because some one besides the carrier, and it may be some one besides the shipper, has an undisclosed intention to violate, after the transaction of transportation is over, an unknown law in a different State." (Rec., 2930.)

"What is proposed in this bill," he added, "is that the Government of the United States shall hand over to the government of each State the right to say how and when and under what conditions interstate commerce in these articles of commerce, so treated and regarded by all the States, shall be had." (Rec., 2931.) Mr. ROOT referred to another objection, namely, "that this bill does not merely hand over to the State, which is the terminus ad quem of this transportation, the power to regulate interstate commerce within its borders, but it undertakes by Federal law to enforce in each State the laws of other States. * * * Let us say that the State of Iowa, which has stringent laws, is empowered by this statute, if it is passed, to declare the circumstances under which beer may be imported from the city of St. Louis, in the State of Missouri. If the beer is carried in in accordance with the laws of the State of Iowa it is a good transaction. If it is carried in in violation of those laws, with intent to sell without a license, with intent to sell in a 'dry' town rather than a 'wet' town, with intent to sell for one purpose rather than another, then it is a bad transaction and the contract made in Missouri is a void contract, made void by the law of Iowa." (Rec., 2931.)

It was said in the Bowman case (125 U. S., 465, 480) that—

* * * "the rule has been asserted with great clearness that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress. * * *

"Surely transportation of passengers or merchandise through a State, or from one State to another, is of this nature. It is of national importance that over that subject there should be but one regulating power, for if one State can directly tax persons or property passing through it, or tax them indirectly by levying a tax upon their transportation, every other may, and thus commercial intercourse between States remote from each other may be destroyed. * * * It was to guard against the possibility of such commercial embarrassments, no doubt, that the power of regulating commerce among States was conferred upon the Federal Government."

The court quoted from the case of Cooley *v.* Port Wardens (12 How., 299) the following language:

"The subjects, indeed, upon which Congress can act under this power" (over interstate commerce) "are of infinite variety, requiring for their successful management different plans or modes of treatment. Some of them are national in their character, and admit and require uniformity of regulation, affecting alike all the States; others are local, or are mere aids to commerce, and can only be properly regulated by provisions adapted to their special circumstances and localities. Of the former class may be mentioned all that portion of commerce with foreign countries or between the States which consists in the transportation, purchase, sale, and exchange of commodities. Here there can of necessity be only one system or plan of regulation, and that Congress alone can prescribe. * * * And it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the States was to insure uniformity of regulation against conflicting and discriminating State legislation."

Again—

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities. For the

regulation of commerce as thus defined, there can be only one system of rules, applicable alike to the whole country; and the authority which can act for the whole country can alone adopt such a system. Action upon it by separate States is not, therefore, permissible." (Citing 12 How., 702.)

In summing up a review of the authorities on the subject of the limits of State legislation which would intrench upon commerce among the States, Mr. Justice Matthews said:

"In a word, it may be said that in the matter of interstate commerce the United States are but one country, and are and must be subject to one system of regulations and not to a multitude of systems."

This doctrine was asserted with emphasis in Leisy v. Hardin (135 U. S., 119). It is also declared in Mobile v. Kimball (102 U. S., 691, 697), Hall v. Decuir (95 U. S., 485, 507).

But it is contended that the bill would in the exercise of the undoubted powers of Congress merely declare spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind to be in effect "outlaws of commerce," and subject that class of merchandise to the exercise of the police powers of the several States.

"Doubtless," said the court the Bowman case, "the State have power to provide by law suitable measures to prevent the introduction into the States of articles of trade which, on account of their existing condition, would bring in and spread disease, pestilence, and death, such as rags or other substances infected with the germs of yellow fever or the virus of smallpox, or cattle, or meat, or other provisions that are diseased or decayed, or otherwise, from their condition and quality, unfit for human use or consumption. Such articles are not merchantable; they are no legitimate subjects of trade and commerce. They may be rightly outlawed as intrinsically and directly the immediate sources and causes of destruction to human health and life. The self-protecting power of each State, therefore, may be rightfully exerted against their introduction, and such exercises of power can not be considered regulations of commerce prohibited by the Constitution."

Reference was made to the observation of Justice Catron in the License cases, that if from the nature of the article it did not belong to commerce or if its condition from putrescence or other cause is such when it is about to enter a State that it no longer belongs to commerce, or in other words, is not a merchantable article, then the State power may exclude its introduction; and it is said that by this legislation Congress has in effect declared that liquors do not belong to commerce, are not commercial articles, and has left it to the State to effectually exclude their introduction into the State.

But in Louisville & Nashville Railroad Co. v. F. W. Cook Brewing Co. (223 U. S., 70–82) Justice Lurton said:

"By a long line of decisions, beginning even prior to Leisy v. Hardin (135 U. S., 100), it has been indisputably determined:

"a. That beer and other intoxicating liquors are a recognized and legitimate subject of interstate commerce."

Senator SUTHERLAND stated during the discussion in the Senate:

"There are 8 States in the Union which have passed laws prohibiting the sale of intoxicating liquors. There are 40 States under whose laws the sale of intoxicating liquors under some circumstances is legitimate and proper, but there is no State in the Union that has thus far undertaken to forbid the purchase or the use of intoxicating liquors."

In Austin v. Tennessee (179 U. S., 343), Mr. Justice Brown held that cigarettes could not be classed with diseased cattle or meats, decayed fruit, or other articles the use of which is a menace to the health of the entire community, and quoted as pertinent to the case the language of Chief Justice Taney in the License Cases (5 How., 504), as follows:

"But spirits and distilled liquors are universally admitted to be subject of ownership and property, and are therefore subjects of exchange, barter, and traffic, like any other commodity in which a right of property exists, and Congress, under its general power to regulate commerce with foreign nations, may prescribe what article of merchandise shall be admitted and what excluded; and may, therefore, admit or not, as it shall deem best, the importation of ardent spirits."

That regulation of commerce may sometimes take the form of prohibition in traffic in certain articles can not be disputed. It was so with respect to lottery tickets in the Lottery Case (188 U. S., 321).

In Rasmussen v. Idaho, a State statute prohibiting the introduction of sheep if found subject to scab or epidemic disease liable to be communicated to other sheep was upheld, and in Plumley v. Massachusetts (155 U. S., 461) a Massachusetts statute prohibiting the sale of oleomargarine artificially colored so as to cause it to look like yellow butter, brought into Massachusetts, was upheld upon the ground that the statute only forbade the practice of frauds upon the general public, seeking to suppress false pretensions, and to promote fair dealing in an article of food; and that the freedom of commerce among the States did not demand a recognition of the right to the practice of deception upon the public in the articles dealt with, even if the articles may have become articles of trade of the country.

So, in Hipolite Egg Co. v. United States (220 U. S., 45) the provisions of the pure food and drug act of 1906, prohibiting the carriage of adulterated articles in interstate commerce, and authorizing the seizure and condemnation of the same while in transit or in original or unbroken packages after reaching destination, were upheld, upon the power of Congress to regulate interstate commerce; and applying the principle of the Lottery case, it was held that regulation might in such instance take the form of entire prohibition. The court said, per McKenna, J.:

"The statute rests, of course, upon the power of Congress to regulate interstate commerce, and, defining that power, we have said that no trade can be carried on between the States to which it does not extend, and have further said that it is complete in itself, subject to no limitations except those found in the Constitution. We are dealing, it must be remembered, with illicit articles—articles which the law seeks to keep out of commerce, because they are debased by adulteration, and which law punishes them (if we may so express ourselves) and the shipper of them. There is no denial that such is the purpose of the law, and the only limitation of the power to execute such purpose which is urged is that the articles must be apprehended in transit or before they have become a part of the general mass of property of the State. In other words, the contention attempts to apply to articles of illegitimate commerce the rule which marks the line between the exercise of Federal power and State power over articles of legitimate commerce. The contention misses the question in the case. There is here no conflict of national and State jurisdictions over property legally articles of trade. The question here is whether articles which are outlaws of commerce may be seized wherever found, and it certainly will not be contended that they are outside of the jurisdiction of the National Government when they are within the borders of a State."

In the recent decision of Hoke v. United States (Feb. 24, 1913) the Supreme Court, in upholding the constitutionality of the Mann white-slave act of June 25, 1910 (36 Stats., 825), put the power squarely upon the commerce clause and the right of prohibition of "a right to be exercised in immorality" on the same basis as the laws prohibiting the carrying of obscene literature or lottery tickets or cattle with infectious diseases. It may be admitted that under the authority of these decisions Congress might, if it chose, prohibit the carriage in interstate commerce of intoxicating liquors in the exercise of its power to regulate such commerce. In the Hoke case (supra) Justice McKenna said:

"But this bill does not declare liquor to be an outlaw of commerce. It does not prohibit, as a uniform rule, its carriage in interstate commerce. It proposes to turn over the whole subject to the conflicting laws of 48 States.

"The recognition of the right of Congress not directly to exercise the power to regulate commerce in liquors, but to abdicate it and to submit the whole question in traffic in liquors to the varying decisions of the different States is not the exercise by the National Government of its power in such manner as it has exercised it respecting the transportation of adulterated food, diseased cattle, obscene literature, lottery tickets, or women for immoral purposes. This objection is met by the contention that the rule of uniformity in regulations of interstate commerce is not absolute, and that the proposed legislation falls within the same category as those which have been sustained as valid by the Supreme Court, and reference is made to the legislation permitting States to enact pilot laws, the provisions of the bankruptcy act permitting the exemptions authorized by the laws of the States, respectively, and the like.

"When the Constitution took effect pilot laws existed in several States and were subsequently enacted in others. In all of such States they have been changed from time to time according to the will of their respective legislatures. The act of August, 1790, provided that the pilots should be regulated by the laws of the States or 'until further legislative provision should be made by Congress.' It was held that the power over the subject of pilotage fell within that provision of the regulation of commerce which might be exercised by the States, but only until Congress should see fit to act upon the subject."

The decision in Cooley v. Board of Wardens of Port of Philadelphia (12 How., 229) was put upon the peculiar nature of pilotage, and the uniform practice of the Government from the adoption of the Constitution which brought the regulation of that part of commerce within the class of powers which might be exercised by the States, and unless and until Congress should choose to interfere, and then only subject to such restrictions as Congress might see fit to interpose.

"The power to regulate commerce," said Mr. Justice Swayne in Gilman v. Philadelphia (3 Wall., 713), "covers a wide field, and embraces a great variety of subjects. Some of these subjects call for uniform rules and national legislation; others can be best regulated by rules and provisions suggested by the varying circumstances of different localities, and limited in their operation to such localities, respectively. To this extent the power to regulate commerce may be exercised by the States.

"Whether the power in any given case is vested exclusively in the General Government depends upon the nature of the subject to be regulated. Pilot laws are regulations of commerce; but if a State enact them in good faith, and not covertly for another purpose, they are not in conflict with the power 'to regulate commerce' committed to Congress by the Constitution."

In Hanover National Bank v. Moyses (186 U. S., 181) the court upheld as valid a provision in the bankruptcy law of 1898, which allowed to bankrupts the exemptions prescribed by the State laws in force at the time of the filing of the petition in the State wherein they have had their domicile for six months, or the greater portion thereof, immediately preceding the filing of the petition. It was contended that this violated Article I, section 8, paragraph 8, of the Constitution, because it did not establish "uniform laws on the subject of bankruptcy throughout the United States." But the court held that such exemptions had been sustained for the reason that it was made a rule of the law to subject to the payment of debts under its operation only such property as could by judicial process be made available for the same purpose. One of the effects of a bankruptcy law, it was stated, is that a general execution upon it in favor of all the creditors of the bankrupt reaching all his property subject to levy and applying it to the payment of his debts subject to their respective priorities.

"It is quite proper, therefore, to confine its operation to such property as other legal process could reach. A rule which operates to this effect throughout the United States is uniform within the meaning of that term as used in the Constitution." (Citing In re Deckert, 2 Hughes, 183.)

The court expressed its concurrence in this view and held "that the system is in the constitutional sense uniform throughout the United States when the trustee takes in each State whatever would have been available to the creditors if the bankruptcy law is uniform, although it may result in certain particulars differently in different States."

The statute forbidding the shipment in interstate commerce of game killed in violation of State laws (Criminal Code, secs. 242, 244), sustained in Rupert v. United States (181 Fed., 87), is based upon the principle announced in Gear v. Connecticut (161 U. S., 519), that game birds belong to the people of the respective States in their sovereign capacity, and that they are not the subject of external or interstate commerce unless permitted by the laws of the State. The distinction between internal and external or interstate commerce, said the court, "is marked, and has always been recognized by this court."

Representative WEBB sought to justify the bill on the analogy of the local-option measures enacted in the States.

"Strictly speaking," he said, "this law is not a prohibition law. It is a local-option measure to give to the States what they have always been entitled to under our interpretation of the Constitution—the right to control this troublesome question for themselves."

"The principle upon which local-option laws, so called, have been sustained," said Fuller, Chief Justice, in In re Rahrer (140 U. S., 561), "is that while the legislature can not delegate its power to make a law, it can make a law which leaves it to municipalities or people to determine some fact or state of things upon which the action of the law may depend; but we do not rest the validity of the act of Congress on this analogy. The power over interstate commerce is too vital to the integrity of the Nation to be qualified by any refinement of reasoning. The power to regulate is solely in the General Government, and it is an essential part of that regulation to prescribe the regular

means for accomplishing the introduction and incorporation of articles into and with the mass of property in the country or State."

I find no decision which sustains any such delegation of legislative power as supports the local-option provisions of State laws relating to traffic in liquor.

Representative WEBB also sought to justify the law upon the principle of those cases which delegate the duty or power to an individual of finding some fact before a congressional act takes effect. (Record, 3449.) These cases are well understood. The latest one in the Supreme Court is United States v. Grimaud (220 U. S., 506). That and similar cases were turned upon the well-recognized principle of Congress declaring a general rule and devolving upon a subordinate agency the power to ascertain when the facts brought a particular case within the rule. But here Congress does not declare a general rule. It does not provide that liquor shall not be, as a general rule, transported in interstate commerce; it does not declare liquor to be an outlaw of commerce; it does not declare liquor to be deleterious to health or destructive of good morals; but it declares that when one of the parties interested in liquor which is the subject of an interstate shipment intends to introduce it into a State in violation of the laws of that State its carriage shall be unlawful. Such regulation can not be sustained on the principles in the Grimaud case or those similar to it.

Finally, Senator KENYON maintained that the purpose of the bill "and its only purpose is to remove the impediment existing as to the States in the exercise of their police powers regarding the traffic or control of intoxicating liquors within their borders."

But it is unnecessary to rehearse the reasoning in the various decisions heretofore quoted which dispose of this contention.

The proposition begs the whole question under consideration and can only be conceded if it be held that Congress can abdicate entirely its power over interstate commerce in an article which it does not itself declare to be "an outlaw of commerce," but which it leaves to the varying legislation of the respective States to more or less endow with qualities of outlawry. Without prolonging this discussion in which I have endeavored to meet and analyze the various contentions set forth in behalf of this bill, I am compelled to the conclusion that it is not only of doubtful constitutionality but that unless the Supreme Court shall recede from a well-settled line of decisions extending over a long period of years it would most certainly declare this legislation to be without the constitutional powers of Congress.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

Sixty-second Congress of the United States of America; at the third session, begun and held at the city of Washington on Monday, the 2d day of December, 1912.

An act (S. 4043) divesting intoxicating liquors of their interstate character in certain cases.

Be it enacted, etc., That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, is hereby prohibited.

CHAMP CLARK,
Speaker of the House of Representatives.
J. H. GALLINGER,
President of the Senate pro tempore.

The PRESIDENT pro tempore. The Chair will suggest that there is a very lengthy opinion from the Attorney General, which, without objection, will be printed in connection with the veto message.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? And under the Constitution the yeas and nays must be called on that question.

Mr. PAYNTER. Mr. President, I wish to submit a very few remarks on the subject before the vote is taken. Is it in order to do so now, Mr. President?

The PRESIDENT pro tempore. It is in order. The Senator will proceed.

Mr. PAYNTER. Mr. President, I attempted to discuss the constitutional question involved in the consideration of this bill and similar bills. I reached a conclusion that was perfectly satisfactory to myself, and I do not intend to rediscuss the question. But since I delivered that speech another thought has occurred to me resulting from a letter which I received.

I received a letter from a gentleman who designated his profession by adding, after his name, "M. D." The purpose of his letter was to criticize me for the speech I made on the so-called Kenyon bill. Among other things he said:

> Which do you consider to be the Constitution, United States, the people, or the written United States Constitution? I say the people, and their wishes and desires should control your official acts.

The question which he propounded seems to indicate an opinion which appears to be shared by some people in this country, who are better known than my correspondent, and we hardly expect them to entertain or express such opinions.

Billions of treasure and millions of lives have been sacrificed that we might have a Constitution—one guaranteeing constitutional liberty. The world recognizes that we have a model Constitution; still we have those in this country who seem to care less for it than the ordinances of a town council. We have frenzied enthusiasts upon various subjects, and some demagogues, who are utterly oblivious, evidently, to the importance of maintaining a constitutional government. All of them may not express themselves as has my correspondent, but, like him, they forget our constitutional guaranties, some of which may be summarized as follows:

That the privileges and immunities of citizens shall not be abridged; that in all criminal prosecutions the accused shall be informed of the cause and nature of the prosecution against him; that he shall have a speedy public trial, be confronted with witnesses against him, have compulsory process for obtaining witnesses in his favor, have assistance of counsel for his defense, and trial by jury; that he shall not be compelled to answer for a capital or infamous crime unless upon a presentment of a grand jury; that no one shall be compelled to give testimony against himself; that excessive bail shall not be required or excessive fines imposed; that no ex post facto law or law impairing the obligation of contracts shall be passed; that no one shall be deprived of life, liberty, or property without due process of law; that the writ of habeas corpus shall not be suspended except in case of rebellion or invasion; that no person shall twice be put in jeopardy of life or limb for the same offense; that soldiers in time of peace shall not be quartered in any house without the consent of the owner; that private property shall not be taken for public uses without just compensation.

Mr. OWEN. Will the Senator permit me?

Mr. PAYNTER. Certainly.

Mr. OWEN. I merely want to call the attention of the Senator from Kentucky to the interesting historical circumstance that the reactionaries who drew the original Constitution of the United States in the secret conclave of 1787 were compelled by the people to put into that Constitution all the 10 amendments, nearly every single guaranty to which the Senator refers.

Mr. PAYNTER. I suppose the Senator means to intimate that the things which were done by them should be disregarded. I can see no other reason in his rising to make a statement of that kind.

These are some of the guaranties which every citizen of this country should value. If we can with impunity disregard one provision of the Constitution, then we have fixed a precedent for disregarding each and every one of these vital provisions of our Constitution.

I shall not theorize as to what, in my opinion, is producing the condition in the public mind which shows an alarming tendency to treat as valueless the Constitution of our country. I will leave each Senator to solve that question for himself.

Sir Edward Coke said, "Magna Charta is such a fellow that he will have no sovereign." I have always thought that the same may be truly said of our Constitution. It is a pity that there are some people in this country who would not give it such a preeminent status, and instead of allowing the Constitution to be a fellow without a sovereign would make him one with a very tyrannical sovereign.

There is a sane voice in the new and distant State of Arizona which exclaims, "Stand by the Constitution." It is that of Daniel E. Parks, who is, I am informed, a splendid citizen and lawyer. He appeals for respect for the Constitution in these words. I send it to the desk and ask to have it read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

When Freedom cast her ægis o'er
This land of her devotion,
She called her men of might and lore
To mold the Constitution.

Chorus:

Stand by the Constitution, men—
The Nation's Constitution—
It is our "Ark of Safety," men,
Our sacred institution.

Then at the glowing forge of thought
The hammer and anvil rung,
And men of mighty minds wrought,
And o'er their labors sung:

"Old Tubal Cain did forge the sword;
We forge the Constitution—
And we'll defend it with the sword,
To death and dissolution."

"Hurrah!" they sung, "our work is done;
We've forged the Constitution,
And generations yet to come
Will bless its evolution."

In days of old our fathers fought
In sanguine Revolution,
And won the land, whose statesmen wrought
Our matchless Constitution.

Then let our joyous slogan be,
The Constitution forever!
Grand ship of state and liberty—
Sail on, O ship, forever!

The PRESIDENT pro tempore. The Senator from Kentucky will proceed.

Mr. PAYNTER. I have not the honor of a personal acquaintance with the writer. The words used and the sentiments expressed show him to have proper regard for the fundamental law of the land. I wish all citizens of our country, including public officials, entertained the same sentiments and showed the same respect for it. I intend to vote to sustain the President's veto.

Mr. McCUMBER. Mr. President, it is quite evident that the President of the United States is not a close reader of the CONGRESSIONAL RECORD. Had he been such, he probably would have discovered the real ground upon which this legislation was based and upon which it was claimed to conform to the Constitution of the United States. I have, of course, read no word of the opinion of the Attorney General, and I do not know what information he conveyed to the President as to the theory on which this legislation was claimed to meet the requirements of the interstate-commerce clause of the Constitution. I simply know that in the message of the President there is not even a hint of the ground upon which we claim that this legislation conforms to these provisions of the Constitution.

Mr. President, almost in the opening sentence of the message the President refers to the fact that beer is recognized as a legitimate article of commerce. That is true, Mr. President, in reference to opium; it is also true in reference to adulterated drugs; it is also true in reference to misbranded foods.

But, Mr. President, the Supreme Court has held over and over again that Congress, exercising its legislative authority, had the right to outlaw commodities of that character. If Congress had a right to outlaw that which theretofore had been proper subjects of interstate commerce, then Congress has the same authority to-day to declare that beer and whisky and other intoxicating liquors shall be outlawed. If Congress had the power to assert, in the first instance, the outlawry of this character of produce, then Congress must have the lesser authority to allow them to enter into interstate commerce upon certain conditions. The act itself which we passed did by its operation outlaw these articles to a certain extent and declare that they should not have all of the rights that ordinarily are accorded to proper subjects of interstate commerce, and it declared under what conditions they might enter into commerce and under what conditions they might not enter into commerce.

Having declared that they were not in any respect legitimate objects of commerce, then, Mr. President, they do not thereafter retain their immunity as proper subjects of interstate commerce. The Senator from New York, whose recognized ability as a constitutional lawyer all will agree to, when asked the question directly whether or not Congress had power to prohibit interstate commerce in intoxicating liquors, was necessarily compelled to answer in the affirmative.

We all agree that Congress has that power; and the only question is whether that power has been exercised to any extent in this act; whether Congress has to any extent outlawed the articles at which this law is aimed. We met the same question in enacting a pure-food law. Until that time no State could have prevented the importation of such food products into its territory, nor could it have seized an article of adulterated food in transit under a State law aimed at adulterated foods, but Congress came to the rescue of the States and declared that in the case of any article of food or drugs that was so labeled or so mixed as would tend to deceive the people Congress had a right to outlaw that article. Congress did so, and refused such adulterated or misbranded products any rights or privileges of interstate commerce.

Mr. President, that question has been tried and determined since we passed this bill in what is known as the White-Slave Traffic case. In a very late case handed down by the Supreme Court on February 24, 1913—I shall not take the time to read from that decision now—the right of Congress is clearly established to declare that the purchase of tickets to send a person from one State to another, there to engage in an act which was immoral, might be prohibited and the person who furnished the ticket might be punished.

Any ordinary article, Mr. President, may be shipped from one State to another; any individual may pass from one State to another and Congress can not inquire into the character of the individual or the article as a condition precedent to the allowance of that person or that article to pass from one State to another, but Congress has a right to say to the individual, "You shall not go from one State to another for the purpose of committing an immoral act, nor shall any person induce you to do so or assist you in doing so." If Congress has that power over the individual, can anyone deny for a single moment that Congress has the power over an inanimate article to say that it shall not be transported from one State to another for the purpose of destroying life, for the purpose of destroying character, for the purpose of violating the moral law of any State or the conscience of the people of any State? It is a simple proposition; and I insist that under the bill which we passed we placed on those articles the stamp of outlawry; and having so stamped them we can say under what conditions they shall enter into interstate commerce or whether they shall enter into commerce at all.

I will agree with the President's message and with those who claim that an article which is purely and simply a commercial article can not while in transit be interfered with by a State when it enters into a State.

Mr. President, I am not unmindful of the claim that is often made, that was made by the Senator from Utah [Mr. SUTHERLAND] in his very able argument on the other side of this question, that we could not outlaw and recognize a property right in an article at the same time; that by taxing and raising revenue upon articles we were thereby giving them a commercial character; and having given them that character, we could not at the same time declare that they should not be subjects of interstate commerce.

Mr. President, the authority of Congress over interstate commerce is complete and plenary in every respect. Congress may tax an article, and, at the same time, may declare under what conditions that article may enter into interstate commerce. Congress may lay a tax upon opium and at the same time may declare that the opium may not be shipped for a specific purpose. Congress may levy a tax upon nitroglycerine, and at the same time Congress may provide that that article may not enter into commerce for the purpose of blowing up structures. If Congress has the right over that kind of article, I confess I fail to understand why it is divested of a like power over an article whose effect in common use, as an injury to the human family, is a thousandfold worse than any and all of these together.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. SUTHERLAND. Does the Senator from North Dakota think that, in the absence of this legislation, a State would have the right to seize a shipment of liquor the moment it crosses the State line?

Mr. McCUMBER. I do not; and there is where I made the distinction.

Mr. SUTHERLAND. Let me ask the Senator a further question. Why may not the State do that?

Mr. McCUMBER. Simply because it is a recognized article of commerce and is protected by the interstate commerce clause of the Constitution, which places the matter wholly within the power of Congress.

Mr. SUTHERLAND. In other words, if the Senator will permit me to paraphrase what he has said, because for the State to do that would be to do an unconstitutional thing.

Mr. McCUMBER. Yes.

Mr. SUTHERLAND. It would be to do a thing forbidden by the Constitution.

Mr. McCUMBER. Yes.

Mr. SUTHERLAND. And yet the Senator from North Dakota takes the position that, although this act of the State would be absolutely void as opposed to the Constitution of the United States, the Congress of the United States may pass some law which will enable the State to violate the Constitution.

Mr. McCUMBER. No, Mr. President.

Mr. SUTHERLAND. A proposition with which I utterly disagree.

Mr. McCUMBER. No; the Senator makes the same error that he made before. Until Congress itself has stamped the article as not entitled to all rights of interstate commerce, the State can not interfere with it in transit.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. In just a moment I will.

My position is that Congress has the authority to outlaw the article, and having authority to outlaw the article, it can say under what conditions it shall enter into interstate commerce; and it can say under what conditions it will be divested of its commercial protection.

Mr. SUTHERLAND. Mr. President——

Mr. McCUMBER. Just a moment—by this law the Congress of the United States, the Federal authority, loosens its grasp upon the article and says that under the condition, the con-

dition being that it is shipped for an unlawful purpose, it shall cease to be a subject of interstate commerce the moment it crosses the State line. Then, Mr. President, the moment that it ceases to be interstate commerce, the State laws, of their own force, operate on it. Congress does not say what the State shall do or not do. The State laws are put into operation by the State authority, and can only operate upon the article when it is released by the Federal authority. Congress can do what the State can not do.

Mr. SUTHERLAND. I agree to that. Congress may do a great many things that the States can not do; but in this case, if this law passes and hereafter a State shall seize an interstate shipment of liquor the moment it has crossed the State line, if an action should be brought against the State, for doing so, the State would be obliged to concede prima facie that it had no power under the Constitution to do that, and then obliged to say that notwithstanding that it is forbidden by the Constitution we have the leave and license of Congress to violate the Constitution. I do not see how it is possible to escape that conclusion.

Mr. McCUMBER. Oh, no, Mr. President; the State must base its right upon being able to establish, and beyond any question, that the interstate character of the article has ceased when the State takes hold of it. If the State is unable to do that, it has failed in its case, and the officers seizing it are liable for damages.

I did not intend to take any more time than merely to show, Mr. President, that the real theory under which this legislation was passed at the time we had it before us was apparently not considered at all in this message, although it may have been considered—I am not prepared to say as to that—by the Attorney General.

Mr. WILLIAMS. Mr. President, Congress is granted by the Constitution authority to regulate interstate commerce. It is, therefore, granted by the Constitution the power to define what constitutes an interstate-commerce transaction. It is, therefore, granted by the Constitution the power to prescribe what shall be the termination of an interstate transaction.

Mr. President, I reverence the Constitution just as much as does the President of the United States. I profess as great reverence for it and I feel as great reverence for it. I believed when I voted for this bill, and I believe now, that it was a regulation by Congress of interstate commerce. The Senator from Utah has just given an illustration, and asks if a State of itself undertook to seize an interstate shipment whether it would not be a violation of the Constitution. It would be, but if the State, in pursuance of an act of Congress regulating interstate commerce, undertook to seize the article and could plead in justification of its seizure an act of Congress regulating interstate commerce, it would not be a violation of the Constitution. The only reason why it would be a violation of the Constitution for a State to do the thing would be because the Constitution had vested in Congress the power, and the State could exercise the power only when permitted by an act of Congress to exercise it.

Congress has just as much power to prescribe that the termination of an interstate transaction shall be at the State line as it has to prescribe that it shall cease at the consignee's door. The only reason the Supreme Court ever held otherwise was because Congress had not passed any act regulating interstate commerce upon this subject in such a way as to give the courts the right so to decide.

I do not want to argue the case. I did not open my mouth when the bill was pending before the Senate; but I want to say that, so far as I am concerned, I do not see how the mere accident that the regulation of interstate commerce by the Congress of the United States, the exercise of a power vested in Congress happening to be aidful to the States in the exercise of their constitutional reserved police power, makes the exercise of the power vested in Congress unconstitutional or even subject to the suspicion of being unconstitutional. To my mind that should not be the case. I think wherever Congress in the exercise of its power to regulate interstate commerce can exercise the power so as to be aidful and helpful to the States in the exercise of their police powers, that it ought to do so, and wherever possible not exercise it so as to restrict and restrain the States in the exercise of their police powers.

One more thought and I am done. It has seemed to me always that the decisions of the courts in the beginning upon this subject were wrong, because it has been a part of the history of the English-speaking people, from the beginning of time, that lotteries, games, gypsies, liquor selling, and things of that kind were matters of police regulation. The original mistake made was when the Supreme Court took the position that liquor was not, because of the very nature of it, subject to the reserved police powers of the States and undertook to exempt it from the reserved police powers of the States by declaring it to be a subject of interstate-commerce regulation.

Mr. KERN. Mr. President, I am a believer in the right of the people to govern themselves in their localities. I am, therefore, in sympathy with the principles underlying this bill. When it came up for passage I was in favor of its passage. I have had no occasion to change my views, but we are confronted here this afternoon by a message from the President of the United States, who is himself a great lawyer, and by an opinion of the Attorney General of the United States, which we have had no opportunity to read. I am of the opinion that this message and this opinion should challenge the attention of the Members of this body, inasmuch as they challenge the constitutionality of this measure. Therefore I move that the further consideration of the message be postponed until to-morrow afternoon at 2 o'clock, to the end that the opinion of the Attorney General may be printed in the RECORD and that the Members of this body may have an opportunity to read the same.

The PRESIDENT pro tempore. The Senator from Indiana moves that the further consideration of the veto message of the President of the United States be postponed until 2 o'clock to-morrow.

Mr. KENYON. I desire to make the point of order that under the present proceedings such a motion is not in order.

The PRESIDENT pro tempore. The Chair is constrained to overrule the point of order.

Mr. KENYON. Mr. President, I am sorry that that motion has been made. I can generally agree with whatever the Senator from Indiana proposes, but this bill was passed on Tuesday a week or so ago; it was in the House then until the following Monday, and it has been held in the President's office until almost the last moment. If it goes over until to-morrow for consideration we might as well abandon any attempt to pass it at this session of Congress.

I know that is not at all the purpose of the Senator from Indiana, but a vote to postpone consideration now is a vote to defeat this measure. I hope that no friend of the bill will be willing to have its consideration go over until to-morrow. It has been discussed pro and con, and every Senator, I assume, has his mind made up as to what he will do in regard to it. On the motion I ask for the yeas and nays.

Mr. SMOOT. I should like to ask the Senator from Indiana if he would change the hour from 2 to 12 o'clock to-morrow?

Mr. KERN. I will change it to any hour that will suit the convenience of Senators. I presume that then, at least, an abstract of the opinion of the Attorney General will be printed in the newspapers to-morrow morning.

Mr. SMOOT. It will be printed not only in the newspapers, but printed in the RECORD. I believe it will be very much better, if the motion is to prevail, to fix the hour at 12 o'clock rather than at 2.

Mr. KERN. I am entirely willing to change the hour to 10 o'clock in the morning, if it is so desired. I have no purpose to interfere in any way with the passage of the bill.

Mr. LODGE. Mr. President, I think the motion is not debatable.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana that the further consideration of the veto message be postponed until to-morrow. On that motion the Senator from Iowa [Mr. KENYON] has demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. I should like to inquire whether the hour is fixed at 12 o'clock or 2 o'clock?

The PRESIDENT pro tempore. That is for the Senator from Indiana to determine.

Mr. KERN. I will change the motion so as to make it 12 o'clock to-morrow.

Mr. PERCY. Mr. President, is the motion debatable?

Mr. LODGE. No.

The PRESIDENT pro tempore. The Chair is of the opinion that it is not debatable.

Mr. PERCY. A motion to lay aside the question until 12 o'clock to-morrow is not debatable? Under what rule, may I ask the Senator from Massachusetts, is it not debatable?

Mr. LODGE. I will say, on reflection, that I think the motion is debatable.

The PRESIDENT pro tempore. The Chair spoke inadvertently, and will say that, in the opinion of the Chair, it is a debatable motion.

Mr. PERCY. Mr. President, I have no desire to delay a vote upon this measure, and I shall vote against the motion to postpone it until to-morrow. I voted against the bill on its

passage here because I thought it neither constitutional nor needed to accomplish the purpose which is sought to be accomplished by it, and I shall vote in favor of sustaining the veto.

Liquor is not a contraband of commerce, whatever it may become under changed conditions of public sentiment. Until it becomes a contraband of commerce the regulation of its transportation from State to State appertains exclusively to Congress. The States can make it a contraband of commerce or they can at least go a long way toward that end by passing laws making the possession or use of it a misdemeanor. In my judgment that is the end toward which those who favor this kind of legislation should direct their efforts. They would obtain in that way what is sought to be obtained here. They would obtain it by laws clearly constitutional instead of by laws of at least most doubtful constitutionality.

Without desiring to discuss the measure, those are the reasons which led me to vote against it and which will lead me to vote to sustain the veto.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], but I understand he takes the same view of the matter that I do, and therefore I will vote. I vote "nay."

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. In his absence, I withhold my vote.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

The result was announced—yeas 10, nays 71, as follows:

YEAS—10.

Bradley	Kavanaugh	Oliver	Shively
Foster	Martine, N. J.	Pittman	
Hitchcock	O'Gorman	Pomerene	

NAYS—71.

Ashurst	Curtis	Lea	Smith, Ariz.
Borah	Dillingham	Lodge	Smith, Ga.
Brady	Dixon	McCumber	Smith, Md.
Brandegee	du Pont	McLean	Smith, Mich.
Bristow	Fall	Martin, Va.	Smith, S. C.
Brown	Fletcher	Myers	Smoot
Bryan	Gallinger	Nelson	Stephenson
Burnham	Gamble	Overman	Sutherland
Burton	Gardner	Owen	Swanson
Chamberlain	Gore	Page	Thomas
Chilton	Gronna	Penrose	Thornton
Clapp	Guggenheim	Percy	Tillman
Clarke, Ark.	Jackson	Perkins	Townsend
Crane	Johnson, Me.	Poindexter	Webb
Crawford	Johnston, Ala.	Richardson	Wetmore
Culberson	Jones	Root	Williams
Cullom	Kenyon	Sheppard	Works
Cummins	La Follette	Simmons	

NOT VOTING—14.

Bacon	Catron	Newlands	Warren
Bankhead	Clark, Wyo.	Paynter	Watson
Bourne	Kern	Reed	
Briggs	Lippitt	Stone	

So Mr. KERN's motion was rejected.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Upon that question the roll will be called.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. In his absence, I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 63, nays 21, as follows:

YEAS—63.

Ashurst	Curtis	Kern	Simmons
Borah	Dillingham	Lea	Smith, Ariz.
Brady	Dixon	Lodge	Smith, Ga.
Bristow	Fall	McCumber	Smith, Md.
Brown	Fletcher	Martin, Va.	Smith, Mich
Bryan	Gallinger	Myers	Smith, S. C.
Burnham	Gamble	Nelson	Smoot
Burton	Gardner	Newlands	Swanson
Chamberlain	Gore	Oliver	Thomas
Chilton	Gronna	Overman	Thornton
Clapp	Jackson	Owen	Tillman
Clarke, Ark.	Johnson, Me.	Page	Townsend
Crawford	Johnston, Ala.	Pittman	Webb
Culberson	Jones	Poindexter	Williams
Cullom	Kavanaugh	Sheppard	Works.
Cummins	Kenyon	Shively	

NAYS—21.

Bradley	Guggenheim	Percy	Sutherland
Brandegee	McLean	Perkins	Warren
Catron	Martine, N. J.	Pomerene	Wetmore
Crane	O'Gorman	Richardson	
du Pont	Paynter	Root	
Foster	Penrose	Stephenson	

NOT VOTING—11.

Bacon	Briggs	La Follette	Stone
Bankhead	Clark, Wyo.	Lippitt	Watson
Bourne	Hitchcock	Reed	

The PRESIDENT pro tempore. On the question, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?—the yeas are 63, the nays are 21. More than two-thirds of the Senators present having voted in the affirmative, the bill is passed.

AMENDMENT TO FOOD AND DRUGS ACT.

Mr. OLIVER. I call up the conference report on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 13, 1906.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference on that bill. The question is, Shall the conference report be agreed to?

Mr. OLIVER. The Senator from Ohio [Mr. POMERENE] wishes to be heard on the conference report.

Mr. POMERENE. Mr. President, I said a moment ago when this matter was temporarily before the Senate that I was not able to agree with the conference report. In the year 1906 the pure-food act was passed. The purpose of that law was to insure purity of food and drugs and to prevent short weight. One of those sections defined the offense of misbranding. Among the acts which were to be regarded as a misbranding was one to this effect, that if the food or drugs were in package form and "the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package."

As a matter of experience, it developed that in placing food and other articles in packages it sometimes happened that there would not be the exact weight or the exact amount. An effort was made to change this law. A bill was introduced in the House which provided, in effect, that the section which I have just read from the law of 1906 should have added to it this proviso:

Provided, That reasonable variations shall be permitted and tolerances shall be established by rules and regulations made in accordance with the provisions of this act.

It was contended that the law, as it then stood, was so strict that it was not possible, or at least easy, to comply with its provisions. The bill passed the House.

Mr. OLIVER. Mr. President, if the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. POMERENE. I do.

Mr. OLIVER. He is under a misapprehension as to the original act. The original act simply provided that if packages were branded, the brands should be corrected. The House bill sought to remedy this by providing that all packages should be branded and then followed the toleration clause.

The command that all packages should be branded is not in the existing law. The purpose of amending the law was to make it more strict and to compel all packages to be branded. Then followed the toleration clause.

Mr. POMERENE. I read the exact words from the act itself. On page 3 of the act it is provided—

That for the purposes of this act an article shall be deemed to be misbranded in the case of drugs—

I will not stop to read that part of the act. The part to which I wish to call attention is on page 4, in the case of food. I omit the first and second paragraphs because they are not pertinent to the question before the Senate. The third method of misbranding was as follows:

That if in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

It was attempted to amend this section and the proposed amendment read as follows:

Third. If in package form the quantity of the contents do not plainly and conspicuously mark on the outside of the package in terms of weight or measure or numerical amount: *Provided, however*, That reasonable variations shall be permitted and tolerances shall be established by rules and regulations made in accordance with the provisions of this act.

In the form it passed the House and came to the Senate the matter was before the Committee on Manufactures, of which

the Senator from Pennsylvania [Mr. OLIVER] is chairman. The proviso as adopted in the House was stricken out by the recommendation of the committee and the following language substituted therefor:

Provided, however, That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where, in his judgment, exactness is impracticable, and shall keep a record thereof: *Provided further,* That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less.

Mr. President, I may say in passing that the amendment as it was reported to the Senate by an inadvertence did not read exactly as it had been agreed upon, in this, that it exempted from the provisions of the act all articles which sold at retail at 6 cents or less. What the committee agreed upon was that those articles should be exempted which sold for less than 6 cents. But that is not, perhaps, material to the question which I am about to suggest.

As this amendment was proposed by the committee it was adopted by the Senate, and then a conference was called and the amendment of the Senate was disagreed to. The committee of conference agreed to a proposition which is neither the one adopted in the House nor the one favored by the Senate. As they report it out of conference now it reads as follows:

Provided, however, That reasonable variances shall be permitted and tolerances and exemptions as to small packages and containers shall be established by rules and regulations made in accordance with the provisions of this act.

Now, note, please, the purpose of the pure-food act in the first instance was to secure pure food and correct weights and measures. That in experience, it seems, was regarded as too exacting. We can recognize the fact that in putting up cereals or flour much of it, particularly cereals, is put up by machinery, and it is not always possible to get the exact weight. There may be variations due to climatic conditions in the administration of this law that ought in all reason to be taken care of. But I submit that when the consumer buys a pound package he is entitled to a pound of weight as a matter of right, and that when the manufacturer puts up and sells the package he ought to sell a pound in weight.

But now it is sought to change this law so as to give to him as a matter of right reasonable variations from the brands he places upon his package. My contention is that while it is not always right that he should be compelled to have the exact measure or the exact weight, when we allow any variations from that weight it ought to be as a matter of sufferance and not as a matter of right.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. POMERENE. Certainly.

Mr. OLIVER. I should like the Senator from Ohio to point out to me where he has it as a matter of right. I can not understand how this language can be twisted in any way except to allow reasonable variations or tolerances or exemptions upon application to the board, which consists of the Secretary of the Treasury, the Secretary of Commerce and Labor, and the Secretary of Agriculture.

Mr. POMERENE. The Senator's question anticipates my argument somewhat. If he will bear with me just a moment, I will point it out. The language of the original bill as it passed the House is that "reasonable variations shall be allowed and tolerances shall be established." The Senate provides that in the judgment of the Secretary of Agriculture he is authorized to make rules where in his judgment exactness is not practicable; in other words, whether the rule should be adopted or not, should be lodged with the Government and not with the manufacturer.

The conference report goes even beyond the bill as it passed the Senate. Under the provisions of this conference report it places it within the power of the board which is designated by the law to formulate these rules to except anything that they see fit. This board, as I stated, is to be composed of the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor.

It was urged on behalf of the manufacturers that all packages which sold at retail for 10 cents or less should be excepted from the provisions of the law. It was the judgment of the Committee on Manufactures of the Senate that that limitation should be made 5 cents, and we agree upon the language that it should apply to any packages which were less than 6 cents. But now note the language. Under this law, if the conference report is adopted, first, reasonable variations shall be permitted to the manufacturers as a matter of right, tolerances shall be established, but, more than that, this board has the right to establish any exemptions that it may see fit, because the language reads:

And tolerances and exemptions as to small packages shall be established by rules and regulations.

I can understand when there is a package, for instance, of flavors which sells for 1, 2, 3, 4, and 5 cents there should be certain variations and there perhaps should be certain exceptions from the general rule. It does not even limit it to 10 cents. The manufacturers would have been contented if there had been an exception of all packages below 10 cents; but under this language as adopted by the conference committee they could exempt all cereals, they could exempt all flour, if they saw fit.

We are delegating to this commission absolutely the power to regulate this subject. It seems to me that fundamentally Congress is the power that should control this subject, and it should not be delegated except in the very narrow limit to the commission which is provided in the pure-food act.

It seems to me that under these circumstances it would have been much wiser to have adopted the provisions in the Senate bill which, where you find that it is not practicable to insist that a pound package shall have every ounce or every grain called for, would leave it to the administrative department to fix the rules within the limits laid down here, and hem that department in by certain exceptions.

Suppose this board in its wisdom sees fit to say a 50-pound sack of flour may absorb a given amount of moisture in a dry climate and a further amount of moisture in a wet climate, and this board says, "Well, we will not make this apply to flour, we will not have it apply to crackers, we will not have it apply to cereals." It seems to me that you are giving to the board a power which will, or could at least, defeat the very purpose of the law.

Dr. Wiley appeared before the committee and made a suggestion which, I think, has much in it in this, that he suggested many of these variations could be avoided if the package was made slightly in excess of the weight branded upon the package.

Mr. President, my thought is, first, that if there are any exceptions to be made under this rule Congress shall so provide that when it comes to the administration of the law rules can be adopted by the department to apply to each particular article, such as flour or cereals or crackers or what not. But I do not believe that it is the part of wisdom for the Congress to simply turn over absolutely to this commission the full power to control not only the administration, but what is in fact the legislation upon this subject.

I understand, of course, that I am not speaking technically, because the department, as has been held by our Supreme Court, have the right, under proper authority of Congress, to provide reasonable regulations with reference to certain matters which are in fact administrative.

For that reason, I believe that we ought to insist upon the amendments adopted by the Senate. If we can not agree, I should prefer to see this matter temporarily defeated, and let us take it up and see whether we can not place it in such form as will do even and exact justice both to the manufacturers and to the consumers. This is giving, it seems to me, entire discretion to the commission, which we ought not to grant.

Mr. OLIVER. Mr. President, it seems to me that the Senator from Ohio [Mr. POMERENE] is fighting a phantom in this case. I am free to confess that I very much prefer the bill as it was reported to the Senate; I think it expresses the idea of the law better than does the bill as it came from conference; but the conferees on the part of the House differed with us. There was perhaps some pride of authorship connected with it, and the conferees on the part of the Senate yielded to that, so far as the language is concerned; but, in my opinion, they accomplish the purpose of the bill just as fully and completely as they would have done by having the bill adopted as it came from the Senate committee.

The original bill—and I shall be very brief in stating its purpose—provided that if packages should be branded, the brands must be true and correct. That is the provision in a few words.

If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

The intent of this bill is to go further, and where goods are sold in package form to say that they must be branded, and, of course, they must be branded correctly; but realizing the difficulty of obtaining absolutely correct or net measure in all respects, it is provided:

That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made in accordance with the provisions of this act.

The Senate committee thought that this would be better expressed by lodging the responsibility in the Secretary of Agriculture to make rules and regulations. So they provided:

That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where in his judgment exactness is impracticable, and shall keep a record thereof.

To obviate the difficulty of applying it to packages of small value they provided:

That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less.

It was intended to be "less than 6 cents." That is a clerical error. The conference committee has provided simply—

That reasonable variations shall be permitted, and tolerance, and also exemptions, as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this act.

Section 3 of this act lodges the responsibility of making rules and regulations in a board consisting of the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor.

I say, Mr. President, if we can not lodge the responsibility for such things as this in a board consisting of men of the eminence that men must have attained to be appointed to Cabinet positions, we are in a very bad case. I am willing to allow it, and I think everybody else will be.

I have received many telegrams from people who are insistent upon this legislation, advising me that they are satisfied with the bill as it comes from the conference committee. I have just received a telegram within a half hour from the lady who is chairman of the food committee of the Consumers' League, who were insistent upon having the House provisions inserted instead of the Senate amendment. Mrs. Lakey telegraphs as follows:

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.:

Accept tolerance clause, weights measures bill, quoted in your letter February 26.

ALICE LAKEY, *Chairman Food Committee.*

In my letter to her I informed her of the provisions of the conference committee report.

Mr. President, I think this bill accomplishes its purpose; I think it accomplishes the same result that was provided by the Senate amendment, and I hope the Senate will see fit to adopt the report.

Mr. SMOOT. I ask unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock this evening.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that at 6 o'clock the Senate stand at recess until 8 o'clock.

Mr. OLIVER. In case this measure is not completed at that time that request will not displace it, I suppose?

The PRESIDENT pro tempore. The Chair thinks not.

Mr. OLIVER. I hope it will be completed long before 6 o'clock.

The PRESIDENT pro tempore. In the absence of objection the request of the Senator from Utah is agreed to.

Mr. CUMMINS. Mr. President, were it not that I am a member of the Committee on Manufactures and feel, therefore, a certain responsibility for legislation of this character, I would not detain the Senate a moment, but inasmuch as the question has arisen I feel that it is my duty to state my opinion with regard to the work of the conference committee.

In my judgment the bill as it has been reported by the conference committee would not be a valid law if it were enacted. I was not satisfied with the Senate amendment, as my associates upon the committee know. I thought it ventured very near at least to forbidden ground, but this proposal that we have before us is plainly invalid. We declare that every package shall be branded with its contents in weight, measure, or numerical count. Then we say that three men—eminent men, it is true—shall be authorized to exempt small packages from the operation of the law.

What is a "small package"? I do not think there is a Senator here who will affirm that we have given in this proposed proviso a guide to the board that will enable them to act within the law. There is no such thing absolutely as a "small package." A package may weigh one pound or it may weigh a hundred pounds, depending upon the character of its contents.

Mr. BACON. I will call the Senator's attention, if he will permit me, to the fact that there is a standard of smallness very generally recognized, to wit, as small as a piece of chalk. That is recognized as a standard of smallness.

Mr. CUMMINS. That would be just as definite as is this; but I am quite sure that if the matter should ever be decided by any court it would be held that we could not invest the board constituted here or named here with the authority to exempt small packages. Therefore we ought not to do it. We ought to pass a law that would accomplish the purpose that we have in view.

I believe, and I know the Senator from Pennsylvania [Mr. OLIVER] believes, that we ought to insist upon a legislative ascertainment and declaration of the packages that are to be exempt from the operation of the law.

Moreover, we authorized the board to grant tolerance as to small packages. I do not know what a "tolerance" is so far as the scope or the execution of the law is concerned. I have never been able to discover what the word "tolerance" means in this bill, nor do I believe there is any Senator here who can define the word "tolerance." We say that the three Secretaries may grant tolerances. What are "tolerances"?

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield to the Senator from New York.

Mr. O'GORMAN. I understand that the word is used in the sense that insubstantial variations will be tolerated or overlooked.

Mr. CUMMINS. However, Mr. President, we have already authorized "reasonable variations." That is somewhat indefinite, and yet I make no objection to that; but the provision as reported by the conference is as follows—and I will read it according to the punctuation that is found in the report itself:

That reasonable variation shall be permitted—

That is a declaration of the law, and I do not question its propriety—

and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this act.

I know that the Senator from Pennsylvania desires a bill that when enacted will remedy the evils which have been shown to exist, but I very much fear that if we enact this bill into law we will have jumped from the frying pan into the fire. I think our law will fail even of the purposes that it now accomplishes, and therefore I suggest to the Senator from Pennsylvania that he recall the report of the committee of conference and see if, upon further suggestion to the members of the conference committee from the House, they can not agree upon some rule or guide that can be recognized and enforced.

Mr. KERN and other Senators addressed the Chair.

Mr. OLIVER. Mr. President, I do not like to object to requests which Senators desire to make, but we are going to take a recess at 6 o'clock. I do not know if there are other Senators who wish to speak on the pending measure. If not, I think we are ready for a vote.

The PRESIDENT pro tempore. The question is on agreeing to the conference report. [Putting the question.]

Mr. POMERENE. I ask for a division.

The PRESIDENT pro tempore. The conference report is agreed to.

Mr. POMERENE. Mr. President, do I understand the conference report on the pending measure has been agreed to?

The PRESIDENT pro tempore. The conference report has been agreed to.

Mr. POMERENE. I called for a division, and immediately some one else rose and addressed the Chair. I should like——

The PRESIDENT pro tempore. The Chair did not hear any request for a division. The Chair was watching the proceedings pretty carefully.

Mr. POMERENE. I was standing right back here and called for a division at once.

OKANOGAN RIVER BRIDGE.

Mr. MARTIN of Virginia. From the Committee on Commerce, I report back favorably without amendment the bill (S. 8575) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River, and I submit a report (No. 1335) thereon.

Mr. JONES. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia [Mr. MARTIN]. It is a bridge bill, and I hope to get it through at this session. It is very important.

Mr. BURTON obtained the floor.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Ohio yield to his colleague?

SEAMEN IN AMERICAN MERCHANT MARINE.

Mr. BURTON. I move that the Senate proceed to the consideration of House bill 23673.

Mr. POMERENE, Mr. KERN, and other Senators addressed the Chair.

Mr. BRANDEGEE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. It is this—and I make it with no hostility to the motion of the Senator from Ohio, but because I think the matter presented by the junior Senator from Ohio [Mr. POMERENE] should be settled before the other matter is taken up.

Mr. BURTON. I will give way immediately after my motion is acted upon.

Mr. BRANDEGEE. I heard the Senator from Ohio ask for a division on the question when the Chair ruled that the conference report was accepted. I was about to ask for unanimous consent that the matter either now or later might be——

The PRESIDENT pro tempore. The Chair will put the motion made by the Senator from Ohio, and then the other matter may be taken up.

Mr. O'GORMAN. I wish to observe, respecting the motion tendered by the Senator from Ohio, that if it should prevail, it would lead to a very long discussion.

The PRESIDENT pro tempore. The motion is not debatable under the rules. The Senator from Ohio moves to take up a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Mr. O'GORMAN. I withdraw my observations. They had no relation to that bill.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Ohio [Mr. BURTON].

The motion was agreed to.

Mr. BURTON. I now yield, Mr. President. I think, in view of the confusion here, that I had better leave to the Chair the question of the person to whom I yield.

Mr. BORAH. Has the motion of the Senator from Ohio prevailed?

The PRESIDENT pro tempore. It has been agreed to.

Mr. KERN. Mr. President, I was recognized some time ago——

Mr. BORAH. The question was never put.

The PRESIDENT pro tempore. It was stated from the Chair; but the Chair will observe that there has been for 10 days so much confusion in the Chamber that the business of the Senate is seriously interrupted. A Senator came to the desk to-day, within an hour, and complained that he was incorrectly recorded. The clerks oftentimes can not hear the responses distinctly. The Chair appeals to the Senate to be in order. The motion will be again put. The question is upon the motion made by the Senator from Ohio [Mr. BURTON].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BURTON. I yield to my colleague.

AMENDMENT TO FOOD AND DRUGS ACT.

Mr. POMERENE. I now move to reconsider the vote upon the conference report on House bill 22526.

The PRESIDENT pro tempore. The Chair will say that upon the statement made by the Senator from Connecticut [Mr. BRANDEGEE], the Chair feels at liberty to reopen the matter and to put the question again.

Mr. OLIVER. Mr. President, I was going to suggest that course, because the Chair's attention for the moment was called to one side, and I heard the Senator from Ohio make the request for a division.

The PRESIDENT pro tempore. The question is upon agreeing——

Mr. POMERENE. Mr. President, I fully appreciate what the Chair is intending to do. I made the statement that I called for a division, and I do not like to have my word questioned in that kind of a way. I am not in the habit of making statements in public unless I feel that I am right, at least.

The PRESIDENT pro tempore. The Chair trusts the Senator does not mean to apply that to the Chair. The Chair simply observed that he did not hear the motion.

Mr. POMERENE. No; but, Mr. President, the reason given by the Chair was that because of the fact that the Senator from Connecticut had made a certain statement the matter would be opened up. That was the matter to which I took exception.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. SMITH of Georgia. Mr. President, I should like to ask the chairman of the committee whether he thinks, in case we disagree to this report, there is any chance of coming anywhere near getting a report from either the Senate committee or the House committee?

Mr. OLIVER. Mr. President, I fear at this late date it can not be done. If the matter had come up a week ago I should have immediately suggested asking for a further conference, and insisting on our amendments. But at this time I doubt very much if we could get an agreement that would result in any legislation at all.

That is the way the matter stands. I prefer the bill as it was reported to the Senate. I would rather have it; but I think this, in other language, accomplishes the same purpose. It is a long step in the right direction, and is legislation that is very much needed by the public. I think we ought to adopt the conference report as it stands.

Mr. SMITH of Georgia. I should like to ask the Senator one more question. Is the Department of Agriculture to determine which of the small packages can go without the stamp?

Mr. OLIVER. In each case that is to be done after inquiry and investigation.

Mr. POMERENE. Mr. President, if I may interrupt the Senator, in order to be exact, it leaves it to the discretion of the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor to except it.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. POMERENE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CHILTON. I wish to inquire whether the Senator from Illinois [Mr. CULLOM] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CHILTON. Then I will withhold my vote, as I have a pair with that Senator.

Mr. WILLIAMS (after having voted in the affirmative). I find that the Senator from Pennsylvania [Mr. PENROSE], with whom I am paired, is absent. In ignorance of that fact I voted. I transfer my pair to the Senator from Virginia [Mr. SWANSON] and will allow my vote to stand.

Mr. BRIGGS. I have already announced my pair with the Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "yea."

Mr. SMITH of Michigan. I announce my pair with the junior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Maryland [Mr. JACKSON] and will vote. I vote "yea."

Mr. KERN (after having voted in the negative). I voted thinking that my pair, Senator BRADLEY, of Kentucky, had voted. I find he has not. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and will vote. I vote "nay."

Mr. SIMMONS. Has the Senator from Minnesota [Mr. CLAPP] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I transfer my general pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from Nevada [Mr. NEWLANDS] and will permit my vote to stand.

The result was announced—yeas 28, nays 23, as follows:

YEAS—28.

Brandegee	Fletcher	Martin, Va.	Root
Briggs	Gallinger	O'Gorman	Smith, S. C.
Burton	Gamble	Oliver	Thornton
Chamberlain	Johnston, Ala.	Page	Townsend
Clark, Wyo.	Jones	Paynter	Warren
Crane	Lodge	Perkins	Wetmore
Dixon	McLean	Richardson	Williams

NAYS—23.

Bacon	Gardner	Overman	Shively
Borah	Hitchcock	Owen	Simmons
Bristow	Kenyon	Pittman	Smith, Ga.
Crawford	Kern	Poindexter	Thomas
Cummins	Lea	Pomerene	Webb
Foster	Martine, N. J.	Sheppard	

NOT VOTING—44.

Ashurst	Culberson	La Follette	Smoot
Bankhead	Cullom	Lippitt	Stephenson
Bourne	Curtis	McCumber	Stone
Bradley	Dillingham	Myers	Sutherland
Brady	du Pont	Nelson	Swanson
Brown	Fall	Newlands	Tillman
Bryan	Gore	Penrose	Watson
Burnham	Gronna	Percy	Works
Catron	Guggenheim	Reed	
Chilton	Jackson	Smith, Ariz.	
Clapp	Johnson, Me.	Smith, Md.	
Clarke, Ark.	Kavanaugh	Smith, Mich.	

So the report was agreed to.

MARY CATHCART RANSDELL.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back Senate resolution 431, with an amendment, and I ask the attention of the junior Senator from Indiana [Mr. KERN] to it. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Mary Cathcart Ransdell, widow of Daniel M. Ransdell, late Sergeant at Arms of the Senate, a sum equal to 12 months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was, before the word "months," to strike out "12" and insert "6."

Mr. KERN. Mr. President, I hope the amendment of the committee will not be adopted and that the resolution as originally presented will be adopted.

The resolution provided that the widow of the late Sergeant at Arms should be paid a year's salary, under the same rule under which widows of Members of the Senate are paid a year's salary. It seems to me that in these times, when we are voting away money by scores of millions of dollars for doubtful purposes, in a case of this kind, where a servant of the Senate has died—a man who served the Senate faithfully for 13 years, a gallant soldier, who has left a family in circumstances in which they need this money—there ought to be no quibble about the Senate generously voting to this woman a year's salary.

If the service had been short, as in the case of the Sergeant at Arms of the other House, who died after a few months' service, it would have been different. But here is a long service. No man here ever knew a knightlier, gentler, sweeter character than that of Mr. Ransdell. It seems to me that in appreciation of this long and faithful and courteous service there ought to be no hesitation in giving his widow this amount of money.

Mr. SMITH of Georgia. I will ask the Senator if it is not true that during all this long service a very handsome salary has been paid?

Mr. KERN. Unquestionably that is true.

Mr. BRISTOW. I desire to state that it is the practice of the Senate, when an employee dies, to pay the relatives of the employee six months' salary. That rule is applied to all of the employees. I can see no reason why the same rule should not apply to an employee who receives $5,000 that is applied to an employee who receives $1,000. There is no more reason for giving the widow of Col. Ransdell a year's salary than the widow of any other employee of the Senate. I say this with as much respect and as great affection for Col. Ransdell as the Senator from Indiana or anyone else could have. It is simply for the purpose of treating the employees of the Senate and the officers of the Senate upon exactly the same basis.

Mr. CLARK of Wyoming. I wish to ask the Senator from Kansas, whom I believe is a member of the Committee on Contingent Expenses, whether the rule that he has stated is a universal one. My recollection is that on more than one occasion the Senate has paid to the widows of employees a full year's salary.

Mr. BRISTOW. There have been a few exceptions made. If I remember rightly, as far as the records go—and they run back for probably half a century—there have been five exceptions. I will not state that as being absolutely accurate, but it is as clearly as I remember it.

Mr. KERN. I think it is true, I am so informed, that in the case of officers of the Senate a full year's salary has always been given.

Mr. BRISTOW. That is not correct.

Mr. KERN. When we apply the rule of reason to these things it will be difficult perhaps to find a reason for anything of the kind as that a year's salary should be given to the widow of a Member. Here is an elective officer of the Senate who served 13 years. It is an exceptional case. It would not furnish a precedent for anything that would be likely to happen in a hundred years. If gentlemen appreciate this service as it was rendered, as they claim to do, it seems to me they could not better express their sympathy than by voting this amount. It will not hurt anyone and it will, on the other hand, do a vast deal of good.

Mr. BRISTOW. It is a matter for the Senate to decide. If it wants to set the precedent of giving the widows of our deceased employees a year's salary, that is all right, but for one I am not in favor of treating the employee who receives $5,000 a year different from the employee who receives $1,000 or $2,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] The noes appear to have it.

Mr. SMITH of Georgia. I ask for a division.

The PRESIDENT pro tempore. The hour of 6 o'clock having arrived, under the previous order of the Senate, the Senate will stand in recess until the hour of 8 o'clock.

The Senate thereupon (at 6 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 28, 1913:

S. 6176. An act for the relief of Gibbes Lykes; and

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant.

PUBLICATION OF REVOLUTIONARY WAR RECORDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War, with a view to their publication, which were, on page 1, line 3, after "That," to insert "within the limits of the appropriation herein made"; on page 2, line 1, to strike out "fifty" and insert "twenty-five"; on page 2, line 2, to strike out "ten" and insert "seven"; and on page 2, line 3, after "*Provided*," to insert "That the aforesaid sums of money shall be expended, respectively, under the direction of the Secretary of War and the Secretary of the Navy, and that they shall make to Congress each year detailed statements showing how the money herein appropriated has been expended and to whom: *Provided further*."

Mr. DIXON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had passed the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. CANNON managers at the conference on the part of the House.

SEAMEN OF THE AMERICAN MERCHANT MARINE.

Mr. BURTON. I understand that the naval appropriation bill is ready for consideration. I ask unanimous consent that the seaman's bill, the unfinished business, be temporarily laid aside.

Mr. SMOOT. Is the seaman's bill the unfinished business now?

The PRESIDENT pro tempore. It is by motion. Without objection, that order will be made.

Mr. O'GORMAN. What is the order, Mr. President?

The PRESIDENT pro tempore. When the recess was taken the Senate was engaged in the consideration of a resolution. Ordinarily that would come up, but the Senator from California [Mr. PERKINS] will move to take up the naval appropriation bill.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask that the action of the House of Representatives on the sundry civil appropriation bill be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendment, that the request of the House for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. PERKINS, and Mr. TILLMAN conferees on the part of the Senate.

INTERSTATE SHIPMENT OF LIQUORS—VETO MESSAGE.

Mr. LA FOLLETTE. Mr. President, when the question of passing the bill known as the Webb bill over the President's veto was up this afternoon I was called from the Chamber and had no opportunity to vote upon the bill.

Had I been present I should have voted to pass the bill the President's objections to the contrary notwithstanding.

I wanted to make that entry in the RECORD, because it is an important matter.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 28812, the naval appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28812) making appropriation for the naval service for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and the committee amendments be first considered. Is there objection?

Mr. SMITH of Georgia. Yes; I suggest that all amendments be considered at the same time, paragraph by paragraph.

The PRESIDENT pro tempore. Objection is made, and the bill will be considered, and amendments of the committee and amendments from the floor will be entertained. The reading will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 5, after the words "Naval Academy," to insert "who is hereby placed upon the same footing respecting restrictions upon allowances, including retirement, as the senior dental surgeon now at the Military Academy," so as to read:

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers ashore and afloat, and receiving ships and other vessels; two clerks to general inspectors of the Pay Corps; one clerk to pay officer in charge of deserters' rolls; not exceeding 10 clerks to accounting officers at yards and stations; dentist at Naval Academy who is hereby placed upon the same footing respecting restrictions upon allowances, including retirement, as the senior dental surgeon now at the Military Academy.

Mr. LODGE. I desire to modify that amendment by inserting the word "now" after the word "dentist," in line 5, and in line 8, after the word "Academy," the words "who shall be appointed by the President, by and with the advice and consent of the Senate, and."

Mr. BRISTOW. I should like to have the Senator explain just what this amendment does.

Mr. LODGE. Last year the naval appropriation act established a corps of dental surgeons in the Navy. It was a House provision, agreed to by the Senate, and became a law. At Annapolis there is a dentist who has been there for many years, who has done the entire work which, at the Military Academy at West Point, is performed by a dental surgeon regularly commissioned who has an assistant contract surgeon. He has been doing the work of two men. It was recommended by the department and agreed to by both committees that he should be retained as a dental surgeon. He could not enter before, because a provision about the corps limited the age of entrance naturally and properly to young men. This is to promote him to the Corps of Dental Surgeons. It was so provided in the act. That was the intention of Congress. By some interpretation of the department they have managed to prevent the intention of Congress from being carried out and have left him, after many years of service, without the position which Congress intended to confer and thought they had conferred upon him as a mere matter of justice, after so many years of service.

Mr. BRISTOW. I understand when the bill passed the Senate it provided for retirement at the age of 70. That was changed in conference, was it not?

Mr. LODGE. It was changed to 65.

Mr. BRISTOW. Changed to 65?

Mr. LODGE. I think so—the House provision.

Mr. BRISTOW. I thought it was changed to 62.

Mr. LODGE. I am not perfectly certain.

Mr. BRISTOW. The principal objection I have to these dental surgeons is that they are retired at an early age, and it simply loads the retired list of the Navy with men who are perfectly capable of attending to the kind of business they are employed to do. I do not intend to contend against this man being incorporated within the corps, because I think if he has been there for years——

Mr. LODGE. For many years.

Mr. BRISTOW. It is a very proper thing to do.

Mr. SMITH of Georgia. We can not hear the Senator from Kansas over on this side.

Mr. BRISTOW. I was trying to find out at what age these dental surgeons are retired. When the Senate passed the bill last year it fixed the age of retirement at 70 for the dentists in the Navy. I think there was a radical change made in the conference, and that is what the Senator from Massachusetts was looking up.

Mr. LODGE. The retirement is the same as for officers of the Medical Corps of the Navy.

Mr. BRISTOW. I can not see why a dentist or physician should be retired at the age of 62 years and go upon retired pay. I should like to move to amend by inserting after "Academy," in line 8, the following:

That all dental surgeons shall be retired at the age of 70.

Mr. LODGE. I would suggest to the Senator that later in the bill, under "Bureau of Medicine and Surgery," there will be offered an amendment which is being prepared by the Senator from North Carolina and which is approved by the committee, treating the corps generally, and his amendment will be better there than at this point, which applies only to this one man.

Mr. BRISTOW. All right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 8, to strike out:

Hereafter the service of a midshipman at the United States Naval Academy, or that of a cadet at the United States Military Academy, who may hereafter be appointed to the United States Naval Academy or to the United States Military Academy, shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to strike out:

That so much of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps," approved March 3, 1899, which reads as follows: "and that all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited for computing their pay, with five years' service," shall not apply to any person entering the Navy from and after the passage of this act.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to insert:

That the accounting officers of the Treasury are hereby authorized and directed to allow in the accounts of disbursing officers of the Navy all payments heretofore made by them in accordance with orders or regulations of the Secretary of the Navy for commutation of subsistence to members of the Nurse Corps of the Navy at the rate therein specified, and that the Secretary of the Navy is hereby authorized, in his discretion, to hereafter allow members of the Nurse Corps of the Navy 75 cents per diem in lieu of subsistence when subsistence in kind is not furnished by the Government.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or

rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

The amendment was agreed to.

The next amendment was, on page 7, after line 6, to insert:

That the accounting officers of the Treasury are hereby authorized and directed to allow in the settlement of the accounts of disbursing officers the amounts disallowed against certain officers of the Navy on account of promotion under the opinion of the Attorney General (27 Op., p. 251); and to reimburse the officers who have refunded to the United States the amount disallowed, in accordance with said opinion, and to pay them out of the appropriation "Pay of the Navy."

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

That the Secretary of the Navy is authorized to make such readjustments as may be necessary to equalize the pay of classified employees of the navy yards and stations with the pay of employees of other Government departments performing similar duties.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit in the accounts of Paymaster John W. Morse, United States Navy, the sum of $46,491.95, being the amount stolen from United States funds by Pay Clerk Edward V. Lee, United States Navy, and charged against the accounts of the said John W. Morse, paymaster, on the books of the Treasury Department.

Mr. SMITH of Georgia and Mr. BRISTOW rose.

Mr. LODGE. I will explain that amendment if the Senator desires.

Mr. SMITH of Georgia. That is what I want.

Mr. LODGE. This is a case which Senators may remember, where a paymaster's clerk robbed the safe at Habana and took some $50,000, a considerable portion of which was recovered. The matter went into court and the paymaster was entirely exonerated. It was like an ordinary case of robbery. He broke into the safe and took the money in the absence of the paymaster. The matter was brought up in a separate bill on the recommendation of the Navy Department, and it was passed by the Senate. It has been reported favorably by the House Naval Committee and is pending in the House. It is a mere matter of bookkeeping. It is to relieve this man from the charge against him on the books.

Mr. BRISTOW. What relation does the pay clerk have to the paymaster? Is the paymaster in charge of the office himself and is the clerk simply his assistant, or does the clerk take charge of a certain office under the general supervision of the paymaster?

Mr. LODGE. The paymaster's clerk is merely his assistant. He is not, I think, a bonded officer.

Mr. PERKINS. He is detailed from the department.

Mr. LODGE. He is detailed from the department. This man, as I said, opened the safe in the absence of the paymaster and robbed it and escaped on shore in Cuba.

Mr. BRISTOW. I have been told that in a number of instances the paymaster's clerk is the real paymaster and the paymaster himself gives little attention to the business.

Mr. LODGE. Oh, no. This was on board ship, and the paymaster is there himself. He was not there, but he had taken every precaution. It was so found by the court. It was all tried by the court.

Mr. BRISTOW. I can see that the paymaster might be wholly blameless.

Mr. LODGE. The court found him wholly blameless and recommended that this credit be given on the books.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 8, after line 3, to insert:

The Auditor for the Navy Department is hereby authorized and directed to credit to the account of Pay Director John N. Speel, United States Navy, the sum of $263.54, now standing charged against him on the books of the Treasury Department, on account of an advance made by him to Paymaster's Clerk Edward V. Lee, United States Navy, who deserted from the service before the amount could be deducted from his salary.

Mr. SMITH of Georgia. Why was the advance made before it was due?

Mr. LODGE. This is a similar case, and this is the statement in reference to it:

STATEMENT OF PAY DIRECTOR JOHN N. SPEEL.

On the 23d of September, 1910, Paymaster's Clerk Edward V. Lee presented his orders for duty on board the U. S. S. *Georgia* and requested the sum of $500 advance. As it was my duty, under Naval Regulations (par. 1088), to make advances to officers of the Navy on their orders to sea duty, the amount requested was advanced in the usual manner. Mr. Lee deserted before he had served sufficient time to earn the amount advanced, less the allotment registered by him. The advance made was authorized by the regulations of the Navy, and I request to be relieved of the amount now standing against me on the books of the Treasury Department, in the sum of $263.54. This will require no appropriation whatever by Congress, and I simply ask that the Auditor of the Navy Department be authorized to credit my account with the amount above stated. Since the act of June 24, 1910, went into effect, recognizing paymaster's clerks as officers, a separate order was not deemed necessary.

JOHN N. SPEEL,
Pay Director United States Navy.

Mr. SMITH of Georgia. It was not a voluntary advance, but one that he was obliged to make under the regulations?

Mr. LODGE. He was obliged to make it by law, and under the regulations which provide for advances to officers on sea service.

The amendment was agreed to.

Mr. O'GORMAN. Mr President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from New York offers an amendment, which will be stated.

The SECRETARY. On page 8, line 1, it is proposed to insert:

The President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint William E. Farrell, late a midshipman and ensign in the United States Navy, and to place him on the retired list as such with three-fourths pay to his credit: *Provided*, That nothing in this act contained shall be construed to allow the payment of any salary or emolument to said William E. Farrell, except those that may accrue from the date of this act.

Mr. O'GORMAN. I propose this amendment with the approval of the chairman of the Naval Committee. The matter has been thoroughly investigated by the Naval Committee; and I send to the Secretary's desk the report made by that committee and ask that the Secretary read it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

William E. Farrell was appointed midshipman January 29, 1904. He entered the Naval Academy and remained there until December 2, 1907, when he developed inflammatory rheumatism and afterwards tuberculosis of the left knee. After several operations at Annapolis, he was sent to Las Animas, Colo., where he is at present under the care of the Government, although out of the service. He is now on crutches and will always be crippled. He went into the service in good health, and his ailment was acquired while in line of duty. The essential facts in the case are stated in the following letter from the Acting Secretary of the Navy:

JANUARY 20, 1912.

Referring to your letter of January 12, 1912, inclosing a bill (S. 4331) for the relief of William E. Farrell, and requesting for the committee the opinion of the department thereon, I have the honor to inform you that William E. Farrell was appointed a midshipman at the United States Naval Academy on June 29, 1904, and his resignation, while a member of the first or senior class, was accepted, to take effect January 18, 1910, by reason of the recommendation of the Surgeon General of the Navy, on the report of a board of medical survey in the case of Mr. Farrell, held in October, 1909, which board found him unfit for the naval service on account of tuberculosis of the left knee and femur, and lungs," contracted in the line of duty.

There is no provision of law which covers the conditions existing in the case under consideration, and while the department realizes the fact that the disease was contracted in line of duty, yet it feels constrained not to give its approval to special measures, particularly in view of the fact that the object sought is to place upon the retired list of the Navy one who is not now connected with the service.

Faithfully, yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

It will be noted that the ground of the withholding of approval by the department is that there is no provision of law which covers the conditions existing in this case and that the beneficiary of the bill is not now connected with the service. Attention is called to the fact that the reason why Farrell is not now connected with the service is the disability contracted in line of duty, which is the very ground upon which the relief is sought.

A precedent for special legislation in a similar case is found in the case of Cadet J. Randolph Peyton, who was put upon the retired list by S. 7764, Sixtieth Congress, second session, under circumstances substantially similar to those in this case.

The committee recommends that the bill be favorably reported.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. LODGE. Mr. President, I send to the desk an amendment which embodies a provision reported by the House committee, but which went out in that body on a point of order, owing to a defect in the wording of the clause.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 7, line 3, after the numerals "$1,000,000," it is proposed to insert:

Provided further, That the present construction of the law applying to leave of absence of per annum employees of the classified service of the clerical, drafting, inspection, messenger, and watch force at navy yards and naval stations shall hereafter apply to per diem employees of the classified service at such yards and stations.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Navigation," on page 9, line 22, after the word "same," to insert "advertising for," so as to read:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for ob-

taining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $130,000.

Mr. LODGE. The word "and" ought to be added after the word "for," and the semicolon stricken out, so that it would read "advertising for and obtaining." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, in the item of appropriation for expenses of recruiting for the naval service, on page 10, line 18, after the word "payment," to insert:

Provided, That authority is hereby granted to employ the services of an advertising agency in advertising for recruits under such terms and conditions as are most advantageous to the Government.

The amendment was agreed to.

The next amendment was, on page 14, line 15, after the word "same," to strike out "$23,750" and insert "$25,250"; in line 16, after the words "international law," to strike out "$1,500" and insert "$2,000"; and on page 15, line 2, after the name "Rhode Island," to strike out "$26,850" and insert "$28,850," so as to read:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, $25,250; services of a lecturer on international law, $2,000; services of civilian lecturers, rendered at the War College, $300; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $1,300: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1914, shall not exceed $10,250. In all, Naval War College, Rhode Island, $28,850.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance" on page 17, line 7, after the word "proposals," to insert:

Provided, That this restriction shall not apply to purchases of shells or projectiles of an experimental nature or to be used for experimental purposes and paid for from the appropriation "Experiments, Bureau of Ordnance": *Provided*, That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad, this material shall be admitted free of duty.

The amendment was agreed to.

The next amendment was, on page 18, line 8, after the word "issue," to strike out "$100,000" and insert "$150,000," so as to read:

For replacing Mark VI 6-inch guns with Mark VIII guns and repairing and modernizing the Mark VI guns for issue, $150,000.

The amendment was agreed to.

The next amendment was, on page 18, line 16, after "$3,850,000," to insert "to be available until expended," so as to read:

Ammunition for ships of the Navy: For procuring, producing, preserving, and handling ammunition for issue to ships, $3,850,000, to be available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," in the item of appropriation for equipment of vessels, on page 21, line 9, after the word "service," to insert "including the purchase of land as necessary sites for radio shore stations," so as to read:

Service and supplies for coast signal service, including the purchase of land as necessary sites for radio shore stations, instruments and apparatus, supplies, and technical books and periodicals required to carry on experimental and research work in radiotelegraphy at the naval radio laboratory.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after "$4,925,000," to insert "$75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental tests of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of ships of the United States Navy or any vessel of the United States," so as to read:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $4,925,000, $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental tests of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of ships of the United States Navy or any vessel of the United States.

The amendment was agreed to.

Mr. PERKINS. I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 22, line 14, after the word "same," it is proposed to strike out "$4,925,000" and insert "$5,000,000."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Public works, Bureau of Yards and Docks," on page 27, line 10, after the word "crane," to insert "(limit of cost not exceeding"; in line 11, after the word "exceeding," to strike out "$300,000" and insert "$100,000"; and in line 15, after the name "Virginia," to strike out "$462,500" and insert "$252,500," so as to read:

Navy yard, Norfolk, Va.: Railroad tracks, extensions, $10,000; repairs, buildings, St. Helena, $25,000; improvements to water front, to continue, $50,000; paving and grading, to continue, $10,000; heating system, extension, $5,000; 150-ton crane (limit of cost not exceeding $100,000); dredging, to continue, $40,000; water system, extensions, $7,500; sewer system, extension, $5,000; lavatories and toilet facilities, $5,000; compressed-air system, extensions, $5,000; in all, navy yard, Norfolk, Va., $252,500.

Mr. LODGE. That amendment is incorrectly printed.

Mr. SWANSON. I offer the amendment to the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 27, line 10, after the word "crane," it is proposed to insert "(limit of cost not exceeding $300,000), $100,000."

Mr. LODGE. That is right.

The amendment to the amendment was agreed to.

Mr. SWANSON. On line 15, page 27, instead of the sum being $252,500, it ought to be $262,500. I move that amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 27, in line 15, of the committee amendment, it is proposed to strike out "$252,000" and to insert "$262,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 27, line 19, after the word "berths," to insert "(to cost not exceeding $300,000)"; in line 20, after "$150,000," to insert "power plant equipment and distributing system, to extend, $35,000"; and in line 21, after the words "in all," to strike out "$159,000" and insert "$194,000," so as to read:

Navy yard, Charleston, S. C.: Paving and grading, to continue, $1,000; locomotive and crane shed, $5,000; remodeling dispensary, building No. 19, $3,000; foward torpedo boat berths (to cost not exceeding $300,000), $150,000; power plant equipment and distributing system, to extend, $35,000; in all, $194,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 13, to insert:

Naval station, Narragansett Bay, R. I.: For purchase of land for extension of landing facilities, $40,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 4, to insert:

Marine barracks, Isthmus of Panama: Erection of barracks, quarters, and other buildings for accommodation of marines, $400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 33, line 9, after the word "marines," to strike out "*Provided*, That hereafter no sites shall be procured or hospital buildings erected or extensions to existing hospitals made unless hereafter authorized by Congress," and insert "*Provided*, That the sum of $70,000 is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the building of a new power plant at the Naval Hospital, Chelsea, Mass., said sum of money to be paid into the Treasury from the proceeds of sale of land authorized by the naval act of June 29, 1906," so to read:

Section 4810 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines: *Provided*, That the sum of $70,000 is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the building of a new power plant at the Naval Hospital, Chelsea, Mass., said sum of money to be paid into the Treasury from the proceeds of sale of land authorized by the naval act of June 29, 1906.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to come in on page 35, after line 3.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The amendment will be stated.

The SECRETARY. On page 35, after line 3, it is proposed to insert:

Provided, That a Navy Dental Reserve Corps is hereby authorized to be organized and operated under the provisions of the act approved August 22, 1912, providing for the organization and operation of a Navy Medical Reserve Corps, and differing therefrom in no respect other than that the qualification requirements of the appointees shall be dental surgeons and graduates of reputable schools of medicine or dentistry instead of "graduates of reputable schools of medicine," and so many of said appointees may be ordered to temporary active service as the Secretary of the Navy may deem necessary to the health and efficiency of the personnel of the Navy and Marine Corps, providing the whole number of both Regular Corps and Reserve Corps dental surgeons in active service shall not exceed, in time of peace, 1 to each 1,500 of the said personnel, and no dental surgeon shall render service until his appointment shall have been confirmed by the Senate: *Provided further*, That Dental Corps officers of permanent tenure shall be appointed from the Dental Reserve Corps membership in accordance with the said provisions of the said act, and all such appointees shall be citizens of the United States between 22 and 30 years of age, of good moral character, of unquestionable professional repute, and before appointment shall pass satisfactory physical and professional examinations, and when appointed shall take rank and precedence in the same manner in all respects as in the case of appointees to the Medical Corps of the Navy, and shall receive corresponding pay and allowances and be entitled to retired pay: *Provided*, That their promotions shall be limited to six from the grade of assistant dental surgeon to the grade of passed assistant dental surgeon in each period of 5 years, and to three from the grade of passed assistant dental surgeon to the grade of dental surgeon in each period of 11 years.

That the provisions of the act approved August 22, 1912, which relate to the appointment of dental surgeons to the Navy Medical Reserve and Dental Corps are hereby repealed.

Mr. BRISTOW. Mr. President, I desire to offer an amendment to the amendment. If the Secretary will hand the amendment to me, I will state where I want it inserted. In the last line of the second proviso, after the word "and," insert "when they reach the age of 70 years," so that it will read "and when they reach the age of 70 years be entitled to retired pay."

Mr. PERKINS. Why should their retiring age be increased beyond that of other officers?

Mr. BRISTOW. I do not think that dentists should be retired at the age of 62. Certainly, men in civil life not performing military duty, but who are attending to the ordinary affairs of life as other dentists are doing, should not be put on the retired list at the age of 62. I have been advised that some of these dentists have retired at the age of 62 and then set up offices and practiced for years whilst receiving retired pay from the Government. I do not think that such a practice is justified. This matter was taken up last year, as the Senator from California knows, and the Senate fixed the retiring age at 70 for dental surgeons.

Mr. PERKINS. Perhaps the Senate would like to have an opportunity to vote on the question again.

Mr. BRISTOW. I think it should be insisted on by the Senate.

Mr. PERKINS. So far as I can do so, I accept the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the first paragraph of the line, after the word "and," where it appears the second time, it is proposed to insert "when they reach the age of 70 years."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. NELSON. Mr. President, will the Senator from California yield to me for a moment?

Mr. PERKINS. For what purpose?

Mr. NELSON. I desire to submit a conference report on the river and harbor bill.

Mr. PERKINS. I will yield that the report may be submitted.

RIVER AND HARBOR APPROPRIATION BILL—CONFERENCE REPORT.

Mr. NELSON. I present the conference report and will ask to have it taken up as soon as the naval bill is disposed of.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 11, 14, 22, 26, 28, 33, 38, 48, 49, 53, 57, 64, 66, 69, 77, 78, 79, 92, 120, 121, 122, 123, 124, 126, and 133.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 13, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 29, 30, 31, 32, 36, 37, 45, 46, 51, 52, 55, 58, 60, 61, 62, 63, 65, 67, 70, 72, 73, 74, 75, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 94, 96, 97, 98, 99, 101, 103, 104, 106, 108, 109, 110, 111, 112, 114, 116, 117, 118, and 119, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "or city shall" and insert in lieu thereof the words "ar d City"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "; completing improvement of the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session, $235,700; in all $255,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed restore the sum stricken out, and in the first line of the amended paragraph strike out the word "Continuing" and insert in lieu thereof the word "Completing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In the sixth and seventh lines of the language proposed strike out the words "that the appropriation of $100,000 therein contained, namely," and at the end of the language proposed strike out the period and insert a colon and the following: "*Provided further*, That nothing in this act shall be construed as relieving the said Florida East Coast Railway Co. from the obligation of complying with the terms of its contract heretofore entered into with the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the word "session" insert the words "and subject to the conditions therein specified," and in lieu of the sum of "$1,100,000" insert "$900,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the language proposed, insert the following:

"Improving Houston Ship Channel, Texas: The Secretary of War may enter into a contract or contracts for, or construct, two suitable dredging plants, to be used for the maintenance of the channel when completed under the existing contract authorized by the act approved June 25, 1910, to be paid for out of any unexpended balances of appropriations heretofore made or authorized together with such additional appropriations as may from time to time be made by law, not to exceed in the aggregate $200,000: *Provided*, That a like amount of $200,000, or so much thereof as may be necessary, being one-half of the estimated cost of said dredging plants, be contributed and furnished by the Harris County Ship Channel Navigation District, to be expended in connection with the $200,000 herein authorized to be appropriated for the purchase or construction of said dredging plants: *Provided further*, That before letting the contract for the construction of each dredging plant or beginning the work of its construction, said navigation district shall place to the credit and subject to the order of the Secretary of War, in a United States depository to be designated by him, the sum of $50,000, and shall satisfy him that the remainder of one-half of the cost of said dredging plant will be deposited in like manner from time to time as called for by him."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In the proposed amendment, before the words "C. B. Comstock," insert the word "General"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 42 and 43, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $250,000; continuing improvement

and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $275,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In the proposed amendment, before the words "C. B. Comstock," insert the word "General"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Improving White River at Devall Bluff, Ark.: Completing improvement in accordance with the report submitted in House Document No. 1259, Sixty-second Congress, third session, and subject to the conditions therein specified, $8,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving harbor at Arcadia, Mich.: For maintenance, including repair of the north pier, $20,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving Clinton River, Mich.: For maintenance, $10,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "$24,000, of which amount not exceeding two-thirds may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge, in accordance with the report submitted in House Document No. 419, Fifty-sixth Congress, first session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "which shall be considered extraordinary emergency work, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, and without regard to limitation of hours"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: " ; completing improvement in accordance with plan numbered one in report submitted in House Document numbered thirteen hundred and nine, Sixty-second Congress, third session, $208,786; in all, $243,786"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: After the word "Oregon," in the language proposed to be inserted, insert the following: "in accordance with the report submitted in House Document Numbered 13, Sixty-second Congress, first session," and omit the semicolon after the word "interest"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: After the word "channels," in the second line of the language proposed, in lieu of the word "for" insert the word "or," and in the third line, in lieu of the word "improved" insert the word "made"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agreed to the same with an amendment as follows: In lieu of the language proposed insert the following: "Lynn Harbor and Saugus River, Mass., with a view to providing a channel 15 feet deep up to the bridge at East Saugus"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: After the word "Creek" insert the word "Norfolk"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the word "Pollockville" insert the word "Pollocksville"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Key West, Fla., for a harbor of refuge and a safe anchorage for vessels"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: After the word "Bay," where it first occurs, insert the word "Florida"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Ohio River above the dam at Louisville, Ky., with a view to protection against overflow caused by Government work"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the word "twenty-five" insert the word "twenty-one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: After the word "River" insert the words "California and Arizona"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with amendment as follows: After the word "River" where it first occurs insert the word "California"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 8. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 127, 128, 129, 130, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"SEC. 9. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean lower low water in tidal waters and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number "13" insert the numeral "10"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number "14" insert the numeral "11"; and the Senate agree to the same.

KNUTE NELSON,
WILLIAM ALDEN SMITH,
F. M. SIMMONS,
Managers on the part of the Senate.

S. M. SPARKMAN,
JOSEPH E. RANSDELL,
GEORGE P. LAWRENCE,
Managers on the part of the House.

Mr. BORAH. Mr. President, may I ask the Senator, Is this a final report?

Mr. NELSON. It is a final report.

Mr. BORAH. What are the amendments from which the Senate conferees have receded?

Mr. NELSON. Well, there are a number of them. The principal amendments from which we receded are seven. When the bill was put in conference the House conferees insisted that the conferees should not act upon it before those amendments were submitted to the House. I will read the amendments.

Mr. PERKINS. Will the Senator from Minnesota allow us to proceed with the consideration of the naval appropriation bill?

Mr. NELSON. The Senator from Idaho asked me a question.

Mr. BORAH. I will defer the question, then, until the naval bill is disposed of.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

Mr. GALLINGER. Mr. President, I have been so much engaged in other duties of late that I have paid no attention to the naval appropriation bill, and I now ask unanimous consent to return to page 25 that I may offer an amendment.

The PRESIDING OFFICER (Mr. BRANDEGEE). The Senator from New Hampshire asks unanimous consent to return to page 25 for the purpose of offering an amendment. Is there objection? The Chair hears none.

Mr. GALLINGER. I observe, Mr. President, that in dealing with navy yards there has been great generosity displayed toward certain yards, but painful impecuniosity toward the navy yard at Portsmouth, N. H. I was on the Naval Committee for a good many years, and I am afraid I made a mistake when I retired from it. For some reason or other the estimates for Portsmouth were very small this year. Only two items, aggregating $15,000, have found their way into the bill for that yard, while certain other navy yards have been allowed from $100,000 to $250,000.

There were only two other small items estimated for, and I move to insert them on page 25, line 21. I send the amendment to the desk.

The PRESIDING OFICER. The amendment will be stated.

The SECRETARY. On page 25, line 21, after "$6,000," it is proposed to strike out "in all, $15,000" and insert the following:

Central administration building, $20,000; roadway to hospital, $7,000; in all, $42,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Supplies and Accounts," in the item of appropriation for provisions for the Navy, on page 36, line 4, after "$7,593,441.75," to insert "to be available until the close of the fiscal year ending June 30, 1915," so as to read:

Provided, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required; in all, $7,593,441.75, to be available until the close of the fiscal year ending June 30, 1915.

The amendment was agreed to.

Mr. PERKINS. I offer an amendment on behalf of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 36, after line 5, it is proposed to insert:

Provided further, That from and after the passage of this act all awards of contracts for provisions for the Navy shall be made by individual items, the contract for each item being awarded to the lowest responsible bidder.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, in the item of appropriation for maintenance, Bureau of Supplies and Accounts, on page 36, line 23, after the word "exceed," to strike out "$520,000," and insert "$550,000," so as to make the proviso read:

Provided, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the general storehouses, and paymasters' offices of the navy yards and naval stations for the fiscal year ending June 30, 1914, shall not exceed $550,000; in all, $1,470,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Naval Academy dairy: For the purchase of the necessary land for the location of the Naval Academy dairy, at some point in the vicinity of Annapolis, Md., convenient for communication and for the transportation of dairy products from the location of the dairy to the Naval Academy, and for the transfer to new dairy site, and erection thereon, of buildings belonging to the present dairy, the repair and alteration of such buildings as may be found on the land to be purchased, and for all other necessary purposes connected with the establishment of a dairy on such land, $100,000: *Provided*, That the cost of said land shall not exceed $75,000: *Provided further*, That the amount appropriated for this purpose shall be treated as an advance to the midshipmen's store fund at the Naval Academy, to be ultimately repaid to the United States: *And provided further*, That expenditures hereunder shall be reported by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy in the same manner as now prescribed by law for the midshipmen's store fund.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," in the item of appropriations for the construction and repair of vessels, on page 39, line 2, after the word "material," to insert:

Provided further, That nothing herein contained shall deprive the Secretary of the Navy of the authority to cause the necessary repairs and preservation of the U. S. S. Constellation, Portsmouth, and Olympia: *Provided further*, That from and after the passage of this act all awards of contracts for provisions for the Navy shall be made by individual items; the contract for each item being awarded to the lowest responsible bidder.

Mr. PERKINS. I offer an amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 39, line 6, it is proposed to strike out:

Provided further, That from and after the passage of this act all awards of contracts for provisions for the Navy shall be made by individual items; the contract for each item being awarded to the lowest responsible bidder.

Mr. LODGE. That provision has been inserted as an amendment on page 36, after line 5. This amendment is to strike out the provision on page 39.

The PRESIDENT pro tempore. The Chair observes that. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 40, after line 9, to insert:

Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," at the top of page 44, to insert:

The President is hereby authorized to appoint, by and with the advice and consent of the Senate, A. J. Corbesier, a swordmaster at the United States Naval Academy, to be a first lieutenant in the United States Marine Corps as an extra number, not in the line of promotion.

The amendment was agreed to.

The reading of the bill was continued to line 24 on page 43.

Mr. MARTINE of New Jersey. Mr. President, I desire to insert, at the bottom of page 43, the amendment which I send to the desk and ask to have read.

The SECRETARY. On page 43, after line 24, insert:

That professors who have or shall hereafter have served 25 years at the Naval Academy may, on the recommendation of the Secretary of the Navy, be commissioned as professors of mathematics with the rank of lieutenant commander, to be additional to the number allowed by existing law: *Provided*, That for pay and other purposes service as an instructor or professor at the Naval Academy previous to being commissioned shall count as service in the Navy: *Provided further*, That 25 years of completed service at the Naval Academy shall be taken as fulfilling all legal requirements for appointment and commission, and that, for the purposes of this act, limitations as to age at the time of appointment shall not apply, nor shall age constitute a claim for retirement.

Nothing in the above provision shall operate to create a claim for back pay.

Mr. MARTINE of New Jersey. Mr. President, I am fortified in presenting this amendment by the opinion and letter of the Secretary of the Navy. A portion of it I will send to the desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

[No. 31.]

PROFESSORS AT NAVAL ACADEMY.

DEPARTMENT OF THE NAVY,
Washington, January 17, 1913.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

MY DEAR MR. CHAIRMAN: Referring to your letter transmitting, on behalf of the Committee on Naval Affairs of the House of Representatives, a bill (H. R. 27575) "providing that certain professors at the United States Naval Academy shall be commissioned as professors of mathematics with the rank of lieutenant commander," I have the honor to inform you that the Bureau of Navigation of this department, which has general supervision over the personnel of the Navy and, also, of Naval Academy affairs, has reported upon this bill as follows:

"(a) Four professors now at the Naval Academy would be eligible for commission on the passage of this bill, their length of service varying from 26 to 39 years.

"(b) Other civilian professors and instructors now at the academy would become eligible, if retained continuously in the service, as fol-

lows: 1 in 1919; 2 in 1925; 4 in 1928; 3 in 1929; 4 in 1931; 4 in 1933; 3 in 1934.

"(c) There are now 9 professors, 19 instructors; total 28, at the Naval Academy. The appropriations for the fiscal year 1914 provide for 6 less instructors, or a total of 22. Next year a further reduction to 16 is intended.

"A number of civilian professors and instructors will always be required at the Naval Academy as permanent assistants to certain heads of departments and to teach modern languages. At outside educational institutions provision is usually made for the retirement of professors at about 65 years of age, if they have served for 25 years or more; or after 25 years' service they may be pensioned for disability, or pensioned for the same cause after less than 25 years' service, when the disability is directly traceable to this service. Similar provision should be made for the professors at the Naval Academy who have already had long service or who may thereafter come within the same category.

"The bureau's opinion is that the bill proposed (H. R. 27575) would meet the requirements for the Naval Academy, and accordingly recommends favorable action."

The department concurs in the recommendation of the Bureau of Navigation.

Faithfully, yours, G. v. L. MEYER.

Mr. MARTINE of New Jersey. That bill is embodied in the amendment which I have offered. The purpose, Mr. President, is to improve the personnel of the instructors at the Naval Academy. It is not only my opinion, but the opinion of others interested in naval matters, that this would advance the general well-being of the Naval Academy. I trust the amendment may be adopted.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 46, line 13, before the word "members," to strike out "five" and insert "seven," so as to read:

Hereafter the Board of Visitors to the Naval Academy shall consist of seven members of the Committee on Naval Affairs of the United States Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, and the members so appointed shall visit the Naval Academy annually at such time as the chairman of the Board of Visitors shall appoint, and the Members of each House of Congress of said board may visit said academy together or separately as the said board may elect during the session of Congress.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," page 50, line 15, after the words "one draftsman, at," to strike out "$1,600" and insert "$1,800," so as to make the clause read:

In the office of the quartermaster: One chief clerk, at $2,000; 1 clerk, at $1,500; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; 1 draftsman, at $1,800.

The amendment was agreed to.

The next amendment was, on page 50, line 17, after the words "One chief clerk, at," to strike out "$1,400" and insert "$1,800," so as to make the clause read:

In the office of the assistant quartermaster, San Francisco, Cal.: One chief clerk, at $1,800.

The amendment was agreed to.

The next amendment was, on page 50, line 19, after the words "One chief clerk, at," to strike out "$1,600" and insert "$1,800," so as to make the clause read:

In the office of the assistant quartermaster, Philadelphia, Pa.: One chief clerk, at $1,800; 1 messenger, at $840; in the Quartermaster's Department, for duty where their services are required, 4 clerks, at $1,400 each.

The amendment was agreed to.

The next amendment was, under the subhead "Maintenance, Quartermaster's Department, Marine Corps," on page 51, line 15, after "$890,000, to insert: "No law shall be construed to entitle enlisted men on shore duty to any rations or commutation therefor other than such as are now or may hereafter be allowed enlisted men in the Army: *Provided, however,* That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the Army ration, such marines may be allowed the Navy ration or commutation therefor: *Provided,* That hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy," so as to make the clause read:

Provisions, Marine Corps: For noncommissioned officers, musicians, and privates serving ashore; subsistence and lodging of enlisted men when traveling on duty, or cash in lieu thereof; commutation of rations to enlisted men regularly detailed as clerks and messengers; payment of board and lodging of applicants for enlistment while held under observation, recruits, and recruiting parties; transportation of provisions, and the employment of necessary labor connected therewith; ice for offices and preservation of rations, $890,000. No law shall be construed to entitle enlisted men on shore duty to any rations or commutation therefor other than such as are now or may hereafter be allowed enlisted men in the Army: *Provided, however,* That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the Army ration, such marines may be allowed the Navy ration or commutation therefor: *Provided,* That hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 52, after line 3, to insert:

Hereafter so much of this appropriation as may be necessary may be applied for the purchase, for sale to officers, enlisted men, and civilian employees, of such articles of subsistence stores as may from time to time be designated and under such regulations as may be prescribed by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, under the subhead "increase of the Navy," on page 57, line 4, after the word "constructed," to strike out "one" and insert "two"; in the same line, after the word "first-class," to strike out "battleship" and insert "battleships," so as to read:

That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed two first-class battleships, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive af armor and armament, not to exceed $7,425,000.

Mr. PAYNTER. Mr. President, I desire to make a few observations in support of the amendment reported by the committee.

Mr. President, there are two great purposes to be accomplished in the construction and maintenance of a Navy for this country. One is to prevent war, and the other, if war should come, to insure our safety against the attack of any great naval power.

In every emergency that has confronted this country, and in nearly every war, our Navy has protected and shielded our national honor, and except for which our country would not have the prestige and power which it now enjoys.

The Civil War was brought to a successful close in a large measure because the Federal Government was enabled to place a line of ships around the States which were engaged in war against the Federal Government, thus preventing the Confederacy from receiving the resources it much needed from other parts of the world. No country should delay preparation until involved in war, for it takes years to construct battleships. To prepare in time of peace for war is a measure of economy and safety. War is expensive; it means the destruction and exhaustion of the resources of the country. However much we may desire to escape war, we can not hope that we will always be able to do so. While we should cultivate a desire for peace, we would be too sanguine if we hoped to escape that which has befallen other nations. War may come at any time, and sometimes when least expected. If it should be our misfortune to be forced into a war, we can no longer select the place of battle as we could do in the early days of the Republic.

We now have possessions thousands of miles distant from our shores. While I consider it a great misfortune that our country should have been forced to take possession of the Philippine Islands and be burdened with the duty of administering their government, still our Government must, for the present at least, be dominant there, and so long as our flag floats above its public institutions we must protect it. While we retain these islands, we are under a sacred obligation to protect the people there and give them a good government.

In my opinion, by reason of such possessions, we have increased our danger of war, and have made it necessary to maintain a much larger Navy than we would have otherwise been required to do. We now have to sail the world over to protect our territory and commerce. We are pledged to the Monroe doctrine, not an international law—and the only way that other nations can be made to respect it is by always having at hand the means for its enforcement. The money the two battleships would cost might save us from war, and if we should be so unfortunate as to have it, they might save the expenditure of millions of dollars in the future. And in addition to that, they might save the lives of thousands of our citizens, many women from widowhood, children from orphanage, and the Government an expensive pension roll.

I believe that a navy is the greatest safeguard we can possibly have against war; it will minimize our danger of such conflicts. It gives us the greatest promise of peace. While Senators may differ as to whether or not a navy will have the effect of preventing war, we all must agree that when such a dire calamity has befallen the country it was naval engagements which have brought peace. Two naval engagements produced peace between this country and Spain, besides saving the lives of countless numbers of the youths of the land. One naval engagement in the Sea of Japan brought peace to Japan and Russia. While the President of the United States exerted

the great power of his office for peace, and was instrumental in getting the Governments at war to consummate terms of peace, he would have been powerless to have done so except for the result of that naval engagement in which Japan's navy practically annihilated that of Russia.

In my opinion a large majority of our people want to see this country have an adequate navy. They are proud of the history of this country. They believe the only sure way to protect the character and dignity of the American name is by maintaining a large navy. Our countrymen recall with pride the names of Jones, Lawrence, Perry, Farragut, Dewey, and Schley, and many other of our illustrious naval heroes, whose deeds make bright the pages of our country's history.

Regardless of what may befall our Navy or our Nation, it can not obliterate those pages or diminish the pride of the American people in the deeds of valor of those who have fought our battles on rivers, lakes, and seas. The result of any war in which we may engage with any foreign country will be determined by engagements at sea. We do not need a large standing army, but we need a large navy.

During my service in the House of Representatives, which began 24 years ago, I favored suitable appropriations for our Navy. During that service I heard a very brilliant Member of the House oppose an appropriation for the Navy, and as an argument against it he urged that such advancements were being made in naval construction, that it was a waste of money to build ships, because they so soon become obsolete.

The argument did not then appeal to me, nor have I since thought well of it. If it were sound, then we should never have a navy, for the types of ships we may build from time to time may become obsolete. After the Battles of Manila Bay and Santiago I recalled with pleasure that I had in a small way contributed toward giving our country a sufficient navy to meet the then existing emergency. Notwithstanding the views which I have, I pray the time may come when universal peace may prevail and that the alarms of wars will not be heard in any country; but until universal peace is promised and guaranteed we can not neglect to maintain an adequate navy. It is an expensive establishment, but the cost is insignificant compared to the expense and calamities of war.

Since I have been a Member of this body I have voted for liberal appropriations for the Navy, and among my last official acts I want to be recorded as still favoring such appropriations. Let us not give up the ship.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. BRISTOW. I think we want a roll call on this amendment, do we not?

Mr. LODGE. All right.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 57, line 4, strike out the word "one" and insert "two" and strike out the word "battleship" and insert "battleships," so as to read:

That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed two first-class battleships, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000.

Mr. ASHURST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arizona suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Lea	Root
Bacon	Cummins	Lodge	Sheppard
Bankhead	Curtis	McCumber	Shively
Borah	Dillingham	McLean	Simmons
Brady	Fletcher	Martine, N. J.	Smith, Ga.
Brandegee	Foster	Nelson	Smith, Md.
Bristow	Gallinger	O'Gorman	Smoot
Brown	Gardner	Oliver	Stone
Bryan	Guggenheim	Page	Sutherland
Burton	Hitchcock	Paynter	Swanson
Chamberlain	Jackson	Penrose	Thomas
Chilton	Johnston, Ala.	Perkins	Thornton
Clark, Wyo.	Kenyon	Pittman	Townsend
Clarke, Ark.	Kern	Poindexter	
Crane	La Follette	Pomerene	

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. PERKINS. I desire the Secretary to read a short statement from the Navy Department, which I send to the desk, giving the reasons for the construction of two battleships.

The PRESIDENT pro tempore. The Chair will state to the Senator from California that there is an amendment pending; but the document which the Senator from California sends to the desk will be read, without objection.

Mr. THOMAS. I desire to amend the amendment of the committee by the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Colorado submits an amendment to the committee amendment, which will be stated.

The SECRETARY. On page 57, line 4, after the word "constructed," it is proposed to strike out all down to and including line 13, on the same page, and in lieu thereof to insert:

One first-class battleship, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000: *Provided*, That the money for the battleship herein authorized shall not be available unless said battleship shall be built in a Government navy yard.

Mr. OLIVER. That is the House provision.

Mr. PERKINS. I ask for the reading of the paper which I have sent to the desk.

Mr. LODGE. That amendment is simply the provision of the House bill.

The PRESIDENT pro tempore. It is substantially the provision of the House bill. The Chair will state that the question is upon the amendment on page 57, line 4, to strike out the word "one" and to insert the word "two."

Mr. THOMAS. Is the amendment which I have offered in order at this time? If not, I desire to offer it later on; or, if it is in order, to have it voted on at the present time.

Mr. LODGE. I think, Mr. President, that we ought first to perfect the text before an amendment is offered to strike out.

The PRESIDENT pro tempore. Yes.

Mr. THOMAS. I did not hear the Senator from Massachusetts.

Mr. LODGE. I said that I thought the Senator's motion was to strike out and insert, although it is substantially the same language as the language of the House bill, and we must perfect the text before a motion to strike out and insert is in order.

Mr. THOMAS. Then this will come up later?

The PRESIDENT pro tempore. The Senator's amendment as a substitute will be in order after the text is perfected.

Mr. BRANDEGEE. It is in order to submit an amendment to a committee amendment, is it not?

The PRESIDENT pro tempore. It is.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Connecticut submits an amendment to the committee amendment, which will be stated.

The SECRETARY. On page 57, line 4, before the word "first-class," it is proposed to strike out the word "two" and to insert the word "three." [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair will admonish the galleries that expressions of either approval or disapproval are contrary to the rules of the Senate, and the Chair hopes they will not be repeated.

The SECRETARY. And on page 54, line 8, it is proposed to strike out "$7,425,000" and to insert "$11,150,000."

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Connecticut [Mr. BRANDEGEE] to the amendment of the committee.

Mr. BRANDEGEE. Mr. President, I wish to ask the Senator in charge of the bill whether we had not agreed upon a naval program several years ago to build two battleships each year?

Mr. PERKINS. The Senate made no declaration on the subject, I will say, Mr. President.

Mr. BRANDEGEE. The chairman of the committee says that no declaration was made in the Senate upon that subject. It may be that no declaration was made by formal vote of the Senate; but, so far as I was concerned, and I think so far as the country was concerned, it was considered that we had entered upon a program of building two battleships each year. Now I want to ask the chairman of the committee—if he has the information at hand, or if it is contained in the statement which he has sent to the desk, I will refrain from asking the question——

The PRESIDENT pro tempore. The Chair will state to the Senator from Connecticut that the Chair had overlooked the fact that the Senator from California [Mr. PERKINS] had sent a paper to the desk to be read. The paper will now be read.

The Secretary read as follows:

STATEMENT FROM THE NAVY DEPARTMENT.

FEBRUARY 27, 1913.

The President has declared that "Until peaceful means for settling all international controversies are assured to the world, prudence and patriotism demand that the United States maintain a navy commensurate with its wealth and dignity."

This additional battleship is essential to our peace and prosperity. It is required if we would maintain our national prestige and is a part of

the assurance of our national integrity. Its building, rather than being an expense to our people, should be regarded as a source of income in that its fabrication will furnish employment for thousands of workmen in practically all the allied trades throughout the entire country.

The command of the sea can only be attained through an adequate navy.

A battleship requires approximately three years for its construction. In time of actual or impending war the entire wealth of the United States would not permit of the purchase of such a vessel in the markets of the world.

The United States, with its wealth, its extensive coast line, the Panama Canal, the Monroe doctrine, can not be the first of the great world powers to deliberately reduce its naval strength; to do so is but to invite disaster.

The 13-inch guns of the *Oregon*, *Massachusetts*, and *Indiana*, and the 12-inch guns of the *Iowa*, *Kearsarge*, and *Kentucky* are of low velocity and short range when compared with batteries of the modern dreadnought. In a fleet action these vessels of ours would be annihilated by the modern high-powered vessel fighting from a range that would render them practically immune to any of our 12-inch or 13-inch shells.

By January 1, 1917, Germany will have 26 dreadnoughts in commission and the United States only 15, even if two are now appropriated for.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Connecticut [Mr. BRANDEGEE] to the committee amendment.

Mr. BRANDEGEE. What I wanted to ask the chairman was for how many years have we fallen behind the program for two first-class battleships?

Mr. PERKINS. For one year.

Mr. BRANDEGEE. Last year we omitted to carry out that program. So if the amendment which I have just sent to the desk should prevail, it would make up for the deficiency of last year.

Mr. PERKINS. The Senator from Connecticut is correct.

Mr. BRANDEGEE. That is the reason why I have offered the amendment.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. BRANDEGEE. I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and Mr. ASHURST responded to his name.

Mr. LEA. Mr. President, I ask that the amendment to the amendment be again stated.

The PRESIDENT pro tempore. That would be out of order, a response having been made on the roll call.

Mr. CLARKE of Arkansas. Mr. President, I think it is in order at almost any time for a Senator who is present and giving a fair degree of attention to inquire on a roll call what we are going to vote on.

The PRESIDENT pro tempore. In the absence of objection, the amendment will be again stated.

Mr. ASHURST. Mr. President, I do not object to a statement of the amendment to the amendment, but I had made a response on the roll call, and I simply call attention to the fact.

The PRESIDENT pro tempore. In the absence of objection, the amendment will be stated.

The Secretary again stated the amendment proposed by Mr. BRANDEGEE to the amendment of the committee.

The calling of the roll was resumed.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from Illinois [Mr. CULLOM] and refrain from voting.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, I transfer that pair to the Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "nay."

The roll call was concluded.

Mr. FOSTER (after having voted in the negative). I wish to inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. FOSTER. I have a general pair with him, and therefore withdraw my vote.

Mr. SMITH of South Carolina. I have a pair with the Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Tennessee [Mr. WEBB] and vote. I vote "nay."

Mr. MARTIN of Virginia. I desire to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is unavoidably absent. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. CHILTON. I desire to announce the pair of my colleague [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. PENROSE. I want to state, in explanation of my vote—and I want a record made of it—the transfer of my pair with the Senator from Mississippi [Mr. WILLIAMS] to the Senator from New Mexico [Mr. CATRON].

Mr. SMITH of Michigan. I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

The result was announced—yeas 21, nays 47, as follows:

YEAS—21.

Bourne	Gallinger	Penrose	Sutherland
Bradley	Guggenheim	Perkins	Thornton
Brandegee	Lodge	Poindexter	Wetmore
Burnham	McLean	Root	
Chamberlain	Nelson	Smith, Mich.	
Clark, Wyo.	Oliver	Smoot	

NAYS—47.

Ashurst	Curtis	Kern	Pomerene
Bacon	Dillingham	La Follette	Sheppard
Bankhead	Fletcher	Lea	Shively
Borah	Gardner	McCumber	Simmons
Brady	Gore	Martin, Va.	Smith, Ga.
Bristow	Hitchcock	Martine, N. J.	Smith, Md.
Brown	Jackson	Myers	Smith, S. C.
Bryan	Johnson, Me.	Newlands	Stone
Burton	Johnston, Ala.	O'Gorman	Swanson
Clarke, Ark.	Jones	Page	Thomas
Crawford	Kavanaugh	Paynter	Townsend
Cummins	Kenyon	Pittman	

NOT VOTING—27.

Briggs	Dixon	Overman	Tillman
Catron	du Pont	Owen	Warren
Chilton	Fall	Percy	Watson
Clapp	Foster	Reed	Webb
Crane	Gamble	Richardson	Williams
Culberson	Gronna	Smith, Ariz.	Works
Cullom	Lippitt	Stephenson	

So the amendment of Mr. BRANDEGEE to the committee amendment was rejected.

The PRESIDENT pro tempore. The question now is on the amendment proposed by the committee, which will be stated.

The SECRETARY. On page 57, line 4, before the word "first-class," it is proposed to strike out "one" and insert "two."

Mr. BRISTOW. I ask for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair. If I were at liberty to vote, I would vote "yea."

Mr. DILLINGHAM (when his name was called). Again I announce the transfer of my pair from the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "yea."

Mr. SHEPPARD (when his name was called). My colleague, the senior Senator from Texas, is absent on business of the Senate. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. SIMMONS (when his name was called). Mr. President, I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I therefore withhold my vote.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). I desire to announce that my colleague is absent from the Senate on important public business.

Mr. SMITH of South Carolina (when his name was called). Again announcing my general pair, I transfer it to the Senator from Tennessee [Mr. WEBB], and will vote. I vote "nay."

The roll call was concluded.

Mr. CHILTON. Mr. President, I am assured that my pair, if he were present, would vote as I wish to vote, and I therefore feel at liberty to vote upon this measure. I vote "yea."

The result was announced—yeas 55, nays 16, as follows:

YEAS—55.

Ashurst	Crane	Kavanaugh	Perkins
Bankhead	Crawford	Kenyon	Poindexter
Borah	Cummins	Lodge	Root
Bourne	Curtis	McLean	Sheppard
Bradley	Dillingham	Martin, Va.	Smith, Md.
Brady	Fletcher	Martine, N. J.	Smith, Mich.
Brandegee	Foster	Nelson	Smoot
Brown	Gallinger	Newlands	Stone
Bryan	Gardner	O'Gorman	Sutherland
Burnham	Guggenheim	Oliver	Swanson
Chamberlain	Hitchcock	Page	Thornton
Chilton	Jackson	Paynter	Townsend
Clark, Wyo.	Johnson, Me.	Penrose	Wetmore
Clarke, Ark.	Jones	Percy	

NAYS—16.

Bacon	Johnston, Ala.	McCumber	Shively
Bristow	Kern	Myers	Smith, Ga.
Burton	La Follette	Pittman	Smith, S. C.
Gore	Lea	Pomerene	Thomas

NOT VOTING—24.

Bacon	du Pont	Owen	Tillman
Catron	Fall	Reed	Warren
Clapp	Gamble	Richardson	Watson
Culberson	Gronna	Simmons	Webb
Cullom	Lippitt	Smith, Ariz.	Williams
Dixon	Overman	Stephenson	Works

So the amendment of the Committee on Naval Affairs was agreed to.

Mr. BACON. Mr. President, if I may be permitted a matter somewhat personal—in the way of privilege—I desire to state that I was unavoidably absent from the Chamber this afternoon when the vote was taken upon the question of the passage of the bill known as the Webb bill, the objections of the President notwithstanding. If I had been present I should have voted "yea." I was paired with the Senator from Minnesota [Mr. NELSON]; and he voted on the assurance that I would vote the same way he did.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 57, line 4, after the word "first-class," to strike out "battleship" and insert "battleships."

The amendment was agreed to.

Mr. PERKINS. I submit the following proposed amendments:

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On line 5, page 57, it is proposed to strike out the word "carrying" and insert "each to carry," so as to read:

two first-class battleships, each to carry as heavy armor and as powerful armament as any vessel of its class.

The amendment was agreed to.

The SECRETARY. Also, on line 8, after "$7,425,000," to insert the word "each," so as to read:

not to exceed $7,425,000 each.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Increase of the Navy," on page 57, line 9, after the word "*Provided*," to strike out "That the money for the battleship herein authorized shall not be available unless said battleship is built in one of the Government navy yards" and insert "That one of the battleships herein authorized shall be built in a Government navy yard," so as to read:

Provided, That one of the battleships herein authorized shall be built in a Government navy yard.

Mr. OLIVER. I offer an amendment to the committee amendment, which I will send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In line 13, page 57, after the word "yard," it is proposed to add:

If the estimated cost thereof is not more than half a million dollars above the price for which it can be built by contract.

Mr. OLIVER. I should like to have the amendment read as a whole.

The PRESIDENT pro tempore. The amendment will be read as it would read if amended by agreeing to the amendment just read.

The SECRETARY. So that, if amended, the proviso will read:

Provided, That one of the battleships herein authorized shall be built in a Government navy yard if the estimated cost thereof is not more than half a million dollars above the price for which it can be built by contract.

Mr. OLIVER. Mr. President, I am perfectly willing to keep our navy yards busy—or one of them—if it does not cost too much money. The Government has had considerable experience in building battleships at very great cost to itself. As an example, the *Florida* and the *Utah* were sister ships. The *Florida* was built in the Brooklyn Navy Yard, and her total cost was $6,299,295. Her sister ship, the *Utah*, of exactly the same type, built after the same plans, and identical with her in every way, cost $4,030,844, a difference in favor of the contract work of about $2,200,000. The *New York*, which was also built at the Brooklyn Navy Yard, was a sister ship of the *Texas*. The total contract price of the *Texas* was $5,830,000. The cost of the *New York* was $7,293,000.

That is not all, Mr. President. I will give, from the report of the Chief Constructor of the Navy, the cost of quite a number of ships that were built in navy yards and the amount that each one of them cost in excess of the sister ship that was built by contract at the same time and after the same plans.

The *Connecticut* was built in a navy yard at a cost of $374,000 more than the *Louisiana*, which was her sister ship.

The *Florida*, as I have said before, cost $2,269,000 more than the *Utah*.

The *Jupiter* cost $590,000 more than the *Cyclops*, which was her sister ship.

The *New York* cost $1,463,000 more than the *Texas*.

The *Cincinnati* cost $770,000 more than the formal proposals received from a contracting yard for the construction of the same ship.

The *Maine* cost $780,000 more than the limit of cost inside of which it was estimated that vessels of that type could have been contracted for.

Mr. O'GORMAN. May I ask where this information comes from?

Mr. OLIVER. This information comes from a communication sent to Congressman Foss, a Member of the House, by Rear Admiral Watt, the Chief Constructor of the United States Navy, dated the 25th day of this month.

Mr. O'GORMAN. Then it is authentic.

Mr. OLIVER. I want to say that if the Government is going to pay that much money for the purpose of having the ship constructed in her own yards, we are, in authorizing that, guilty of little less than a crime.

Mr. MARTINE of New Jersey and Mr. BACON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator yield, and to whom?

Mr. OLIVER. I yield to the Senator from New Jersey, who first rose.

Mr. MARTINE of New Jersey. I should like to ask what evidence the Senator has that the ships built in the navy yards are not correspondingly better? The mere fact that we have saved a few dollars on the contract system does not prove that the product is necessarily as good. My own experience is, not as a shipbuilder but as a builder and an employer of men and a purchaser of material, that in 90 per cent of the instances where I have contracted I have been swindled; and where I have built my structure by day's work I have had a better building, and generally at a price not much in excess of the contract. And, even more, if there is an excess of a few hundred thousand dollars on the side of the vessel built by the Government the laborers and the mechanics have gotten the money, for, as a rule, 60 per cent of the cost at least is labor rather than material.

Mr. OLIVER. Mr. President, in reply to that, I might ask the Senator from New Jersey what evidence he has that the Government-built vessels are better than the contract-built vessels?

Mr. MARTINE of New Jersey. I have only my general experience.

Mr. OLIVER. I will not descend to that, but I will say this: In the first place, as a matter of fact, in actual service—this has been told me, and I have no doubt it may be verified by inquiry at the Navy Department—the *Utah* is infinitely superior in her action to the *Florida*. Furthermore, I will say that all of these vessels are built under Government supervision, under strict specifications. They must stand their trials. They must conform in every way to the requirements of the Government.

We can only assume that the contract-built ships are as good as the others, and as a matter of fact we all know that they are.

Mr. BACON and Mr. MARTINE of New Jersey addressed the Chair.

Mr. OLIVER. I yield now to the Senator from Georgia.

Mr. BACON. I desire to ask the Senator if it is not true that in each of those instances the Government-built vessels were built under the eight-hour law as to the time of labor?

Mr. OLIVER. I have no doubt in the world that is true, Mr. President.

Mr. BACON. And as to the contract-built vessels, there were no such restrictions?

Mr. OLIVER. But in these ships those restrictions will apply.

Mr. President, I am only asking that we shall not spend more than $500,000 additional on this ship to be built in a navy yard. I really think that is sufficient to give up for the privilege of building our own ships in navy yards. If they can be built for the same price, or anything approaching the same price, I say it is the best plan to build them in the navy yards.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. OLIVER. I yield to the Senator from Kentucky.

Mr. PAYNTER. I desire to ask the Senator whether the Navy Department has furnished any information upon the question of the relative value of the ships built by contract and those built in the navy yards?

Mr. OLIVER. Mr. President, I will say that I have no doubt that the ships built in the navy yards are just as good as the ships built by contract. I do not claim any superiority for the one over the other.

Mr. PAYNTER. What I was trying to find out was whether they were better than the others, in the opinion of the Navy Department.

Mr. OLIVER. I have no official information on the subject; but I understand that in actual practice, in this particular instance, the *Utah* works better than the *Florida*. But I will say, from my own experience with machinery, that that is a thing that is liable to happen. You can not tell the reason why in the case of two machines, two engines, built after exactly the same plans, running side by side, one will work easier than the other. Sometimes it may be called a matter of luck.

Mr. PAYNTER. Unless it is on account of the importance of keeping the navy yards going and in working condition, then, is there any good reason why we should pay a million or two dollars more for the same character of vessel in the case of the one built in the navy yard than in the case of the one we build under contract?

Mr. OLIVER. There is no reason whatever for favoring the one above the other. In either case we are giving employment to our own people; and what is the difference whether the men are employed in a Government yard or in a private yard? I say it is a little less than criminal to vote money away in this manner.

Mr. BACON. I will follow up my former inquiry by suggesting to the Senator that while there were formerly those differences in the hours of work of laborers employed on the one part by the Government and on the other part by the contractors, as to these ships all the work must be done under the eight-hour law, and consequently there will not be that difference which formerly existed.

Mr. OLIVER. Mr. President, I alluded a few minutes ago to the fact that they will all be built now under the eight-hour restrictions. Even with that, I am allowing in this amendment for an expenditure of $500,000 more on each one of these ships to have it built in a navy yard. My idea is that as one of these ships is to be built by contract, if the bid for that ship is $500,000 less than the estimated cost of the ship to be built in the Government navy yard, the second ship should be built by contract instead of in the navy yard.

Mr. BACON rose.

Mr. OLIVER. I yield.

Mr. BACON. I should like to inquire of the Senator if he can state what was the length of hours of labor in the case of contract-built ships?

Mr. OLIVER. I assume, Mr. President, that they were built under the two-shift plan, which practically is 10 hours' work for each man.

Mr. BACON. There is a difference of 20 per cent in the labor, not allowing——

Mr. OLIVER. I grant that, but I am not providing here that both these ships shall be let by contract. I am only providing that if a ship can be built for half a million dollars less by contract than it can in a Government navy yard, both of them working under the eight-hour restriction, then I say it may be better that it should be built by contract. If Senators will stand here and vote down this proposition I say they are blind to the interest of their country.

Mr. SIMMONS and Mr. O'GORMAN addressed the Chair.

Mr. OLIVER. I yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to inquire of the Senator whether he does not think if the Government should go out of the business of shipbuilding, in that event the cost of building ships by private contract would be much greater than it is now?

Mr. OLIVER. No. There can not be more than two ships built in any one year, and with a half dozen big shipyards here, the competition is stronger and fiercer in that line of industry than in any other of the great industries of the country of which I have any knowledge. The Senator will certainly confess that these figures show it is not owing to Government competition that the shipyards have heretofore been able to build a ship at so much less cost than has the Government.

I yield now to the Senator from New York.

Mr. O'GORMAN. I want to ask the Senator from Pennsylvania whether in his opinion it is possible for any private shipbuilding company in this country at this time to construct a battleship cheaper than the Government can construct it in its navy yards, when it is remembered that under a statute which we passed a few months since it now becomes as necessary for the private constructor to employ his men upon an eight-hour basis as it is for the Government?

Mr. OLIVER. Mr. President, the Senator's question is simply the same question put in a different shape that the Senator from Georgia asked a few moments ago. My reply is it may be that the requirement of the law, which was passed at the last session of Congress, putting all shipyards and all Government work under the eight-hour restriction will so increase the cost to the contracting shipyards that the Government can build a ship as cheaply as they can. But if that is true, then this amendment will not work, because I am allowing a leeway of half a million dollars on each ship. In other words, if the Government can come within half a million dollars of the private party, then the Government builds the ship. If it costs the Government half a million dollars more than it costs the private party, then award it by contract, as any reasonable, fair-minded business man would do.

Mr. O'GORMAN. Does not the Senator from Pennsylvania think it advisable that this great Government should have in operation at all times well-equipped and efficient shipyards? If so, they can only be maintained by allowing the Government shipyards to build at least a portion of the battleships that are constructed.

Mr. OLIVER. If the Senator from New York and his party associates are willing to pay the piper, then let them do it.

Mr. BACON. I hope the Senator will answer that question. I rose to ask the same question the Senator from New York asked, and I desire to have it a little more direct in order that we may apply the Senator's reasoning to the conclusion which he wishes us to agree with him in.

If the Government should adopt the policy finally of building all its ships under the contract system, is it not true that the shipyards now equipped for the purpose of building ships must be dismantled, and would not the Government in the course of a few years be without any shipyard capable of building a battleship? Does the Senator think that it is proper that the Government should be put in that position? Is not a necessary consequence of the abandonment of those yards finally dismantling them and giving them up altogether?

Mr. O'GORMAN. And put the Government at the mercy of private shipbuilders.

Mr. OLIVER. I hope the Senator from New York will allow me to answer the Senator from Georgia. The Senator from Georgia uses the plural when the singular would answer better, because there is only one Government yard where ships can be constructed to-day, and that is the Brooklyn Navy Yard, adjoining the residence of the Senator from New York. There is no other navy yard——

Mr. O'GORMAN. Mr. President——

Mr. OLIVER. I insist on completing my sentence.

Mr. O'GORMAN. Will the Senator permit a correction? I am quite confident the Senator is not well advised as to the capacity of the Government shipyards. I think there is a shipyard in the State of Virginia that can build any one of these battleships just as well as the private concern in Pennsylvania, if it should secure one or both of these ships.

Mr. OLIVER. Mr. President, if that is the case it does not tally with my information. I understand that the Brooklyn Navy Yard is the only navy yard in the country that has the facilities for building these battleships.

Mr. O'GORMAN. Let me ask the Senator, did not the Mare Island shipyard in California build the *Oregon?* Did not the Government shipyard in California build the battleship *Oregon?*

Mr. OLIVER. The *Oregon* was built at the Union Iron Works, in San Francisco. Am I not right?

Mr. PERKINS. That is right.

Mr. OLIVER. The Philadelphia Navy Yard is a mere repair shop. The Brooklyn Navy Yard could be kept busy from one year's end to the other in repairs and in dock-yard work. It is not necessary to allow these navy yards to fall into disuse. It is not necessary to build ships in them. They could be used to the limit for repairs. I think I am within the limit in saying that there is not a single navy yard from one end of the country to the other in which a battleship can be built, except the Brooklyn Navy Yard. I am absolutely right on that. I know it is the case in regard to Philadelphia.

Mr. SMOOT. The modern battleship.

Mr. OLIVER. I am speaking of the modern battleship. Some of the smaller ships might be built here and the men kept busy.

The proposition before us, Mr. President, is just this: Are we ready to pay from 10 to 20 per cent more for one of these battleships than we do to the other for the privilege simply of saying it was built in a Government navy yard?

Mr. LODGE. Mr. President, it is very important for the welfare of the Navy, and, as I look at it, for the proper protection of the United States, that we should have our Government yards

able to build all kinds of ships for the Navy. We should never be left at the mercy of private yards. On the other hand, it would be a great misfortune if we had no private yards to turn to in time of emergency. It is in the interest of the Government that both should be maintained.

I think I am correct in saying that there is only one yard that can build the great battleships we are now building. But that does not affect the argument. The Norfolk yard, with such additions as are now being made in some of the provisions of this bill, will be able to build a battleship, if it is not already in a position to do it. The Boston yard, with the addition of a crane, such as we are giving to the Norfolk yard this year, has a dock large enough to build a battleship if properly supplied with slips and gantry cranes.

I regard it as very important to give work to these large yards, and I regard it also as important that the private shipyards should have a share of the Government work. It does not make me unhappy to think that American citizens are making money in shipbuilding; I have no objection to their making it if they can earn money in that way honestly. I should be very sorry to see either injured by any of our arrangements.

I am inclined to believe that under the present eight-hour system, which is now extended to private yards as well as to Government yards, the difference in cost, which has been very much reduced, is still somewhat in favor of the private yard.

I do not myself believe that if the amendment of the Senator from Pennsylvania is adopted it would make any difference as to the building of the ship. I think it will be built in the Government yard. I do not think there is any such difference as the increase in cost mentioned. I have not compared the figures since the eight-hour law went into effect in the private yards, but I have no idea that there would be such a gap between them. I think it is very well to build one battleship in the Government yards and allow the other great yards of the country to enter into competition. There is one in Virginia, one in Pennsylvania, and there is one in my State.

I think there is one in Delaware capable of building a big ship, but of that I am not sure. There is a very large yard certainly in Maryland capable of building anything short of a big battleship. I think it is well that those yards should have an opportunity to receive work also. Of course on the Pacific coast there is also an opportunity to build.

I see no objection to the amendment of the Senator from Pennsylvania, because I do not think it would have the effect or take any work away from the Government yards. But I think it is important that we should have one battleship built by the Government and the other open to competition among the great yards of the country.

Mr. SMITH of Maryland. May I ask the Senator a question? Does not the Senator think a provision of this kind would be an incentive, possibly, to more economical management on the part of the Government in building the ships?

Mr. LODGE. There is no question, Mr. President, that it is for the interest of the Government.

Mr. SMITH of Maryland. In view of that, is not this a good proposition?

Mr. LODGE. It is.

Mr. SMITH of Maryland. To put them on their guard.

Mr. LODGE. I think it would have an excellent effect because it would make it the interest of the officers in charge of those yards and the great body of men employed to give the best and quickest work, which means the lowest cost. I believe competition between Government yards and private yards is extremely valuable to the Government of the United States.

Mr. SMITH of Maryland. It is my judgment that a proposition of this kind would have a tendency to help the Government in battleship building by letting it be known that there is some competition in the building of ships.

Mr. LODGE. Certainly; I think so.

Mr. SMITH of Maryland. I believe the proposition is a good one and a healthy one.

Mr. BORAH. Mr. President, I am not very much interested in the competition between Pennsylvania and New York, but there is a disposition apparently to attribute the expensiveness to the eight-hour law or to the change which it would effect. There was plenty of evidence before the committee when it had under consideration the eight-hour bill to show that it would enlarge the expense very little. In fact, one of the great shipbuilders of England, who gave a statement which we secured, disclosed the fact that he built more cheaply under the eight-hour system than he did under the longer day system. It is apparent to anyone why it is that it is more expensive on the part of the Government to build; it is that the Government can not get the same amount of work out of parties that individuals can. But that is not due to the shortening or the lengthening of the day; and the statute which has been passed will have very little effect with reference to the expense.

Mr. LODGE. I think it has had more effect in putting the Government yards and private yards on a level. I think it has made their cost moderate and it has equalized their cost. Certainly in most of the yards I have inquired into the bids were lower under the nine-hour day than they are under the eight-hour day.

Mr. BORAH. I see why that can be, but we had plenty of evidence to the effect that it was not necessary it should be.

Mr. LODGE. I agree with the Senator; in the long run I do not believe it will add to the cost, but it has tended to equalize the cost between the Government yards and the others.

Mr. SMOOT. The great difference between the cost of the *Florida* and the *Utah*, amounting to over $2,250,000, certainly could not have been due to labor alone, because I believe the whole of the labor in the building of the *Utah* would hardly amount to $2,250,000. Therefore, there is more than the labor question involved in the difference between the cost of building a battleship by the Government and in private yards.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Pennsylvania, in view of the fact he has suggested a difference of half a million dollars between the work by the Government and by a private party—even in view of the eight-hour law obtaining—as he is an experienced machinist and has some knowledge of this business, to what does he attribute the marvelous difference we have as between the private corporation and the Government in building these vessels? It might be of interest to those of us who have these things in charge to know.

Mr. OLIVER. Mr. President, it is a very long proposition. Unfortunately, we all know as a rule it costs the Government, for one reason or another, and it costs any Government, I think, more than private parties to do the same kind of work. I do not charge it to mismanagement. I rather think that the Government officials are bringing their cost down. It may be, and I rather hope it will be, that when the bids come in for these battleships it will be found that, although I do not believe they can come down as low as private parties, they will come down so that there will not be a half million dollars difference, and perhaps there will not be half of that amount. If so, then I would say build in the Government yards.

Mr. SMITH of South Carolina. I should like to ask the Senator if he attributes to any great extent the difference between the private corporation and the Government to the cost of material to the Government? Is that material?

Mr. OLIVER. No; not at all; I do not think it makes a difference. My experience is that the Government gets its material of all kinds just as cheaply as any individual can get it. The Government's business is well looked after in that respect.

Mr. SMITH of South Carolina. But in the matter of managing labor and in the application of economic business rules the Government is not so strict.

Mr. OLIVER. It is the difference between a man looking after his own business and having a lot of hired men to look after it. There is the whole business.

Mr. JONES. Mr. President——

Mr. OLIVER. I yield to the Senator from Washington.

Mr. JONES. It may be of interest in connection with what the Senator from Pennsylvania has just stated in reference to the difference in the prices between the Government yards and the private yards, and I think it is entirely proper, to read a statement from an address by Mr. CALDER, February 26, in which he says:

> Only last week bids were asked for by the Navy Department for the building of the battleship *Pennsylvania*, with the result that the Newport News Shipbuilding Co. bid for the building of the *Pennsylvania* $7,275,000, and the New York Navy Yard bid on exactly the same plans, for exactly the same ship $7,303,000, or $28,000 more than the bid of the Newport News Shipbuilding Co.

Showing that the bids between the Government yards and private yards are getting very close together.

Mr. LODGE. Very close.

Mr. O'GORMAN. Mr. President, may I supplement what has been stated by the Senator from Washington with this fact? In the estimate of the New York Navy Yard, which was only $28,000 in excess of that of the private shipyard, there was embraced an item of $860,000 for overhead charges in the shipyard in Brooklyn. Those charges would be borne by the Government whether or not the yard was kept up to a high state of efficiency; whether the battleship was built there or not, there would be the same charge. If that $860,000 should be eliminated from the bid of the New York Navy Yard, the fact would be that the Government shipbuilding yard would build the *Pennsylvania* for nearly $700,000 less than the bid that was offered by the private shipbuilders.

Mr. OLIVER. Mr. President, the Senator from New York certainly is not ignorant enough of business customs not to know that in private enterprises overhead charges are included with costs, just the same as they are to the Government. In making a bid upon a ship a shipyard has to consider all of those things; and if the Government practice is becoming so much better that they can get toward the same cost as the private parties, then the amendment which I offer will not be operative and can do no harm.

Mr. O'GORMAN. The harm, Mr. President, might be this: If the private shipbuilding interests in this country could enter into a combination to build both of these battleships, even at a loss, they would demoralize and paralyze the Government shipyards and help to put them in a state of utter inefficiency, and then leave the Government at the mercy of the private shipbuilders of the country.

Mr. OLIVER. Mr. President, if the big concerns of the country enter into combinations to give us anything cheaper than we are getting it to-day, then let them come along and make their combinations; but that is not what they make combinations for. The combinations are made for the purpose of raising prices and not for the purpose of bringing them down.

The PRESIDENT pro tempore. The amendment to the amendment will again be stated.

The SECRETARY. On page 57, line 13, after the word "yard," it is proposed to insert:

If the estimated cost thereof is not more than half a million dollars above the price for which it can be built by contract.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the "noes" appear to have it.

Mr. OLIVER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM].

Mr. SMITH of South Carolina. I again transfer my pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Tennessee [Mr. WEBB], and will vote. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote. If he were present, I would vote "nay."

Mr. CHILTON. I desire to announce for the day the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS].

Mr. FOSTER (after having voted in the negative). The Senator from Wyoming [Mr. WARREN], with whom I have a general pair, is absent on business of the Senate, and I therefore withdraw my vote.

Mr. SHIVELY. I desire again to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. KERN. I desire to announce that the Senator from Oklahoma [Mr. GORE] is paired with the Senator from New Hampshire [Mr. BURNHAM].

The result was announced—yeas 28, nays 30, as follows:

YEAS—28.

Bankhead	Gallinger	Martin, Va.	Root
Brandegee	Guggenheim	Oliver	Smith, Md.
Brown	Jackson	Page	Smoot
Clark, Wyo.	Johnston, Ala.	Paynter	Swanson
Clarke, Ark.	Lodge	Penrose	Thornton
Curtis	McCumber	Percy	Townsend
Fletcher	McLean	Perkins	Wetmore

NAYS—30.

Ashurst	Gardner	Lea	Pomerene
Brady	Hitchcock	Martine, N. J.	Sheppard
Bristow	Johnson, Me.	Myers	Shively
Bryan	Jones	Nelson	Smith, S. C.
Burton	Kavanaugh	O'Gorman	Stone
Chamberlain	Kenyon	Owen	Thomas
Crawford	Kern	Pittman	
Cummins	La Follette	Poindexter	

NOT VOTING—37.

Bacon	Culberson	Lippitt	Sutherland
Borah	Cullom	Newlands	Tillman
Bourne	Dillingham	Overman	Warren
Bradley	Dixon	Reed	Watson
Briggs	du Pont	Richardson	Webb
Burnham	Fall	Simmons	Williams
Catron	Foster	Smith, Ariz.	Works
Chilton	Gamble	Smith, Ga.	
Clapp	Gore	Smith, Mich.	
Crane	Gronna	Stephenson	

So Mr. OLIVER's amendment to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Colorado if he desires to offer a substitute?

Mr. THOMAS. If it is in order, I do.

The PRESIDENT pro tempore. The Chair thinks it is in order.

Mr. LODGE. If I may be heard, Mr. President, on the point of order, I do not think the amendment can be offered as in Committee of the Whole. That amendment provides for doing exactly what the Senate has voted not to do.

The PRESIDENT pro tempore. It is not for the Chair to determine as to the phraseology of the amendment.

Mr. LODGE. It proposes simply to restore the House provision, which we have amended.

The PRESIDENT pro tempore. To avoid a controversy, the Chair suggests that the Senator withhold the amendment until the bill gets into the Senate.

Mr. THOMAS. My only purpose is to be heard on the amendment before the bill is passed.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 57, after line 19, to insert:

One transport, to cost, exclusive of armor and armament, not to exceed $1,850,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 21, to insert:

One supply ship, to cost, exclusive of armor and armament, not to exceed $1,425,000.

The amendment was agreed to.

The next amendment was, on page 57, line 24, after the word "Navy," to strike out "shall" and insert "may"; and in the same line, after the word "build," to strike out "the battleship authorized in this act in such navy yard as he may designate; and shall build," so as to read:

The Secretary of the Navy may build any of the other vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read as follows:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, to be available until expended, $11,508,309.

Mr. ASHURST. Mr. President, I desire to propose an amendment at that particular point, which I now send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, line 7, after the numerals, it is proposed to insert the following proviso:

Provided, That the Secretary of the Navy shall forward to Congress at the earliest practicable date a full report of all bids received by him relating to the purchase of armor, ship plates, and structural steel for the battleship or dreadnought purported to be named, when completed, the Pennsylvania, and that the Secretary of the Navy be, and he is hereby, directed not to award any contract for the purchase of steel, armament, armor, or ship plates until further directed by Congress.

Mr. LODGE. I shall have to ask that the amendment be again read.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The Secretary again read the amendment.

Mr. LODGE. That, Mr. President, of course would arrest the building of the ships authorized under this bill. It is clearly general legislation, and I make the point of order against it.

Mr. ASHURST. Mr. President, before the Presiding Officer gives his ruling upon the point of order, I wish to be heard on the amendment.

The PRESIDENT pro tempore. The Chair will hear the Senator.

Mr. ASHURST. With some reluctance I differ from the distinguished Senator from Massachusetts [Mr. LODGE], whose vast experience upon these matters gives him quite sound judgment; but I am unable to see that the point of order will lie, and believe after I have made a short statement, the necessity for, and the pertinency and propriety of, my amendment will become apparent.

I purpose that the amendment shall be retroactive in its character and relate to the bids which were opened about 10 days ago by the Secretary of the Navy.

The Armor Plate Trust is composed of the Carnegie Steel Co., of Homestead, Pa., subsidiary of the United States Steel Co.; the Bethlehem Iron & Steel Co., of Bethlehem, Pa.; and the Midvale Steel Co., of Philadelphia, Pa.

Bids were opened about 10 days ago by the Secretary of the Navy for approximately 8,000 tons of armor plate for the dreadnought *Pennsylvania*. These companies mentioned above were represented here by President Dinkey, of the Carnegie Co.; Vice President Johnston, of the Bethlehem Co.; and Vice President Petrie, of the Midvale Co. These gentlemen all stopped at one of the leading hotels here and were frequently in conference. As a consequence, when the bids were opened it occasioned no surprise to find that the bids did not vary a dollar a ton between the three companies and that the bids were in fact $25 a ton more than the price received by these companies on the last previous contract. In view of this apparent collusion of these three companies, comprising the Armor Plate Trust, it is inadvisable that the contract should be awarded without investigation. As it requires about three years to build a battleship, armor plate will not be needed for at least a year, and therefore no harm can come from a delay of a few weeks until this matter can be investigated.

I should like to have a vote at some time during the evening upon my proposed amendment.

Mr. LODGE. I have not the slightest objection to the inquiry which the Senator from Arizona proposes, but I do not want to arrest and delay the building of the ships. It takes a long time to construct a ship. The getting out of the designs on which the bids have to be based is a matter not of weeks, but often of months; then the bids take a long time. There will be ample opportunity for this inquiry to be made. All I object to in the amendment is the holding up of the ships which have been authorized. It would result, after ships have been started by the Government, in paralyzing the yard, and it seems to me that a proposition of that kind, which goes to the entire building of the ships, is new legislation, which fixes the time in which the ships shall be built.

Mr. ASHURST. As I said before, the armor plate called for in the bids will not be needed for nearly a year.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] makes the point of order that the amendment is obnoxious to Rule XVI, it being general legislation on an appropriation bill.

Mr. ASHURST. I ask that the point of order be submitted to the Senate.

The PRESIDENT pro tempore. The point of order is so clear to the Chair that he feels it is incumbent on him to rule, and he sustains the point of order.

Mr. LODGE. The increase of one ship, made by the decisive vote of the Senate, necessitates a change in one or two of the totals.

On page 58, line 23, I offer an amendment, merely to make it correspond to the two ships instead of one.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 58, line 23, it is proposed to strike out "$18,230,728" and insert "$21,768,228."

The amendment was agreed to.

Mr. LODGE. On page 59, I offer the following amendment:

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, line 3, it is proposed to strike out "$370,000" and insert "$490,000."

The amendment was agreed to.

Mr. LODGE. Also the following.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, line 7, it is proposed to strike out "$11,508,309" and insert "$15,618,913."

The amendment was agreed to.

Mr. LODGE. Also the following.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, line 9, it is proposed to strike out "$33,462,312" and insert "$41,230,416."

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The PRESIDENT pro tempore. The bill is in Committee of the Whole, open to amendment.

Mr. CURTIS. I offer an amendment to come at the end of the bill——

Mr. LODGE. Will the Senator allow me to make a request?

Mr. CURTIS. Certainly.

Mr. LODGE. I think I have made it before; but if not, I now make the request that the clerks may be authorized to correct the totals in the bill.

The PRESIDENT pro tempore. That order has been already made. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That any officer of the United States Navy who served creditably during the Civil War and whose name is now borne on the list of retired officers of the Navy shall have the benefit of all laws in the same manner and to the same extent as though such officer had been retired for disability incident to the service: *Provided*, That no increase of pay or allowance shall accrue prior to June 29, 1906.

Mr. CLARKE of Arkansas. I do not quite understand the purpose of that amendment being offered at this time. It is rather late; and to obviate the necessity of asking the Senator from Kansas to enlighten me, I will make the point of order that it is general legislation.

Mr. CURTIS. I hope the Senator will withhold that point.

Mr. CLARKE of Arkansas. No; I make the point of order.

The PRESIDENT pro tempore. The point of order is made that it is general legislation. The point of order is sustained.

Mr. SMITH of Maryland. After consulting with the chairman of the committee and other members, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, after line 8, it is proposed to insert the following as a new paragraph:

That the President of the United States be, and is hereby, authorized to appoint Worthington Goldsborough upon the retired list of the Navy in the grade of rear admiral of the lower number, from October 9, 1899.

Mr. BRISTOW. Mr. President, I should like to have an explanation of this amendment.

Mr. SMITH of Maryland. I will say that this is a man who has served in the Navy for over 50 years. He is now over 80 years of age. It is merely a compliment to him. There are precedents for it, and after consultation with quite a number of people we thought it would be a very nice thing to do for him in his old age.

Mr. BRISTOW. Is he on the retired list of the Navy now?

Mr. SMITH of Maryland. He is subject to duty as a paymaster.

Mr. BRISTOW. Is he on the retired list?

Mr. SMITH of Maryland. I think he is.

Mr. BRISTOW. At what rank was he retired?

Mr. SMITH of Maryland. A paymaster of the Navy.

Mr. BRISTOW. And it is proposed to make him a rear admiral?

Mr. SMITH of Maryland. That is the proposition.

Mr. BRISTOW. Is not that rather unusual?

Mr. SMITH of Maryland. I think not.

Mr. BRISTOW. How long has he been on the retired list?

Mr. SMITH of Maryland. I am unable to say.

Mr. JACKSON. Seventeen years.

Mr. SMITH of Georgia. I ask that the proposed amendment be restated.

The PRESIDENT pro tempore. The amendment will be again reported.

The Secretary again read the proposed amendment.

Mr. SMITH of Georgia. I make the point of order that that involves legislation, and also involves an appropriation.

The PRESIDENT pro tempore. The point of order is sustained, on the ground that it is general legislation on an appropriation bill.

Mr. POINDEXTER. I offer an amendment, to come in on line 11, page 8.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, after line 11, and after an amendment already inserted at that place, it is proposed to insert:

That Thomas Harrison, a clerk in class 4 at the United States Naval Observatory, now over 80 years of age, who has served in the Naval Observatory for 60 consecutive years, be retired from the service, and that in consideration of his long and faithful service he be paid the sum of $100 per month during the remainder of his natural life.

Mr. BRISTOW. Mr. President, that is practically putting this civil employee on a pension roll at $100 a month, is it not?

Mr. POINDEXTER. It is retiring him, putting him upon the basis of a retired naval employee. It may be called a pension; it may be called by any other name. The case is a very exceptional one, the only case I know of in the Navy in which an employee has served consecutively over 60 years. The man is now over 80 years of age, and the alternative which confronts the Government is to turn him out without a dollar, or to recognize his exceptionally long service by retiring him upon part pay. He now draws $1,800 a year.

Mr. SMOOT. Do I understand the Senator to say that he is simply a civil employee?

Mr. POINDEXTER. He is a clerk attached to the Naval Observatory.

Mr. SMOOT. And the Senator's proposition is to give him a hundred dollars a month for the balance of his life?

Mr. POINDEXTER. For the balance of his life.

Mr. SMOOT. I make the point of order that it is general legislation on an appropriation bill.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BRANDEGEE. I do not know whether it has been corrected or not, but, on page 7, at the end of line 3, there is a typographical error. The letter "s" has been displaced after the word "employee." It appears at the end of the next line. It should be corrected.

The PRESIDENT pro tempore. The correction will be made. Are there further amendments as in Committee of the Whole? If not the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. THOMAS. Mr. President, is my amendment now in order?

The PRESIDENT pro tempore. It is in order.

Mr. LODGE. Have the amendments made as in Committee of the Whole been concurred in?

The PRESIDENT pro tempore. They have not yet been concurred in.

Mr. THOMAS. I send my proposed amendment to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 57, line 4, after the word "constructed," it is proposed to strike out the remainder of the paragraph and insert:

One first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000: *Provided*, That the money for the battleship herein authorized shall not be available unless said battleship shall be built in a Government navy yard.

Mr. THOMAS. Mr. President, the amendment which has just been read is designed to restore the bill to its original condition, or as it came from the House to the Senate. It provides for the building of one battleship instead of two.

Individually, I am not in favor at this time of building any additional vessels of this class; but I am perfectly willing to accept the provision made by the House, in view of the short interval between now and the adjournment of this Congress and the consequent difficulty of properly considering the many aspects of the subject.

The leading nations of the world have been for some time engaged in a mad competitive race of naval construction. The principal cause of this condition lies in the fact that each seems to labor under the apprehension that the others will outstrip it in that race unless it makes continued and increased exertions in the same direction.

Apart from the apprehension which is caused by the number of ships in construction by other countries, the principal reason assigned for this enormous increase in the naval armaments of the world is that it is necessary for the protection of the respective countries from the hostile designs of others and for the promotion of peace; that if any of these nations become laggards in the race their exposed frontiers and known weaknesses will invite invasion, aggression, or the assumption of such rights, actual or pretended, or the making of such demands as will result in war which in turn will result in disaster.

Another reason given for the construction of a great and constantly increasing Navy in this country is, that it is essential to our enforcement of the principles of the Monroe doctrine, and that without a great array of battleships of the most complete and modern design, construction, and equipment, that doctrine may at any time be imperiled, if indeed it would not be entirely overthrown. Hence it is said that we must, for these imperative reasons, expend large sums of money every year for the construction of huge instruments of naval conflict, and that it is not only a duty, demanded by the impulse of patriotism and the imperative law of self-defense, for us to do this, but that a failure to recognize and perform the obligation would fall little short of treason to the Republic.

If these reasons were actual, if they were well founded, there would be ample justification for these expenditures and appropriations; the necessity resting upon the Congress of the United States requires the expenditure as the supreme requirement of the hour. But I deny their soundness. It must be confessed, Mr. President, that they have been very effective, and may continue to be effective for the purpose in hand. When they cease to be so, others may be suggested along similar lines, having for their purpose the same ultimate result.

It has been said here that we must have a great Navy; that, as a first-class power we must take our rank and keep it among the nations of the earth, because our position imposes obligations that can not be sustained if we are not at all times fully prepared for possible ruptures with other nations. The point seems to be ignored, Mr. President, that we have a great Navy, or else the vessels which we have constructed have become obsolete in design and no longer effective in their equipment.

And if that be true, then it must follow that those which we now propose to construct must in due course of time, and probably before they are completed, become equally ineffective for the purposes for which they are built. The bill, as it came from the House, makes appropriations aggregating $146,818,364.53. That is an excess over the last appropriation of $23,666,825.78. Of this sum $46,000,000 are devoted to the completion of vessels heretofore authorized, not for new construction, but for the construction of vessels heretofore authorized and which are presumably in process of construction, some of them, perhaps, more nearly advanced to completion than others. For the new vessels for which this act makes provision there is appropriated $18,946,325, leaving a balance to be appropriated in future years for their completion of $27,477,600. This illustrates the constantly increasing demand upon the public revenues in order to keep pace with this constantly increasing race between the nations for supremacy upon the sea.

We have expended for the construction of vessels during the past 10 or 15 years, inclusive of the cost of completion of those which are now unfinished, something like $250,000,000. I therefore maintain that we either at present have a first-class Navy sufficient for all purposes of the present, the immediate future, or else we have made all this huge expenditure practically without result.

If, on the other hand, we have secured a considerable Navy, then may it not be better policy to complete the unfinished vessels, and particularly for some reasons to which I will advert a little later on, than at present increase the burdens of the tax payers by making provision for two battleships at a cost of considerably over $16,000,000 apiece?

My information is, Mr. President, that the American Navy consists of 277 vessels of all kinds, of which 38 are battleships; 33 of these are in commission. We have 11 armored cruisers; we have 63 submarines, of which 47 are in service; we have 28 torpedo boats and 54 destroyers, with 5 battleships uncompleted and in process of construction.

I shall not attempt at this late hour to make any comparison between the number of our vessels, the size and efficiency of their guns, or any other comparisons even of the most general nature with those of other countries, because the hour is too late to justify it. But I want to call attention to the fact that our Navy, small and inefficient as a great many people seem to think and as a great many Senators contend, is not so deficient as is their equipment in officers and in men. We lack 3,000 officers for the vessels already constructed, and our deficiency in men amounts to 6,000. So of the Navy which we have, the number of men necessary and essential to its operation and efficiency is sadly lacking. Three thousand naval officers represent a number which would require our naval school 20 years to fill from the graduates with which it annually supplies the country. Besides, there is the deficiency of 6,000 men in these times of peace. If a large Navy is essential for the purpose of insuring peace, our deficiency in officers and men is a grave one, and it justifies the inquiry where we are going to obtain the men and the officers for our unfinished battleships, to say nothing of these two battleships after they shall have been constructed.

Now, Mr. President, would it not be well to attempt, through our appropriation bill and by the exercise of other agencies, to man the vessels that we already possess before we construct others, which must be ineffective and useless because they can not be supplied with officers and marines?

It seems to me that under these conditions every element of good business principles and business judgment would suggest a suspension of our policy of shipbuilding until we shall have thoroughly manned and officered the vessels that we already have builded. By this process only can we place our Navy in the very highest state of efficiency. When the vessels uncompleted shall have been finished, and for which large appropriations are carried by this bill, then, Mr. President, some provision must be made for officering and for manning them, or our condition will be quite as helpless with as without them.

I am entirely ignorant of the causes of this situation or of the efforts which may have been made to remedy it. There are

those in this Chamber who, of course, are better posted than I am as to why we have not the officers and the men that are necessary for the vessels which are in commission; but certainly every element of business precaution and of wise administration requires that instead of increasing the number of our vessels for which we have no men and no officers, we should make provision, and make it at once, for supplying the latter. This is the requirement of to-day. Let us place the vessels which we have in a high state of efficiency. This is the duty of the present; we only increase it by postponing its performance to the building of more battleships.

Then there is the matter of transports. A navy, in order to be at all effective when needed, requires a fleet of transports of sufficient capacity at all times for the demands of the fighting arm. In other words, a navy without such transports is virtually like a railway without any freight equipment.

Mr. President, I shall occupy no more time in a further discussion of facts and figures.

I therefore turn, Mr. President, to another phase of the subject. The total appropriation for the Agricultural Department, which I consider the most important of all the departments of the Government at this time, is just about the equivalent of the cost of one battleship. We spend upon each of these great monsters of destruction $16,000,000 to $18,000,000, which, we are told, become to a large extent useless, if not obsolete, by the time they are completed. But a department which covers the continent, which relates to the oldest of human industries, which is converting it from an occupation into a science, which provides for man in all his relations in life, the pursuit upon which we all depend for existence, whose development constitutes the greatest asset of the future, knocks at the doors of the Congress of the United States for its annual appropriations and obtains only as much as is appropriated for the building of a single modern battleship useless before completion.

Mr. President, it is my firm conviction that the greatest guarantee of peace to any country is the development of its great agricultural and pastoral interests. From that development comes that yeomanry without which no nation can be great. There is the nursery of the men who after all must bear the brunt of battle and of conflict when it comes, and without whom all the navies in the world are as nothing. There is the ultimate source of our dependence not only for peace but for victory in the event of war.

And if we would give to this great department every facility for promoting the pursuits of agriculture in their varied forms to the end that every acre within our domain susceptible of cultivation may be made productive and habitable, if we would multiply families and anchor them to the soil, if we would maintain and promote the best guaranty of peace that any nation can enjoy, we should exalt the Agricultural above the Naval Department and multiply plowshares instead of battleships.

Navies are an essential, but an essential only, to the equipment of this Republic. When I consider that the millions upon millions of unproductive acres of this country might be brought into cultivation through improved methods and by increasing immigration, and that the populating of their vacant spaces constitutes the highest possible safeguard against all danger to this country, whether that danger comes from foes without or from foes within, I am amazed that we give it less consideration than any other of our great departments.

I do not mean to be understood, Mr. President, as unduly criticizing the niggardliness of the Government in this direction, for perhaps that department is given practically what its present requirements demand; but I want to institute a comparison between the few millions that are spent in that direction and which must necessarily be beneficial to all classes and conditions of men with the many millions that are annually devoted to the construction of these huge engines of war, the multiplication of which is defended by the pretense that they are essential to the peace and the welfare of the Nation, and without which we may be exposed to the perils of war because of the huge naval aggregations of Germany and of England and of France across the Atlantic and of Japan across the Pacific Ocean.

Mr. President, I have not observed that the existence of huge navies has tended particularly to the promotion of peace. It is not my reading of history that they lead nations away from war and from rumors of war. There is nothing in the events of the past 50 years to justify that conclusion. On the contrary, these huge aggregations of battleships are more apt to provoke hostilities than to prevent them. The man upon the streets who is armed is the man likely to seek a quarrel, and nations are simply aggregations of individuals. We are more liable to encounter the belligerency of the great powers of the world, or some of them, as they are more likely to encounter ours because of this mad race for supremacy in naval building competition than would otherwise be the case.

It is a singular thing in this connection that wars and rumors of wars are in these days coexistent with proposed appropriations for the building of battleships. Just about the time that Congress begins to consider this question we become apprehensive. Somebody imagines that Japan is threatening or menacing our possessions in the Orient. Some one else declares, or the newspapers announce, that Germany's intention to colonize in South America are assuming definite form. On the other hand, we hear of possible hostilities with Great Britain, and France comes in for her share of implied threat against the peace and welfare of this country. It is only when we are about to determine the number of battleships that we are to build, or whether we shall build any, that neighboring nations and those across the sea begin their menaces and mutterings of hostility toward us and our outlying possessions. One would think, Mr. President, that of all times this would be the occasion when, if such intentions exist, they would be concealed or suppressed, because, if it be true that this slumbering hostility between the nations exists, common prudence would dictate it be allowed to slumber and thus suppress an increased armament instead of making it inevitable by a disclosure of their real purposes.

These war scares, Mr. President, are merely a part of the general plan that lies at the foundation of our policy regarding battleship construction. They serve to promote the policy of providing for two battleships every year by appealing to our anxieties and apprehensions. These exposures of hostile designs and aggressive policies come in convenient and recurring seasons. They can be predicted as accurately as we can predict the changes of the moon.

I know, Mr. President, of no war cloud now in existence or of any that has appeared upon the American horizon since the close of the Spanish-American War. I have heard, we all have heard, of secret preparations that are said to be making across the Pacific, of alliances between Japan and Great Britain, of Germany's intentions, and of a possible concert of all Europe against America. We hear of them when the Naval Committee of the House begins its work upon the naval appropriation bill. They follow it through that House and accompany it to the Senate. Their potential influence is active until the bill becomes a law. They are then laid away, are carefully preserved from injury, and brought out again and again for public inspection whenever battleship construction becomes a topic of congressional action.

But, Mr. President, as I have stated, these hobgoblins have nothing about them that is substantial, except as they constitute an asset of the great shipbuilding concerns which are interested in securing the contracts for naval construction, out of which they accumulate, and hope to keep on accumulating, millions of dollars.

Some time ago a serious rupture occurred between France and Germany, each a great naval power, the naval strength of Germany being superior to that of France. It was known as the Morocco situation. The news accounts every day were freighted with information as to the respective merits of the controversy, as to the time when hostilities would probably commence, as to the certainty or the uncertainty of the outcome. Germany began warlike preparations, and France likewise. The peace of the world was seriously menaced; but did the great navies of either of those countries constitute an agency for the continuance of peace or the prevention of hostilities? Was Germany able to dictate onerous terms to France because she had more ships and more guns? Was France cowed into any sort of surrender or concession because her's was the inferior naval equipment?

Why, Mr. President, the very fact of the existence of these conditions was the surest indication of an open outbreak. Each was prepared for war and wanted it because they were prepared. The breach was closed, but by what agency? That which prevented a collision between those nations was not their navies; it was not their armies, although divided simply by a land and river frontier. Germany with her 600,000 soldiers, France with her more than half a million, confronted each other across a boundary line scarcely as wide as the length of this Capitol. Their armies are equipped and continued at enormous public expense, for the preservation of peace, it is said; and yet we know that the very fact that those armies exist constituted at that time, as they have before and have since, the principal menace—the direct menace, I may say—to the peace of Europe.

Mr. POINDEXTER. He is a clerk attached to the Naval Observatory.

Mr. SMOOT. And the Senator's proposition is to give him a hundred dollars a month for the balance of his life?

Mr. POINDEXTER. For the balance of his life.

Mr. SMOOT. I make the point of order that it is general legislation on an appropriation bill.

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I know, Mr. President, of no war cloud now in existence or of any that has appeared upon the American horizon since the close of the Spanish-American War. I have heard, we all have heard, of secret preparations that are said to be making across the Pacific, of alliances between Japan and Great Britain, of Germany's intentions, and of a possible concert of all Europe against America. We hear of them when the Naval Committee of the House begins its work upon the naval appropriation bill. They follow it through that House and accompany it to the Senate. Their potential influence is active until the bill becomes a law. They are then laid away, are carefully preserved from injury, and brought out again and again for public inspection whenever battleship construction becomes a topic of congressional action.

But, Mr. President, as I have stated, these hobgoblins have nothing about them that is substantial, except as they constitute an asset of the great shipbuilding concerns which are interested in securing the contracts for naval construction, out of which they accumulate, and hope to keep on accumulating, millions of dollars.

Some time ago a serious rupture occurred between France and Germany, each a great naval power, the naval strength of Germany being superior to that of France. It was known as the Morocco situation. The news accounts every day were freighted with information as to the respective merits of the controversy, as to the time when hostilities would probably commence, as to the certainty or the uncertainty of the outcome. Germany began warlike preparations, and France likewise. The peace of the world was seriously menaced; but did the great navies of either of those countries constitute an agency for the continuance of peace or the prevention of hostilities? Was Germany able to dictate onerous terms to France because she had more ships and more guns? Was France cowed into any sort of surrender or concession because her's was the inferior naval equipment?

Why, Mr. President, the very fact of the existence of these conditions was the surest indication of an open outbreak. Each was prepared for war and wanted it because they were prepared. The breach was closed, but by what agency? That which prevented a collision between those nations was not their navies; it was not their armies, although divided simply by a land and river frontier. Germany with her 600,000 soldiers, France with her more than half a million, confronted each other across a boundary line scarcely as wide as the length of this Capitol. Their armies are equipped and continued at enormous public expense, for the preservation of peace, it is said; and yet we know that the very fact that those armies exist constituted at that time, as they have before and have since, the principal menace—the direct menace, I may say—to the peace of Europe.

But while these nations were confronting each other in martial and naval array did anyone, even in the wildest moments of excitement, make any reference to the existence of these huge armaments as an agency of peace or as a preventive of war? Not at all. We know that Germany intended to strike, but was prevented by the protest of a large portion of her own people, Mr. President, who in that great crisis saved the peace of the world.

I hold no brief for the Socialists of this or any other country. I am neither wedded to their doctrines nor prejudiced against their sincerity of purpose; but justice requires the statement that the Socialist-Democrats of Germany, through their press and at their mass meetings, prevented the outbreak of hostilities between those two nations by serving notice upon the rulers of their own country that it should not occur. Not the navies nor the armies, nor both combined, but the determined spirit of a progressive people united by a common purpose stood between the nations and lifted high the white banner of peace. The men and the women of one of these nations, the bearers of its burdens and the fighters of its battles, served notice upon its rulers that no cause for war existed; that their blood should not be shed to gratify the ambitions of rulers or to display the prowess of modern armaments. Not the navies or the armies, not the treasuries, not statecraft or diplomacy, but the thunder tones of human protest voiced by millions of men, proclaiming human brotherhood and the useless sacrifice of blood and treasure, became the agency which preserved the equilibrium, tided over the crisis, and enjoined what would have been perhaps the bloodiest war of history.

Mr. President, there is another element which prevents modern nations from appealing to armed conflict with each other; I refer to the tremendous public debt of the great powers. The people of Great Britain, of Germany, of France, and of Japan are groaning under a burden of public obligations so colossal that the mind of man staggers in its attempted contemplation of their aggregate amount; and the interest annually wrung from the earnings of the people is of itself so stupendous in amount as to make the most reckless of rulers hesitate before plunging his nation into a course which inevitably increases the national obligations. I am no believer in huge national indebtednesses, but we must recognize they constitute an element which makes for the peace of the world.

Talk about Germany going to war with the United States unless we spend millions upon millions in the building of battleships to prevent it, or about Japan attempting to invade our Pacific shores, bent either upon conquest or upon revenge. Why, Mr. President, nations in these times can only conduct great wars at enormous expense, and most of them have reached the limit of the burden. All the navies in the world are powerless in the presence of these mighty conditions to seriously affect the continued amity of the great powers.

A distinguished gentleman said a few days ago that we must build a great Navy because "the Monroe doctrine has advanced across the Pacific, whether we would or whether we would not," and for the maintenance of the principles of that doctrine in the Orient we must continue to expand our naval armament until the desired number has been constructed, which, I think, is placed at 41 battleships of the line.

Mr. President, when the Monroe doctrine passes beyond the shores of America it ceases to be the Monroe doctrine. Call it what you will, it is no longer that. In his famous letter to Mr. Monroe Mr. Jefferson emphasized the corresponding obligation resting upon this Nation by virtue of its announcement of that doctrine; that we would keep our hands off the affairs of all other countries and confine our diplomacy, so far as regards that doctrine, to the Western Hemisphere. He who asserts that the Monroe doctrine is consistent with any foreign policy that carries it to the Old World either does not understand its nature or else, in his enthusiasm, he proposes to utilize it for purposes wholly inconsistent with the conditions which gave it birth.

Mr. President, I believe I am as patriotic as the average man; I believe I have as much concern for my country as any Member of this body; I believe I am actuated by as high impulses of duty as any of my colleagues. They are better informed as to many of the relations between this and other Governments, and also as to the extent to which our naval equipment should be carried, but they are in no respect better qualified to pass upon the fundamental proposition as to whether these great expenditures are essential to our peace, our welfare, or our dignity.

I believe that the modern spirit of commercialism is behind these great appropriations, and particularly those which relate to the Navy, and that it is these interests which constantly clamor for more and more vessels and constantly increase the amount of our appropriations for naval purposes, until they have swelled beyond those of any other nation in the world, England alone excepted.

Something was said here to-night about the cost of the construction of these vessels and the consequent desirability of having them constructed by private concerns. Economy, Mr. President, is a relative term. What one man considers to be economy another regards as something entirely different. What one man regards as extravagant another regards as economy. Some of us are willing to swell this appropriation beyond the $150,000,000 and insist that it is economy; some of us shy at the possibility of an increased cost of the construction of these structures by the Government itself as compared with the cost of their construction by private concerns.

Mr. President, I believe the Government should build all its vessels. I believe that if it will build all of its vessels and if its navy yards have not sufficient capacity, if it will increase that capacity to the end that it may construct its own naval equipment the craze for these many and continuing appropriations for other and newer vessels will die out, as it ought to. In other words, the moment the Government does its own construction, the pressure brought to bear upon us for the continued extravagances of naval architecture will be brought within reasonable and proper limits.

I do not believe, therefore, that where the Government can possibly do it, any of these vessels should be constructed by private parties.

The Senator from Arizona [Mr. ASHURST] called attention to the fact here to-night that the construction of armor plate is controlled by three huge concerns, and that these, by combination, have recently presented a bid to the Government for the armor plate required by the *Pennsylvania* for exactly the same figure and one which is $25 per ton in excess of the bids hitherto made. I do not believe the Senate is surprised at the fact. It is the natural consequence of this inordinate appetite for battleship construction which grows by what it feeds upon.

Mr. President, sometime ago—I think it was in 1894—Congress found it necessary to make an investigation as to the cost of armor plate and as to the profits made upon it by sales to the Government. That was a House committee in 1894.

It reported to the House of Representatives that the Carnegie Steel Co. was making armor plate at a cost of $20 a ton, and selling it to Russia at $249 a ton, but was supplying the United States with the same armor plate at from $520 to $700 a ton. Apart from the enormous profit disclosed by these figures, we perceive the common custom of modern times which gives the foreigner the benefit of lower prices as against the domestic consumer. There can be no question that as long as we permit the construction of these vessels by private parties those combinations will be encouraged which the Senator from Pennsylvania declared existed for the purpose of increasing instead of lowering prices, and peace must be assured to this country if they are to be credited through the multiplication of its millionaires and of its combines.

Mr. President, I have said all I care to say, in a somewhat rambling manner and without much previous preparation, upon what seems to me the most important feature of this bill. Let us accept the House bill as to one battleship and make arrangements for its completion, complete those that are now in the process of construction as soon as possible, consider the matter of tranport equipment, and obtain as soon as possible the officers and the men that are necessary properly to arm the vessels that we have and those which are now in the process of building.

There is just one other feature of the bill to which the amendment is offered that I want to speak of for a moment. It was pretty well illustrated by the amendment offered by the Senator from Connecticut that we should have three battleships instead of two, at an aggregate cost of somewhere in the neighborhood of $50,000,000. In other words, it proposed to swell the bill, large as it is, by adding to the number of battleships, in addition to the other increases that appear in the bill as reported from the Committee on Naval Affairs.

If our expenses can be increased—and they can be only by congressional action—the difficulties presented to the task of reducing taxation are magnified. In other words, if our expenses are upon a rising scale our attempted reduction of taxation becomes practically impossible unless we are prepared to face and encounter deficiencies. We can only carry out the Nation's will as expressed at the polls, reduce our tariff schedules by revising them downward, and otherwise relieve the people of the burden of taxation resting upon their shoulders by prosecuting a system of economy in public administration and expenditure. As a consequence, those of us on this side of

the Chamber who after next Tuesday will represent the national administration should see to it that in all these appropriations the limit of aggregate amounts should be made as small as possible, lest otherwise our financial legislation shall prove abortive and our entire system of financial reform discredited.

I do not charge—at least, I do not intend to charge—that the suggestion of three battleships had any such purpose in view. I merely say that the general tendency I have observed here to constant increases in the amounts of appropriations must necessarily make more difficult the task of reducing taxation. The scarcest thing in Washington is a reduction here of the amount of appropriations reported by the House of Representatives to us. The scale is always upward; amounts increase and multiply as we consider and reconstruct and ultimately enact or pass these measures.

Because there is no need of this outlay, because it is an increased expenditure which makes our task of reduction of taxation more difficult, we should confine ourselves to the one battleship, and serve notice that hereafter these expenditures and appropriations shall not go above a certain limit under any except the most extraordinary and exigent circumstances.

I therefore hope the amendment which I have offered will be agreed to.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Colorado [Mr. THOMAS].

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Martin, Va.	Root
Bankhead	Fletcher	Martine, N. J.	Sheppard
Brady	Foster	Myers	Shively
Brandegee	Gallinger	Nelson	Simmons
Bristow	Gamble	Newlands	Smith, Ga.
Bryan	Gore	O'Gorman	Smith, Md.
Burnham	Jackson	Oliver	Smith, S. C.
Burton	Johnson, Me.	Owen	Smoot
Chamberlain	Johnston, Ala.	Page	Stone
Chilton	Jones	Penrose	Swanson
Clapp	Kavanaugh	Percy	Thomas
Clark, Wyo.	Kenyon	Perkins	Thornton
Clarke, Ark.	Kern	Pittman	Townsend
Crawford	Lea	Poindexter	
Cummins	Lodge	Pomerene	

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. A quorum of the Senate is present. The question is upon the amendment submitted by the Senator from Colorado.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. LODGE. Mr. President, in order to expedite business, I move that the Senate request a conference with the House on the amendments of the Senate to the bill just passed, and that the Chair appoint the conferees.

The motion was agreed to; and the President pro tempore appointed Mr. PERKINS, Mr. PENROSE, and Mr. TILLMAN conferees on the part of the Senate.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of the conference report on the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMITH of Georgia. I move that the Senate adjourn.

Mr. MARTINE of New Jersey. If the Senator will withhold his motion for a moment, I desire to present a bibliography of the eight-hour day, and I ask that it be printed as a public document.

Mr. SMOOT. What is the paper?

Mr. MARTINE of New Jersey. Merely a bibliography of the eight-hour day.

The PRESIDENT pro tempore. If there be no objection, it will be so ordered.

The Senator from Minnesota moves that the Senate proceed to the consideration of the conference report on the river and harbor bill.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 1, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 28, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee our Father in heaven that though the Members of this legislative body come from widely different sections, representing widely different interests and political views, that respect and courtesy each for the other prevail in a large degree, that friendships are formed which lift them above party affiliations, sectional differences, commercial interests. Grant that these manly qualities may prevail in each successive Congress. That the spirit of brotherly love, patriotism, and statesmanship may ever be in the ascendency and thus reflect credit upon a representative Government, and we will ascribe all praise to Thee our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION OF SENATORS BY THE PEOPLE.

The SPEAKER announced that he had received a communication from the secretary of state of Nevada, certifying a copy of the assembly joint and concurrent resolution ratifying the amendment of section 3 of Article I of the Constitution of the United States of America, providing that Senators shall be elected by the people of the several States.

LEAVE TO PRINT.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, on day before yesterday, at the request of my colleague, Mr. COLLIER, unanimous consent was given for printing as a document a report of Maj. J. E. Normoyle, of the Quartermaster's Department, relating to the flood conditions in Mississippi last year. Subsequently it was ascertained that there were some illustrations that ought to be printed, and there was some doubt as to whether the original order would authorize the printing of those illustrations. I ask unanimous consent, therefore, that the original order be so modified as to authorize the printing of the report with the illustrations.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to modify the order relating to the printing of the report of Maj. Normoyle so that the report may be printed with the illustrations. Is there objection?

There was no objection.

INCREASE OF THE NAVY.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print in the RECORD a valuable letter from Mayor Brand Whitlock, of Toledo, on the now rampant military spirit, and especially in commendation of the patriotic course of President Taft touching the revolution in Mexico. Brand Whitlock is known as a scholar and author and a profound student of sociology.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the RECORD a letter from Brand Whitlock on the subject of the Mexican imbroglio; is there objection?

There was no objection.

The letter is as follows:

EXECUTIVE OFFICES,
The City of Toledo, February 26, 1913.

Gen. ISAAC R. SHERWOOD,
House of Representatives, Washington, D. C.

DEAR GEN. SHERWOOD: I have your note asking me if I could help you with a letter against wasting $32,000,000 on two more useless battleships. I am not sure that anything I can say on that subject will be of any use in stopping the construction of battleships. If it would, I should say a good deal, for of course it is all but a part of the vast and amazing superstition of war. They say that we must have battleships to protect us. To protect us from whom? No other nation is going to invade ours that I know of, and if they do the military tactics required to make the invasion a failure are very simple; all we have to do is to march west in good order, and about the time the invading force gets out to Kokomo, Ind., and its commanding general is informed that we can keep marching on indefinitely in that direction for about five times that distance before we march into the Pacific Ocean, I am sure he would be so discouraged that he would either turn around and go home or else become naturalized as a citizen and in a few years run for governor or United States Senator. Of course, if we had any ships of commerce on the sea, we might need some battleships to protect them; but we haven't any; and if our friends, the protectionists, continue to be as influential in the country as they have been in my lifetime we are not likely to have any. Protection drove our commerce and our flag from the seas, and if its beneficiaries want more battleships to look at let them build them with some of the money they made out of that policy.

I have spoken of war as a superstition, and I think it is just that. When I was in Europe last fall I saw those ugly gray battleships at target practice everywhere, and everywhere people were talking about going to war. A sailor on the boat deck of the *Lusitania* told me one afternoon that he was very anxious for England to go to war with Germany. When I asked him what Germany or the Germans had ever done to him, he could not tell for the life of him. And in Berlin a sergeant in the reserves told me he was anxious to get to war with England,

although, as he said, he had a large family to support, and he could not tell anything that the English had ever done to him. These poor devils, of course, are but the dupes of those who wish to bring on wars for selfish purposes, usually for the sake of some commercial advantage, and our Nation surely should not aid in keeping up this foolish superstition. I suppose that as long as there are some nations in the world who want to go to war, and so long as there are commercial interests that will keep up revolutions in Mexico and Central and South America, we shall need a navy and an army to do police duty and keep the peace in this hemisphere, for which, under the Monroe doctrine, I suppose we are responsible; but I know of no reason for going beyond this need. Building battleships is like taking boxing lessons—they put you in that sort of mind where you are spoiling for a fight all the time, and that isn't a good frame of mind for a man or a nation to be in; and so I hope they will try and get along without any more battleships. Somebody will get hurt surely if they keep on building them.

In this connection I think we should all feel pretty proud of President Taft for the good sense he has shown during this Mexican riot. I have no doubt that he has had to resist very strong interests in behalf of intervention, and I feel that he is entitled to the greatest credit for the poise and equanimity and good sense he has shown in what to him was no doubt an exceedingly difficult situation.

Yours, sincerely, BRAND WHITLOCK.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. BOURNE, Mr. PENROSE, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improving of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SUTHERLAND, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States Circuit Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district;

H. R. 11627. An act to correct the military record of Barkley S. Denison;

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;

H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia;

H. R. 18213. An act to refund to the Sparrow Gravely Tobacco Co. the sum $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States;

H. R. 18294. An act for the relief of John C. Sullivan;

H. R. 21709. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

H. R. 23568. An act to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens;

H. R. 24661. An act for the relief of James Parsons;

H. R. 24703. An act to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues;

H. R. 25264. An act for the relief of W. A. Kelly;

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 26078. An act for the relief of Charles S. Kincaid;

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law;

H. R. 27806. An act granting a pension to Mary McArthur;

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas;

H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. J. Res. 326. Joint resolution providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 8400. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8487. An act to prevent the desecration of the flag of the United States, and to provide punishment therefor;

S. 8541. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 8576. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 25780. An act to amend section 3186 of the Revised Statutes of the United States;

H. R. 23676. An act to regulate the officering and manning of vessels subject to the inspection laws of the United States;

H. R. 20511. An act for the relief of Samuel Butler & Co.; and

H. R. 21315. An act for the relief of Robert Ross.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. HENRY HARRISON BINGHAM, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. JOHN G. MCHENRY, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. GEORGE WASHINGTON KIPP, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That as a mark of respect to the memory of Mr. MCHENRY, Mr. KIPP, and Mr. BINGHAM the Senate do now take a recess until 8 o'clock p. m.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22593. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities;

H. R. 22913. An act to create a Department of Labor;

H. J. Res. 326. Joint resolution providing for extending provisions of the act authorizing extensions of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho;

H. R. 18294. An act for the relief of John C. Sullivan;

H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;

H. R. 24703. An act to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues;

H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia;

H. R. 27875. An act authorizing the President to convey certain land in the State of Texas;

H. R. 25264. An act for the relief of W. A. Kelly;

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 28469. An act granting two condemned cannon to the Walkill Valley Cemetery Association, of Orange County, N. Y.;

H. R. 23039. An act to legalize titles in the District of Columbia to certain citizens;

H. R. 24661. An act for the relief of James Parsons;

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law;

H. R. 21709. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 23568. An act to amend section 55 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. R. 11627. An act to correct the military record of Barkley S. S. Dennison.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill S. 8178, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1587).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the act (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 6.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, and 5, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of E. Belle Piatt (S. 531): The House struck this item from the bill on the grounds that the widow did not marry the soldier until long after 1890. From the evidence submitted to the Senate committee and also to the conferees, it appears that she nursed and cared for the officer, who had a most gallant service, during a most trying period of his life and at a time when a cancer of the face was most offensive. In view of the splendid record of the soldier and the exceptional circumstances in the case the House recedes from its amendment.

Amendment No. 2, the case of Jerome McWethy (S. 2630): In this case the House reduced the amount allowed by the Senate from $40 to $30, on the grounds that the soldier's services do not warrant a higher rate. The Senate recedes from its disagreement.

Amendment No. 3, the case of Cyrus N. Lyons (S. 7207): The beneficiary has died and the Senate recedes.

Amendment No. 4, the case of Josephine M. Perry (S. 7311): The beneficiary has died since the bill passed the Senate and the Senate recedes from its disagreement.

Amendment No. 5, the case of Oscar B. Vibert (S. 7313): The beneficiary has died since the bill passed the Senate and the Senate recedes from its disagreement.

Amendment No. 6, the case of Susan J. Littlefield (S. 7576): The House struck the item from the bill on the grounds that the widow was not the wife of the soldier during his service and that there was nothing exceptional in the case. Upon reconsideration it is found that she is in very delicate health, and the House recedes from its amendment.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill S. 8274, to grant pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill S. 8274, and asks that the statement be read in lieu of the report; is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1588).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the act (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 3, and 5.

That the Senate recede from its disagreement to the amendments of the House numbered 4, 6, and 7, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 is the case of John Murphy (S. 1034), in which the House reduces the amount allowed by the Senate from $40 to $30. The soldier is badly disabled, and the rate of $40 has been allowed in some similar cases. The House recedes.

Amendment No. 2 is the case of Jane Starrett (S. 5281): The Senate allowed $12 per month. The House struck the item from the bill on the grounds that the marriage with the soldier, William Starrett, occurred long after 1890. But the evidence shows that the widow was the wife of two soldiers of the Civil War, both of whom had good service, and that she was married to one of them prior to the war. The House recedes from its amendment.

Amendment No. 3, the case of John H. Howlett (S. 6032): The item was stricken from the bill for the reason that the records of the War Department show that the soldier did not serve the full 90 days required. It appears, however, that he actually served some little time longer than that, and the House recedes.

Amendment No. 4, the case of Charlotte Lewis McMahon (S. 6900): This item passed the Senate at $12 per month. The House struck the item from the bill on the grounds that the widow was not the wife of her first soldier husband during his

service and did not marry the second soldier until long after 1890. The Senate recedes from its disagreement to this amendment.

Amendment No. 5, the case of Mary M. Croft (S. 7710): The House reduces the amount allowed in this case to $12, for the reason that the pensioner had not been granted a pension at the bureau. But since the passage of the bill in the Senate the Pension Bureau has accepted the proof and granted her a pension of $12 per month. The House recedes from its amendment.

Amendment No. 6, the case of Charles Herbstreith (S. 7995): The House struck this item from the bill on the grounds that the claimant had not exhausted his resources at the Pension Bureau. The Senate recedes from its disagreement to this amendment.

Amendment No. 7, the case of Harvey T. Smith (S. 8049): The House struck this item from the bill on the grounds that the soldier did not enlist until March, 1865, and if his disabilities of service origin have increased he could get relief from the bureau. The Senate recedes from its disagreement.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (S. 8314) to grant pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill S. 8314, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1589).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the act (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2 and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 reduces the amount allowed in the Senate bill from $24 to $20. This is the case of Sarah E. McCann (S. 1572). Twenty dollars is the amount usually allowed in similar cases and the Senate recedes from its disagreement.

Amendment No. 2 strikes out all of lines 9 to 12, inclusive, the case of Joseph Johnson (S. 5941). The soldier did not enlist until March, 1865, and had a very short service. The item was stricken out by the House committee in the belief that the general law would afford him the relief his services warrant. The Senate recedes from its disagreement to this amendment.

Amendment No. 3 strikes out all of lines 7 to 10, inclusive, the case of William L. Sheaff (S. 8144). The House struck the item from the bill on the grounds that it is a second special act, but upon reconsideration the testimony shows the claimant to be wholly broken down and crippled and the House recedes from its amendment.

JOE J. RUSSELL,
J. A. M. ADAIR,
CHAS. E. FULLER,
Managers on the part of the House.

The conference report was agreed to.

INDIANS OCCUPYING RAILROAD LANDS.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the conference report on the bill S. 5674, for the relief of Indians occupying railroad lands. I ask that the conference report be read, as the statement is much longer than the report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 1564).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5674) for the relief of Indians occupying railroad lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "situated within the States of Arizona, New Mexico, or California;" and the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "within a period of three years after the approval of this act;" and the Senate agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "and have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State, as may be agreed upon by the Secretary of the Interior: *Provided*, That the total area of the land that may be exchanged under the provisions of this act shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California"; and the House agree to the same.

Amendment numbered 5: That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Amend the title so as to read: "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, and California;" and the Senate agree to the same.

JNO. H. STEPHENS,
CARL HAYDEN,
CHAS. H. BURKE,
Managers on the part of the House.

ROBERT J. GAMBLE,
CHARLES CURTIS,
W. J. STONE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The Senate recedes from the disagreeing vote of the two Houses on the amendment of the House No. 1, on page 1, line 4, of the bill and after the word "authorized" add the words "in his discretion," which leaves some discretionary power to the Secretary of the Interior as to whether or not such lands should be exchanged.

The Senate recedes from the disagreeing vote of the two Houses on the amendment of the House No. 2, and agree to the same with an amendment, which is as follows: On page 1 of the bill, line 6, after the word "lands," add the following: "Situated within the States of Arizona, New Mexico, or California," the object being to limit the States in which exchange of lands can be made.

The Senate recedes from the disagreeing vote of the two Houses on the amendment of the House No. 3, and agree to the same with an amendment, and which is as follows: Page 2 of the bill, line 1, after the word "select," add the following: "Within a period of three years after the approval of this act," the object being to limit the time in which such applications for exchange can be filed for consideration.

The Senate recedes from the disagreeing vote of the two Houses on the amendment of the House No. 4, and agree to the same with an amendment as follows: Page 2 of the bill, line 3, after the word "vacant," strike out the rest of the paragraph and insert in lieu thereof the following: "Nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State as may be agreed upon by the Secretary of the Interior, provided that the total area of land that may

be exchanged under the provisions of this act shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California." The object being to specially specify the exact nature of land to be exchanged and to limit the number of acres that can be exchanged in each of the States mentioned.

The Senate recedes from the disagreeing vote of the two Houses on the amendment of the House No. 5, and agree to the same with an amendment, amending the title by adding after the word "lands" the following: "In Arizona, New Mexico, or California." The object being to have the title conform to the substance of the bill.

The bill as agreed upon will read as follows:

An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to request of the present claimant under any railroad land grant a relinquishment or reconveyance of any lands situated within the States of Arizona, New Mexico, or California passing under the grant which are shown to have been occupied for five years or more by an Indian entitled to receive the tract in allotment under existing law but for the grant to the railroad company, and upon the execution and filing of such relinquishment or reconveyance the lands shall thereupon become available for allotment, and the company relinquishing or reconveying shall be entitled to select within a period of three years after the approval of this act and have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State, as may be agreed upon by the Secretary of the Interior: *Provided*, That the total area of land that may be exchanged under the provisions of the act shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California.

JNO. H. STEPHENS,
CARL HAYDEN,
CHAS. H. BURKE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

LOANING OF TENTS.

Mr. SLAYDEN. Mr. Speaker, I call up the conference report on Senate joint resolution 143, authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine, to be held at Dallas, Tex., in May, 1913, and ask that it be agreed to. The report is very brief, only three or four lines.

The SPEAKER. The gentleman from Texas calls up a conference report, which the Clerk will read.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 1590).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

Restore the matter proposed to be stricken out by the amendment; and in lines 3 and 4 of the amendment strike out the words "Confederate Veterans' Association" and in lieu thereof insert "United Confederate Veterans."

And the House agree to the same.

JAMES L. SLAYDEN,
J. T. WATKINS,
JULIUS KAHN,
Managers on the part of the House.
H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman what the provision is as agreed to in the conference report.

Mr. SLAYDEN. Mr. Speaker, the Senate receded and agreed to the House amendment restricting the loaning of tents hereafter to two organizations only—the Grand Army of the Republic and the United Confederate Veterans—and another amendment merely changes the title of the Confederate Veterans' Association to the one which they have, of United Confederate Veterans.

Mr. MANN. Mr. Speaker, the proposition in the Senate bill, as I recall it, was that no tents should be loaned after July, 1915.

Mr. SLAYDEN. Nineteen hundred and fourteen, I think.

Mr. MANN. Perhaps it was 1914. We struck that out.

Mr. SLAYDEN. Yes; the resolution is as it passed the House, with the exception of the other amendment referred to.

Mr. MANN. We struck the provision out entirely.

Mr. SLAYDEN. Yes; and I say the resolution is precisely as the House passed it, except that the words "Confederate Veterans' Association" are changed to "United Confederate Veterans."

Mr. MANN. We struck out the provision in reference to loaning tents hereafter. The conference has reinserted it. The House struck it out.

Mr. SLAYDEN. Yes; the gentleman is correct.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

AGRICULTURAL CREDIT SYSTEMS (H. DOC. NO. 1435).

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent to have printed as a House document some notes on the agricultural credit systems abroad that have been prepared by the Southern Commercial Congress.

The SPEAKER. The gentleman from Indiana asks unanimous consent to have printed as a House document the paper to which he refers. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, how will they be distributed?

Mr. MOSS of Indiana. Just as other House documents are distributed.

Mr. MANN. In the usual number?

Mr. MOSS of Indiana. Yes.

Mr. COX. Will they go through the folding room or the document room?

Mr. MANN. The document room. The usual number is to be printed.

The SPEAKER. Is there objection?

There was no objection.

PAIR CLERK.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 872.

Resolved, That William Tyler Page is hereby appointed as successor to Joseph C. Weir, authorized and named in the resolution adopted by the House April 10, 1911, as special employee and pair clerk.

Mr. MANN. Mr. Speaker, this is one of the minority employees, and the law provides for the House appointing a successor.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

BUST OF HON. JOSEPH G. CANNON.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 873.

Whereas friends both in and out of Congress have presented to the Hon. JOSEPH G. CANNON a marble bust of himself, with the expressed hope that it be placed in the House Office Building; and

Whereas Mr. CANNON has offered to present such bust to the House of Representatives; and

Whereas Mr. CANNON has been for many years an honored Member of the House of Representatives and was for eight years the Speaker and originated the proposition for the House Office Building: Now therefore be it

Resolved by the House of Representatives, That the House Office Building Commission is hereby authorized to accept on behalf of the House of Representatives the marble bust of Hon. JOSEPH G. CANNON and place the same in a proper position in the House Office Building, and that the thanks of the House of Representatives be, and the same are hereby, tendered to Mr. CANNON for the gift of the said bust.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may address the House for 10 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, yesterday morning the Republican Members of the House held a caucus at which resolutions were adopted concerning several of the retiring Members on the Republican side who have been officers of the caucus and of the Republican side of the House, and I ask unanimous consent that the resolutions which were agreed to may be read by the Clerk.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk shall read the resolutions. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

"Mr. BURKE of South Dakota offered the following resolution, which was unanimously adopted:

"'During a period of many years this Republican caucus has been fortunate in having as a presiding officer the gifted and genial gentleman from New Hampshire, the Hon. FRANK D. CURRIER.

"'He has ever presided in a manner most capable and just, and his counsel has always been of the utmost value in our deliberations: Therefore be it

"'*Resolved by the Republicans of the House of Representatives in caucus assembled*, That in his retirement from the public service as a Representative the Nation loses one of its ablest and most patriotic statesmen, and we, his colleagues, lose one of our dearest and truest friends.'"

[Applause.]

"Mr. MILLER, of Minnesota, offered the following resolution, which was unanimously adopted:

"'By his voluntary retirement from public service the Republican caucus is soon to lose its most efficient secretary, the Hon. N. E. KENDALL, of Iowa. In recent years the State of Iowa has been fortunate in the splendid men she has sent to Congress, but never more fortunate than in the person of Mr. KENDALL. During his four years' service here he has become one of the most influential Members of the House, and as a genial companion he has no superior. His work has ever been characterized by close fidelity to the public interest, by a broad-gauged patriotism, and a true grasp of American ideals. He probably embodies the younger statesmanship of to-day as well as any man living, and it is exceedingly to be regretted that the country is not to have the benefit of his continued service: Therefore be it

"'*Resolved*, That in his departure from our midst the House loses one of its most able and promising Members, our caucus a most capable secretary, and Congress one of its most beloved Members. That he carries with him our heartiest good will and sincere hope that he will in the future return as a Member of this House, to be welcomed by a host of friends.'"

[Applause.]

"Mr. MOORE of Pennsylvania offered the following resolution, which was unanimously adopted:

"'*Resolved*, That the earnest and effective work of the Hon. JOHN W. DWIGHT, of New York, the Republican whip of the House, has earned the appreciation and thanks of this committee, and that while Mr. DWIGHT'S voluntary retirement from Congress is sincerely regretted, the best wishes of the committee are extended to him in every future undertaking.'"

[Applause.]

COMPILATION OF REVOLUTIONARY WAR RECORDS.

Mr. SMALL. Mr. Speaker, I move to suspend the rules and pass the bill S. 271, with committee amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication.

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered military records of the Revolutionary War, including all troops acting under State authority, and the Secretary of the Navy is hereby authorized and directed to collect or copy and classify, with a view to publication, the scattered naval records of the Revolutionary War.

SEC. 2. That all such records in the possession or custody of any official of the United States shall be transferred, the military records to the War Department and the naval records to the Navy Department.

SEC. 3. That there is hereby appropriated for the purposes of this act, out of any money in the Treasury not otherwise appropriated, $25,000 for the War Department and $7,000 for the Navy Department: *Provided*, That the aforesaid sums of money shall be expended, respectively, under the direction of the Secretary of War and the Secretary of the Navy, and that they shall make to Congress each year detailed statements showing how the money herein appropriated has been expended and to whom: *Provided further*, That no part of the sum hereby appropriated shall be used in the purchase of any such records that may be discovered either in the hands of private owners or in public depositories.

The SPEAKER. Is a second demanded?

Mr. FOSTER. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Just what is the motion of the gentleman?

The SPEAKER. The motion is to suspend the rules and pass the bill with committee amendments. The Chair thinks the amendments ought to be read.

Mr. MANN. The reason of my parliamentary inquiry was because the Clerk read the bill, including the committee amendments, as it was to be modified by the committee amendments.

The SPEAKER. The Clerk states that he read the bill with amendments.

Mr. MANN. That is what I said, and that is the reason I made the inquiry whether the motion was to pass the bill with committee amendments.

The SPEAKER. That is the motion. The gentleman from Illinois demands a second.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to a second being considered as ordered? [After a pause.] The Chair hears none. The gentleman from North Carolina has 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. SMALL. Mr. Speaker, I can explain this bill very briefly to the House. Substantially it provides for the collection of the military and naval records of the Revolutionary War and provides an appropriation of $25,000 for collecting the military records and $7,000 for the naval records. The bill as it passed the Senate carried an appropriation of $50,000 for the military records and $10,000 for the naval records. It has been amended by the House Committee on Military Affairs, reducing the amounts to $25,000 and $7,000, respectively. Every wise precaution has been taken in the drafting of this bill, particularly in the amendments submitted by the House Committee on Military Affairs, to protect the Government in the collection of these records. It is provided that none shall be purchased, but simply copied. Mr. Speaker, we have been grossly derelict in waiting more than a hundred years for the collection of these scattered records of the Revolutionary War. In order to show the necessity of this I may state that under legislation which Congress has already enacted, the scattered records of the Revolutionary War in the other executive departments of the Government have been collected and are deposited now, respectively, in the archives of the War Department and the Navy Department, but these are not all the records extant, and in order to show that fact I will read first from a communication of The Adjutant General of the War Department addressed to the Secretary of War on March 16, 1910:

But even with the accessions resulting from the legislation before referred to the collection of records of the Revolutionary War in the possession of the War Department, although large, is very far from complete. Many military records of the Revolution, of which there are no other copies in existence, are known to be in the custody of the Library of Congress, the authorities of the several States, and of historical societies and individuals.

Reading from a communication of the Secretary of the Navy, dated March 19, 1910, I quote:

There are further considerable quantities of naval records of the Revolutionary War in various collections owned by societies, institutions, private individuals, libraries, and in the Library of Congress.

And further reading from the communication from the War Department, dated June 4, 1910, I quote:

Many such records of which there are no copies in existence, are in the custody of the authorities of the several States, of historical societies, and of individuals. In addition to this, military records of the Revolutionary War, of which no copies are in the possession of the United States or any of the States, will undoubtedly be found in the possession of the British and French Governments.

These quotations, Mr. Speaker, from these official communications from the War and Navy Departments show that there are scattered records of the Revolutionary War——

Mr. COX. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. Evidently there is not.

Mr. MANN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Illinois moves a call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken, S. C.	Barchfeld	Burnett	Conry
Ames	Bartlett	Candler	Covington
Andrus	Broussard	Carlin	Currier
Ansberry	Brown	Carter	Danforth
Ayres	Burke, S. Dak.	Clark, Fla.	Davenport

Davidson	Hughes, W. Va.	Morgan, Okla.	Smith, J. M. C.
Dickson, Miss.	Johnson, S. C.	Morse, Wis.	Sparkman
Doremus	Konig	Murray	Stack
Ferris	Kopp	Nye	Stanley
Flood, Va.	Korbly	O'Shaunessy	Stephens, Tex.
Focht	Lafean	Parran	Stevens, Minn.
Gardner, Mass.	Lafferty	Patton, Pa.	Sulloway
George	Langley	Post	Taylor, Ohio
Gill	Lawrence	Pray	Thistlewood
Gregg, Pa.	Lindsay	Prince	Vare
Gudger	Littleton	Pujo	Vreeland
Guernsey	McKenzie	Ransdell, La.	Warburton
Hamilton, W. Va.	McKinney	Reyburn	Willis
Harris	McLaughlin	Richardson	Wilson, Ill.
Harrison, Miss.	Martin, S. Dak.	Riordan	Wilson, N. Y.
Hill	Matthews	Roberts, Mass.	Wood, N. J.
Howard	Mays	Rucker, Colo.	
Hughes, Ga.	Moon, Pa.	Rucker, Mo.	

A quorum being present, the doors were opened.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. LA FOLLETTE and Mr. SMALL rose.

The SPEAKER. The gentleman from North Carolina [Mr. SMALL] is recognized.

Mr. SMALL. Mr. Speaker, how much time have I used?

The SPEAKER. Five minutes.

LIMITATION OF HOURS OF DAILY LABOR.

Mr. WILSON of Pennsylvania. Will the gentleman from North Carolina yield?

Mr. SMALL. I will.

Mr. WILSON of Pennsylvania. I ask unanimous consent for the immediate consideration of the concurrent resolution which I send to the Clerk's desk.

Mr. SMALL. I yield if the gentleman is recognized by the Speaker.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] has a resolution that is of pressing importance. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 72.

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia; and that the action of the Speaker of the House of Representatives and the President of the Senate in signing the said enrolled bill be rescinded.

The SPEAKER. Is there objection to the consideration of the concurrent resolution?

There was no objection.

The concurrent resolution was agreed to.

COMPILATION OF REVOLUTIONARY WAR RECORDS.

Mr. SMALL. Mr. Speaker, I shall add a few words to my former remarks regarding this bill to collect the Revolutionary War records. I may say in addition that all the patriotic societies of the United States are very earnestly asking that it be passed. This is especially true of the Society of the Cincinnati, of which Gen. Hazard Stevens, of Boston, is the president, and I may say I became originally interested in this bill through the president of the Society of the Cincinnati of North Carolina, Mr. Wilson G. Lamb, of Williamston, in that State. We have too long delayed this work of gathering the scattered records of the War of the Revolution, and any further postponement will be inexcusable.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. SMALL. Just for a question.

Mr. COX. I listened to the gentleman reading a moment ago from the Secretary of War and the Secretary of the Navy, and it disclosed the fact that some of these records were kept in private libraries owned by private individuals. I see by the bill proposed that no part of this appropriation can be used to purchase books of that kind.

Mr. SMALL. The intention is to secure the records only for copying.

Mr. COX. That is the very question I want to lead up to.

Mr. SMALL. Simply for copying, and not to be purchased.

Mr. COX. Has the gentleman any idea that this work could be completed within the limit of cost of $60,000 called for in the bill?

Mr. SMALL. That is the expectation of the Committee on Military Affairs, which investigated this matter.

Mr COX. One more word. A few years ago, if I recollect, Congress entered upon the idea of republishing the colonial proceedings of Congress. Has the gentleman any idea of what that cost before it was concluded?

Mr. SMALL. I am not informed on that point. Mr. Speaker, I reserve the balance of my time.

Mr. FOSTER rose.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for 20 minutes.

Mr. FOSTER. Mr. Speaker, this bill passed the Senate and provided for an appropriation of $50,000 for the War Department and $10,000 for the Navy Department. When it came over to the House it was amended by the Committee on Military Affairs to provide for $25,000 for the War Department and $7,000 for the Navy Department. This amount nobody will agree, I think, will be sufficient for the purpose of securing records of the Revolutionary War and compiling them in the War Department. I observe by the letter which is published in the report that Maj. Gen. Ainsworth said some years ago that the War Department undertook to compile these records, but I suppose, after spending what money they were permitted to spend, the work was abandoned and nothing further came from it. But I observe in this report that he says the amount of time that will be required to make a reasonably complete collection of the military records of the Revolutionary War and the amount of money that will be necessary to expend in doing that work can not be stated even approximately at the present time.

He says further:

It is certain, however, that it will require much time and labor, and will necessitate the expenditure of a considerable sum of money to locate the missing military records of the Revolutionary War that are still in existence outside the files of the War Department, to make or obtain copies of those records, and to prepare them for publication.

I observe also that Mr. Beekman Winthrop, Assistant Secretary of the Navy, says with reference to the probable cost:

With reference to the probable cost, this is also a matter of some uncertainty, on account of unforeseen difficulties in selecting, copying, and compiling the necessary matter. It would be necessary to decide upon the class of material to be selected and copied, and it would be essential, for economical reasons, that the compilation should be practically completed before any printing be done.

Now, what I desire to call the attention of the House to is this, that here is an innocent appropriation bill proposing to appropriate $32,000 to compile the Revolutionary War records. It is an innocent-looking bill, and many Members say, "Why is it not worth $32,000 to compile these records of the Revolutionary War?" And yet I want the House to distinctly understand that possibly, not next year but likely the year after, they will come back to this House asking another appropriation, and then another and another, and they will extend probably over a number of years, and no man knows what it will cost, but it will probably cost a million dollars before they are through with it.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. EDWARDS. Does not the gentleman think that these old records ought to be collected at some cost, to say the least of it?

Mr. FOSTER. I will say to the gentleman from Georgia, that I believe that we should have these records in proper shape, but I do not believe that it is right to bring into this House a bill of this kind, cutting down the amount from the appropriation proposed by the Senate in order to lead us to believe that $32,000 is all that is necessary to complete the collection of these records, when every man must realize that it will cost many times $32,000 before you are ever through with it.

Mr. SISSON. And many times $75,000, too.

Mr. FOSTER. Yes; many times $75,000 before you are through with it.

I think, Mr. Speaker, that there have been fair histories of the Revolutionary War written. I believe that to-day we have in the War Department a fair compilation of the records of the Revolutionary War. It is true that here and there over our country are scattered some papers relating to that struggle for our independence that it is advisable we should have; but every man realizes that when you start a department out upon a hunting expedition like this, there is no end to the amount of money they can expend in securing what to them appears to be something of importance.

It is true that old records are of much more value than new records. But let us not go into this matter with our eyes closed, believing that this $32,000 will complete the job. Let us go into it knowing, if we go into it, that it is going to cost many hundreds of thousands before we are through with it.

Mr. COX. And it will necessitate, will it not, according to the testimony taken before the gentleman in charge of the bill, a junket across the ocean?

Mr. FOSTER. Yes. It means visits to France and England and other European countries. Let us not fool ourselves. Let us not deceive the people with a proposition that we are going to get these records for $32,000. If that were all that is to be expended, why has not this committee, why has not the gentleman from North Carolina [Mr. SMALL] proposed a limitation upon this bill, that it should be confined to $32,000? No. The

Senate was more frank. The Senate came nearer to it than the House has come, because the Senate proposed $60,000, and we propose $32,000.

Now, if the House is going to vote for this, let us vote for it, believing and knowing that it is going to cost hundreds of thousands of dollars before we are through with it. Mr. Speaker, I reserve the balance of my time.

Mr. SMALL. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. HAY].

The SPEAKER. The gentleman from Virginia is recognized for five minutes.

Mr. HAY. Mr. Speaker, I do not know upon what knowledge the gentleman from Illinois [Mr. FOSTER] bases his remarks. He knows as well as everybody else in the House that the sum carried in this bill is all that can be expended for this purpose unless Congress chooses hereafter to authorize a further expenditure. He himself acknowledges that it is right and proper that these Revolutionary records should be gathered and should be copied. There is no proposition to expend anything like a million dollars, and the gentleman himself has no knowledge upon which to base any such assertion as that.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HAY. Yes.

Mr. FOSTER. Does the gentleman believe that this work will be completed within $32,000?

Mr. HAY. From the evidence before the committee I do believe it can be completed with $32,000.

Mr. FOSTER. Why did you not limit it to $32,000?

Mr. HAY. It is limited to $32,000. You can not expend more than $32,000.

Mr. FOSTER. Not in this appropriation.

Mr. HAY. Exactly.

Mr. FOSTER. But that will not prevent them from coming back and asking for more.

Mr. HAY. No; and no appropriation that is made prevents anybody from coming back for more. If we should put a limit upon it, the next Congress could increase that limit. As the gentleman knows, this Congress can not bind a future Congress.

Mr. FOSTER. I think the gentleman does not mean to convey the idea to this House that this work will be completed at $32,000.

Mr. HAY. The evidence before us was that there were very few of these records that were needed to be gathered together. This bill puts it into the hands of the Secretary of War and the Secretary of the Navy to determine what records shall be copied. We do not propose to purchase any records. We propose only to copy records, and there is nothing in this bill which would make it possible to expend more than $32,000. If the next Congress chooses to spend more, if more is asked for, that will be a question to be determined by the next Congress, and not by this Congress.

This Congress can not place a limitation upon any appropriation which the next Congress can not increase if it desires to do so. The gentleman from Illinois in his anxiety to defeat this bill, in his anxiety perhaps to protect the Treasury of the United States, is undertaking to make the Members of this House believe that we are entering upon an expenditure which will go up into the millions of dollars. It is not possible that that can happen, and the worthy object of this bill ought to appeal to every Member of this House. It has been too long neglected, and the amount of money here involved is not sufficient to deter any gentleman from voting for this measure. I hope, therefore, that the House will pass this bill. [Applause.]

Mr. SMALL. How much time have I remaining?

The SPEAKER. Five minutes.

Mr. SMALL. I yield three minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, if we are to wait until we know the exact cost of copying these records before we begin publishing them, we shall never begin at all. I am entirely willing to take a chance at $32,000 and authorize the work to be begun, and I would authorize the work to be begun even if the committee on the part of the House had authorized the full amount recommended by the Senate.

Mr. MANN. They have.

Mr. MCCALL. The gentleman from Illinois is an old soldier and he should have some sympathy with this movement to protect the sources of our history and to reverence the records of the men who fought in the War of the Revolution and established the independence of this country. There are not a great many of these records left. Time has been at work for nearly 150 years and has destroyed a great many of them, but we do know that the historical societies of the different States and various private collections have a number of these records, and the purpose of this bill is to have the Navy Department have copies made of all the known naval records, and the War Department to have copies made of all the known war records of the Revolution. As to sending men to Germany or France or England, it is entirely easy for our representatives in those countries to find out what records are in the possession of those Governments.

I believe this bill is one that the House ought to pass. [Applause.]

Mr. MANN. There being no limitation in this bill as to the amount which may be appropriated to carry it into effect, would the gentleman be willing to modify his motion by inserting an amendment that the authority granted is within the limitation of the appropriations carried in this bill, so that it will not authorize an unlimited expenditure?

Mr. HAY. Undoubtedly; yes.

Mr. MANN. I had an amendment prepared, if the bill had come up in the House in the regular way, to insert after the word "that," in line 1, the words "within the limitations of the appropriations herein made," so that it would read, "that within the limitations of the appropriations herein made the Secretary of War is hereby authorized," and so forth.

Mr. SMALL. I consent that the gentleman may ask unanimous consent at the proper time.

Mr. HAY. I consent to that, so far as I am concerned.

Mr. SMALL. So do I.

Mr. MANN. I ask unanimous consent that before the motion is put to the House the bill be amended by inserting the words I have indicated.

The SPEAKER. The gentleman from Illinois asks unanimous consent that before the motion to suspend the rules is put this bill shall be modified by an amendment which he suggests. Is there objection?

There was no objection.

Mr. MANN. In line 3 of the bill, after the word "that" at the beginning of the line, insert the words "within the limits of the appropriations herein made."

The SPEAKER. There being no objection, that language will be considered as being incorporated in the bill.

Mr. SMALL. There are several gentlemen who desire time. May I ask if the Clerk did not make an error as to the amount of time that had been consumed?

The SPEAKER. Oh, no. This debate began at half past 11, and it is now 5 minutes past 12. The gentleman from Illinois has consumed only 10 minutes, so that the gentleman from North Carolina and those who are assisting him have really consumed more time than they are entitled to.

Mr. SMALL. How much time have I remaining?

The SPEAKER. The gentleman has no time at all. The gentleman from Illinois has 10 minutes.

Mr. FOSTER. Mr. Speaker, I think the amendment offered by the gentleman from Illinois [Mr. MANN], which has been accepted by the gentleman from North Carolina [Mr. SMALL] and the gentleman from Virginia [Mr. HAY], improves this bill very materially. I hope, Mr. Speaker, that in the future Congresses there will not be any Committee on Military Affairs who will come here and ask for a further appropriation, and I am quite sure that my good friend from Virginia who so ably presides over the Committee on Military Affairs will keep good faith with the House if he presides over that committee, as I hope he will. I think the amendment means something. What I have been fighting for is that we may limit this amount of money so that there may not be brought into the House an innocent looking bill which will permit these men to roam around over all the States of the Union, and possibly over a part of Europe, to secure certain records that in their judgment are essential to historical records.

Mr. SHACKLEFORD. And coats of arms.

Mr. FOSTER. Yes; and coats of arms, to produce a better history.

Mr. SHERWOOD. Does the gentleman think that by collecting these records a better history of the War of the Revolution could be produced than that contained in Irving's Life of Washington?

Mr. FOSTER. I will say to my friend, Gen. SHERWOOD, who is a good judge of history of the war and who has had experience and distinguished service in the late war, that I am sure after his opinion that there can be no better record of the Revolutionary War compiled by the Government than that contained in the Life of Washington, by Washington Irving, that I do not expect when the records are compiled that they will be of any more service or very much more complete than those now in the history of our country.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. HUMPHREYS of Mississippi. In reference to the history of the Revolutionary War in the Life of Washington by Irving, I call the gentleman's attention to the fact that that history and all histories of the Revolutionary War are the histories of the movements of great bodies of troops and the history of the generals who commanded those troops.

The gentleman does not believe, I am sure, that Washington, or Anthony Wayne, or Ethan Allen, or any commander of the Revolution could have won that great victory without the trials and the sufferings and the sacrifices of the boys who followed them in the ranks. Now their names are not mentioned in Irving's History of Washington or any other history.

When the State of Illinois erected the great monument on the battle field of Vicksburg, appreciating the very thought that I have suggested, she wrote on that monument the name of every private soldier who served in any Illinois regiment in the siege of Vicksburg—38,000 of them. Does not the gentleman think it is worthy of this Congress, and that this cause is worthy of the appropriation that will endeavor to preserve the simple annals of the privates in the Revolutionary War along with the records of the generals?

Mr. FOSTER. I am just as much in favor as the gentleman from Mississippi in furnishing a complete history of every man who served in the defense of his country, whether he be private or in command of the forces. I say to him that I believe that that history should be written of the private soldier as much as of the general who commanded the forces, but I also say to him that when these records are compiled I fear you will get very little more information about the private soldier than you have at this time. Certainly, I am for the man behind the gun as strong as anyone on this floor.

Mr. HUMPHREYS of Mississippi. I do not see on what ground the gentleman predicates that statement. The State of Mississippi, appreciating the value of old historic records, sent an agent to France and Spain, who, after most laborious research, gathered these records, and it did not cost any $32,000 or one-half such a sum. It cost very little, in fact, and it was not a junket either.

Mr. FOSTER. I do not know how many soldiers there were in the State of Mississippi. I appreciate the gentleman's statement, and I am in hearty sympathy with him and would like to see a history of every man who served in the war preserved.

Mr. KENDALL. Is it not contemplated to make a substantial roster of all the men who served in the Revolutionary War?

Mr. FOSTER. I think it is; but I think that most of the Revolutionary soldiers are recorded in The Adjutant General's office.

Mr. SMALL. Oh, I think the gentleman is mistaken.

Mr. FOSTER. I have succeeded very well in getting the records from the The Adjutant General's office. Of course, they are not always complete. Neither are they in any other war. Those records of the Revolutionary War of course are not as complete as those of later wars, as the early records were not so well kept, but I submit they can never be made so, as in many cases there is no record.

The SPEAKER. The question is on suspending the rules.

Mr. HENRY of Texas. With all due respect, I make the point order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and eleven Members are present, a quorum. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. HENRY of Texas) there were—ayes 159, noes 25.

Mr. HENRY of Texas. With all due respect, I make the point of no quorum.

Mr. MANN. The Speaker has just counted a quorum.

Mr. CULLOP. I make the point that the point raised by the gentleman from Texas is dilatory.

The SPEAKER. Well, it is easier to count. [After counting.] Two hundred and eighteen Members present, a quorum. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

Mr. HAY. Mr. Speaker, I ask unanimous consent to ask for a conference on the bill which has just been passed, and to appoint conferees.

The SPEAKER. The gentleman from Virginia asks unanimous consent to ask the Senate for a conference on the bill just passed, and to appoint conferees. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. HAY, Mr. DENT, and Mr. KAHN.

CALENDAR FOR UNANIMOUS CONSENT.

Mr. HARDWICK. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. I call the attention of the Chair to clause 3 of Rule XIII, which says:

3. After a bill which has been favorably reported shall be upon either the House or the Union Calendar any Member may file with the Clerk a notice that he desires such a bill placed upon a special calendar to be known as the Calendar for Unanimous Consent. On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent. Should objection be made to the consideration of any bill so called, it shall immediately be stricken from such calendar; but such bill may be restored to the calendar at the instance of the Member, and if again objected to, it shall be immediately stricken from such calendar, and shall not thereafter be placed thereon: *Provided*, That the same bill shall not be called twice on the same legislative day.

Mr. Speaker, I think that, under the rules, the Calendar for Unanimous Consent has preference over motions to suspend the rules and pass a bill.

The SPEAKER. The Chair is inclined to think that the point of order raised by the gentleman from Georgia is well taken.

It is in order on the last six days to move to suspend the rules, and while the Chair does not think that the men who drafted this clause of Rule XIII ever intended that it should apply to the last six days, yet if it is literally construed it does apply. The Clerk will call the Calendar for Unanimous Consent.

Mr. ANTHONY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANTHONY. Will it be in order to ask for unanimous consideration of any bill that is not on the Calendar for Unanimous Consent?

The SPEAKER. On this call it will not.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the Agriculture appropriation bill, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

Mr. HARDWICK. Mr. Speaker, I object.

Mr. LAMB. Mr. Speaker, I move to suspend the rules, and take from the Speaker's table the bill H. R. 28283, the Agriculture appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

Mr. HARDWICK. Mr. Speaker, I make the point of order that that motion is not in order.

Mr. MANN. Mr. Speaker, would it not be in order in any event for the gentleman to move to suspend the rules?

The SPEAKER. Of course it would on that kind of business.

Mr. LAMB. Mr. Speaker, I insist upon my motion.

The SPEAKER. The gentleman from Virginia moves to suspend the rules, take from the Speaker's table the Agriculture appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is a second demanded?

Mr. COX. Mr. Speaker, I demand a second.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia is entitled to 20 minutes and the gentleman from Indiana to 20 minutes.

Mr. LAMB. Mr. Speaker, I reserve the balance of my time.

Mr. COX. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, on page 56 of the Agriculture bill, as it passed the Senate, is an amendment numbered 142, respecting game birds.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair has just counted the House twice within 5 or 10 minutes. Evidently there is a quorum present, and the gentleman from Wyoming will proceed. [Applause.]

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Mr. Speaker, the Speaker just the other day held that it was within the constitutional right of a Member to make the point of no quorum, and that the point that it

was dilatory would not lie against it. A short time ago the point of order was made that there was no quorum present, and the further point was raised that it was dilatory, but the Chair nevertheless counted. I think the Chair at least should do the gentleman who makes the point the courtesy of counting the House.

The SPEAKER. But there would be no end to the thing if counting a quorum does not establish the fact that there is a quorum present when the count discloses that a quorum is present. The Chair has counted the House twice within five minutes.

Mr. HARDWICK. But the Chair knows very well that we might have a quorum at one moment and in five minutes have no quorum. It does not appear to me that there is a quorum present.

The SPEAKER. The Chair thinks that there is a quorum present, and so holds.

Mr. MONDELL. Mr. Speaker, this proposal of legislation, with the exception of a brief speech in the Senate and a brief speech in the House, a discussion of not to exceed 5 minutes in the Senate, when the bill passed, and a discussion of not to exceed 10 minutes in the House when a bill containing these provisions was on the Unanimous Consent Calendar, has never been considered by this or the other body of Congress. Let us see just what is proposed. It is as follows:

All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than 90 days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however,* That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions the sum of $10,000.

Mr. Speaker, this is, in my opinion, the most revolutionary, the most far-reaching legislation, in its possible and probable effect on our system of government, that has been presented to Congress in the 16 years during which I have been a Member of this body. If this bill should become a law no man who voted for it would ever be justified in raising his voice, he could not logically raise his voice, against any extension, no matter how extreme, of the police authority and control of the Federal Government. It takes from the States control over everything that flies, save some birds of the grouse family, bats, and butterflies, and it authorizes a clerk in a bureau of the Agricultural Department to designate as crimes, punishable by imprisonment in Federal penitentiaries, the slightest infraction of the prohibitions contained in the bill against the capturing, the killing, or taking of any bird that flies anywhere in the Union save those few which never migrate, which, in most instances, are birds of the grouse family only. Under this legislation a bureau of the Agricultural Department could promulgate a regulation having the force of law under which a farmer shooting a crow in his cornfield could be hauled before a Federal grand jury, indicted, fined, and imprisoned—fined not exceeding $100 and imprisoned not to exceed six months. Regulations could be promulgated under which a barefooted boy in any State of the Union snaring a lark or reedbird, taking a shot with his airgun at the smallest and most insignificant of the feathered tribe, could be indicted, tried, condemned, and immured in a Federal penitentiary. No legislation so profoundly subversive of the fundamental principles of our Government has been suggested since the beginning of my service here, and I doubt if it has been in the history of Congress. We do not invoke the strong arm of the Federal Government for the protection of human life or property no matter how much the States may temporarily fail in giving protection. We decline to invoke the strong arm of the Federal Government for the protection of the honesty of elections, but pass this bill and every barrier standing against the assertion of Federal police control in every line and with regard to every act and activity of the American people is broken down, and we no longer have a Government of self-governing States but are well on the way to an empire governed from this Capital.

This legislation seems to have widespread support. Hundreds of telegrams are being received by Members urging them to support it. In my opinion, practically all of them are suggested by a lobby, having its headquarters in a bureau of the Agricultural Department, which, if this bill passes, is in a fair way to become the biggest organization of Federal spies and agents under our Government, and many of those telegrams are hurried on their way by those who expect to secure employment as Federal game wardens at a fat salary.

The organization of place hunters and bird killers who are back of this legislation have left nothing undone to secure its passage. They have, with devilish cunning, prevailed upon committees of State legislatures to recommend, and the legislatures to pass, resolutions indorsing this legislation.

The legislature of my State recently adopted such a resolution at a time and under circumstances which make it clear that the legislature was not advised of the character of what was proposed. I know my people too well to believe that our legislature would with full knowledge approve legislation which would repeal or attempt to repeal or render of no effect our State legislation affecting birds other than perhaps the sage hen.

I know my people too well to believe that they or their representatives are willing to have a swarm of Federal officials appointed over them with power to prevent all killing of game and other birds or to fix the time in which they can be killed or trapped or taken under pain and penalty of fine and imprisonment.

I can not in the limited time at my disposal argue the legal or constitutional aspect of this question. If game by flying over a State line can become interstate commerce, if game can in the same way become Federal property, and, if so becoming, the Federal Government may exercise police jurisdiction over it, then I am so far wrong in my estimate and understanding of the limitations of Federal authority that I can never hope to get right.

If this legislation becomes law and by some inscrutable dispensation of Divine Providence gets past the Supreme Court, let us nevermore attune our Fourth of July orations to the proposition that this is a union of self-governing States and that we of all the peoples of the earth are freest from the annoyance, vexation, devilment, and trying of the irresponsible agents of a centralized bureaucracy, for we shall not only cease to be a people having control of our local affairs, but we shall have established a bureaucracy outrivaling that of Russia.

I am not a pessimist. I have abiding faith in the good sense of my countrymen in the righting of wrongs, in retracing false steps, but I say here and now, measuring my words, that this step, if taken and not promptly retraced, will prove the first long and fatal step toward entirely breaking down the bulwarks which protect the people from centralized tyranny. I shall not be surprised if it would at no distant date lead to open defiance by the people of the Federal authority sought to be exercised under it.

The motion is to suspend the rules and send this bill to conference. I apprehend that can not be defeated, as Members believe if the bill is not put in conference now it will fail; but if this motion carries I hope to secure an opportunity to move to instruct the conferees to disagree to this item and to debate it. If the opportunity for debate is secured I believe the House will reject the Senate amendment.

Mr. LAMB. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, the amendment which has just been called to the attention of the House by the gentleman from Wyoming [Mr. MONDELL] includes what is known as the migratory bird bill—a bill to protect birds during the breeding season in different sections of the country. It has been argued that the States should make proper restrictions to prevent the destruction of birds in the nesting season. Many of the States have legislated on this subject, but frequently have not legislated intelligently, and many of them have not legislated at all, the result being that the destruction of birds is going on which will mean the elimination of many species within a reasonable time. I have here an example which I want to call to the attention of the House. It is only one of many which might be instanced. This map which I hold here indicates the flight

[indicating the location] of the Wilson snipe, a well-known bird, and its location at different dates during the spring. For instance, March the 10th it is on this line [indicating]; March 20, on that; March 30, there; April 10, there; April 20, there. This color on the map shows the States where legislation has been passed prohibiting the shooting at different periods. Here is a State where the law goes into effect on the 15th of April, the State of Tennessee, and on the 15th of April practically all the Wilson snipe are outside of the United States—are in Canada. Here is a State, the State of Oklahoma, where the law goes into effect May 1, and every Wilson snipe is hundreds of miles north of Oklahoma on May 1. The result is that the law is so ineffective that Wilson snipe is being rapidly destroyed.

Mr. COX. Will the gentleman yield for a question there?

Mr. WEEKS. Yes.

Mr. COX. Who prepared that?

Mr. WEEKS. It was prepared at the Biological Bureau of the Department of Agriculture.

Mr. COX. The head of which is Mr. Palmer?

Mr. WEEKS. The chief of which division is Dr. Palmer.

Mr. SHACKLEFORD. Does the gentleman think the thinning out of the snipe has contributed very much to the high cost of living which now prevails?

Mr. WEEKS. I think it has something to do with the high cost of living, and I think it will have more to do with it in the future.

Mr. HAMILTON of Michigan. Will the gentleman permit me to inquire of him if it is not true that the indiscriminate killing of wild pigeons has practically exterminated them?

Mr. WEEKS. There is not a wild pigeon alive in the United States to-day, and within the memory of man they nearly furnished sufficient game food for the localities where they existed.

Now, this bill not only applies to game birds, but it applies as well to insectivorous birds. It is well known that there are birds that will eat their own weight in insects in a single day.

Mr. FOWLER. Will the gentleman yield?

Mr. WEEKS. I will for a brief question.

Mr. FOWLER. Are there not wild pigeons in the mountains of California to-day?

Mr. WEEKS. I think there is not a wild pigeon in the United States.

Mr. LONGWORTH. Will the gentleman allow me to correct him? There is one wild pigeon in the zoological park in my city.

Mr. WEEKS. The gentleman from Ohio says that there is a wild pigeon in the zoological park in the city of Cincinnati, but I want to correct him. That pigeon has died.

Mr. LONGWORTH. Then it has died since election. [Laughter.]

Mr. WEEKS. The election killed lots of pigeons. [Laughter.] A reward of $1,000 had been offered by a society to find another pigeon to mate that one before it died, and the reward was never claimed. It was impossible to find a pigeon. Now, this bill applies, as I have said, not only to game birds, but to insectivorous birds, and, as I have said, there are many birds which eat their weight in insects in a single day, and a young robin will eat 16 feet of angleworms in a single day. We are appropriating millions of dollars in one form or another to kill insects in this country, and they are very largely the food of birds. We are trying to produce parasites which will destroy certain kinds of insects for whose destruction we are appropriating in the Agriculture appropriation bill hundreds of thousands of dollars a year, and yet we are allowing the unlicensed killing of birds that are doing exactly what we are trying to develop through these appropriations for the Agricultural Department.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. WEEKS. Yes.

Mr. SAUNDERS. The vital question here is one of power. What section of the Constitution affords authority to enact a provision of this kind?

Mr. WEEKS. We will come to that in a moment. Another gentleman will take up that phase of the question.

I want to add that the gentleman from Wyoming [Mr. MONDELL], who has opposed this bill on two or three occasions, is apparently representing himself, and not even representing his own State. I have in my hand a resolution passed by the Wyoming Legislature indorsing this bill in these terms:

House joint memorial 3.

Whereas there have been introduced in Congress three bills (H. R. 36, H. R. 4428, S. 2367) to afford Federal protection to migratory game birds; and

Whereas there is a very general sentiment in this State in favor of such protection, and an urgent request for the enactment of such a law has been made, as appears by the numerous petitions received: Now therefore

Resolved (the senate concurring), That Congress be, and hereby is, requested to enact a law giving ample protection to migratory game birds.

Resolved, That the legislatures of all other States of the United States, now in session, or when next convened, be, and they are hereby, respectfully requested to join in this request by the adoption of this or an equivalent resolution.

Then it goes on with other paragraphs referring to the same subject. It is signed by the speaker of the house of representatives, the president of the senate, and approved by Joseph M. Carey, governor, on February 17, 1913. [Applause.]

Wyoming is the eleventh State the legislature of which has passed resolutions approving this legislation.

When the hearing was held before the Committee on Agriculture, 44 States were represented by the game commissioners, by the governors, and by others interested in this subject. The game protection societies, the Audubon Society, and a large number of associations, which believe in preserving the birds, were there at great expense to themselves, solely because they recognize the importance of the legislation and especially that there should be no delay in taking action.

Mr. GRAHAM. Will the gentleman yield?

Mr. WEEKS. I yield.

Mr. GRAHAM. I had a telegram from the State game warden of Illinois yesterday saying that 100,000 sportsmen in the State of Illinois asked me to vote for the measure under consideration.

Mr. LINTHICUM. The gentleman from Wyoming [Mr. MONDELL] thinks it ought to be done by State law. Does not the gentleman find it hard to enforce State law, by reason of the fact of the friendships of the game wardens?

Mr. WEEKS. There is an important point in that suggestion. I have illustrated by this little map that it is impossible to rely on State laws in order to secure effective results.

Mr. HAY. How many employees will it take to enforce this law?

Mr. WEEKS. This bill proposes $10,000. That is the amount of money carried.

Mr. HAY. Does the gentleman believe that $10,000 or ten times $10,000 will be enough for the employees who will be necessary to carry out the provisions of this law?

Mr. WEEKS. My own judgment is that States will pass laws which will accord with the rules that will be made by the Department of Agriculture, and practically the enforcement of this law will be left in the hands of the game wardens of the States, just as the enforcement of other laws applying to such subjects are left with the State authorities.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. WEEKS] has expired.

Mr. LAMB. Mr. Speaker, I desire to take one minute of time to reply to a question asked by my colleague [Mr. HAY] of the gentleman from Massachusetts [Mr. WEEKS]. We asked this question during the hearings before the Agricultural Committee, and they thought $10,000 would do in cooperation with the wardens in the States and State authorities.

Mr. HAY. What guaranty do we have that there will be that cooperation that the gentleman speaks of?

Mr. LAMB. A number of States have petitioned for this legislation; that will have to be tested.

Now, Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. Moss].

The SPEAKER. The gentleman from Indiana [Mr. Moss] is recognized for three minutes.

Mr. MOSS of Indiana. Mr. Speaker, I will not attempt a I will leave that field for those who will oppose this measure and who can give no other reason for their opposition. I will venture to assert this early in the discussion, that not a single objection will be urged other than a lack of national power under the Constitution. I have very great respect for the constitutional limitations of our Government; but I am tired of hearing the Federal Constitution pleaded as a bar to rational and progressive legislation, thereby placing the National Government on the wrong side of many questions which so greatly affect the welfare of our people. Every State in the Union recognizes by its legislation that bird life should be protected, and this proposed enactment is simply to place the National Government in active cooperation with the States in discharging this necessary obligation to the general welfare. If it is lawful and right that the States should protect bird life, it should not become unlawful for the National Government to engage in this work in harmony and cooperation with the States. These two sovereignties are now intimately cooperating in various activities to advance the agricultural interests of our Nation, and this proposition is but one further recognition of this mutual relationship and the advantages which come from harmonious action between State and Nation.

This issue is strictly one affecting practical agriculture. I shall not attempt to justify this legislation by pleading the love of a naturalist. Sentiment is fast giving way before that wholesome doctrine that the greatest happiness of the greatest number should be the end and the aim of progressive legislation. We have here presented a choice between protecting man's friends or his foes in the fields of productive labor. Birds are the natural friends of the farmer, and all their natural activities go toward diminishing the increase of noxious insects which prey on the cultivated crops of the farm and orchard. Where birds exist in normal number destructive insects can not exist in abnormal number. This is the balance in nature. If insects were to be unopposed, their increase would soon devastate farm and forest.

In a report made by a Senate committee it is authoritatively stated that one pair of potato bugs will produce from fifty to sixty million in one season, and that one pair of brown gypsy moth in their natural increase if unopposed by any destructive agencies would defoliate the forests of the United States in eight years. These statements are not exaggerated. We are spending vast sums of money, both public and private funds, in fighting the increase of insect life which was unknown to our fathers. The Nation's losses in these directions are not less than $800,000,000 per year, a sum twice as great as is required to build the Panama Canal. We are spending less than half this vast sum in support of our Army, Navy, and pension bureau every year. If these losses were to be overcome, it would soon pay the national debt. It is a toll laid on every citizen of our country, because it is one of the potent causes of the high prices of food products. As a Nation we have wantonly destroyed our bird life just as we have squandered other of our vast natural resources; and now that our Nation is approaching the hunger line, we are told that we have no national power to protect God's creation from destruction and thereby promote our own national and individual welfare.

We are beginning a national campaign of education along agricultural lines. This is a great and a most worthy work. Yet a man can not always roll a stone uphill without exhausting his energy and strength. We can not upbuild a rational system of agriculture unless we take cognizance of the forces in nature, protect our friends and destroy our enemies. This has been true from the beginning and will remain true until the end. Despite all that State and Nation is doing toward agricultural education, our production per acre is remaining stationary and is decreasing per unit of population. Under these circumstances there ought to be no objection to the passage of this measure, which adds national protection to that now given the birds by the State. I do not know whether it is constitutional, but I do know that it is eternally right and in the end right will prevail.

This is all I have to say, Mr. Speaker.

The SPEAKER. The time of the gentleman has expired.

Mr. LAMB. Mr. Speaker, I yield one minute to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD by inserting an able article on "The Economic Value of Birds to the Farmer," by Prof. R. J. H. de Loach, a distinguished specialist. Prof. de Loach formerly resided in Bulloch County, Ga., but is now connected with the University of Georgia and resides at Athens, Ga.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Following is the article referred to:

BIRDS—THEIR RELATIONSHIP TO THE FARMER.

Many there are who regard the study of birds only for the eccentric, the odd, or even the cranky. This view was not unreasonable perhaps till recently, when so many merits of birds have been discovered, and the United States Biological Survey has taken the matter up and made an exhaustive study of birds in their relation to man. It having been learned that birds are useful, a great many bird societies have been organized for an extensive study of the subject, and among these the most important probably are the American Ornithologists Union, the Audubon Society of America, the Wilson Society, and a great many others of less importance. These societies have reached almost all the States and have created a most wholesome sentiment in favor of bird study and even bird protection, and I might say have so completely changed the viewpoint that one is now considered the exception who does not have some regard at least for the subject.

There are those who still hold to the idea that a desire for sport and the outdoor life is the only impulse that impels one to get acquainted with birds. Such views are unjust and do not credit birds with economic value. When one calls the study a fancy or a hobby, his remarks are narrow and based on unfamiliarity with the subject. Bird study is not only a most enjoyable avocation and even vocation with some, but when systematically pursued leads to an understanding of birds in relation to their own environment, of their relation to man, and proves to be a subject of great economic importance.

It is the duty and should be the pleasure of every citizen to do all in his or her power to protect these valuable creatures and to encourage them to remain about our homes. The best means of accomplishing this end is to disseminate knowledge concerning them. When we consider the number of enemies birds have to contend with we often wonder that they do as well as they do. In order of importance their enemies rank as follows: Man, the elements, accidents, cats, other animals, birds of prey, and snakes. Each of us can play some part in lessening the unnatural dangers that lurk along their pathway. In order to do so we must know the bird and his environment, his habits, his uses, and his difficulties. We must feel a personal interest in him. The question arises, How are we going to begin a study of birds, or what must we have to begin with?

Every bird student should have a handbook, or bird manual, a good pair of field glasses, a standard notebook and pencil, and keen ears and sharp eyes. The whole outfit, except the eyes and ears, will not cost more than $15 or $20. The first lessons are most fruitful if taken in our back or front yards, for then we can take leisure and learn just how a live uncaged bird behaves. The blue jay is a good subject to begin with. No one knows all about this familiar and noisy visitor.

In order to make a successful bird student one must learn to step lightly, talk little, and see and hear everything. A little patience is necessary, but the joy that the study will bring more than justifies the effort.

When you are sure of being in a bird community, or where they are in the habit of visiting and feeding, stand still for several moments at a time, and all the birds seem to come your way. As the procession passes on keep absolutely quiet, and perhaps you will hear some rare music and see some gay colors, all probably strangers to you. Two or three experiences like this will win you to the defense of the birds. You simply can not resist the temptation to get out and learn to name them. In winter, spring, and autumn midday is the time to find birds, but in summer most of the sweetest songs are to be heard in the early morning or late afternoon. Sometimes you will find identification a very difficult problem, but the task grows easier with each visit to the woods, especially if you will use your bird manual between visits and can have access to colored plates.

Within a short time you will be able to identify most birds by their voices alone, so characteristic are they when you know them. Who would not be able to recognize the song of the mockingbird or the caw of the crow? To the bird student the voice of the American goldfinch, the kinglet, the wren, and the vireos is just as characteristic.

According to Burroughs's Wake Robin, birds are generally divided into two large classes—land birds and water birds. In the present paper our purpose will be to give a superficial outline of land birds, with some detailed study of a few of them. The greater number of our land birds are warblers, vireos, flycatchers, thrushes, and finches. The warblers are the most puzzling and probably the most interesting. They are the true wood birds, and you must go to the woods to study them. They are peculiar to America and consist of about 100 species, 70 of which visit the United States. They feed almost exclusively upon insects.

The vireos are a kind of connecting link between warblers and flycatchers and partake the nature and characteristics of both. Only about 15 of the 50 known species are common in the United States. Almost anyone can become acquainted with four of them—the red-eyed, white-eyed, warbling, and solitary vireos.

The flycatchers, usually famous for their pugnacious dispositions, are not properly song birds, but have marked characteristics. They not only fight among themselves, but are continually quarreling with their neighbors. We have about 35 species in the United States, prominent among which are the kingbird, pewee, phoebe, and the great-crested flycatcher.

The thrushes are the birds of real melody, and afford more delight perhaps than any other class. The American robin is the most familiar example. Other prominent members of the family are the wood thrush, the hermit, the veery, and the olive backed. Only about 12 species inhabit the United States.

The finches are usually distinguished by their short conical bills and forked tails. They are our greatest weed-seed eaters, and hence are not as migratory as other birds. We have close to 100 species in the United States. Among them are the sparrows, goldfinch, etc.

Among those not classed above are the thrashers, bobolink, tanagers, wrens, and kinglets, the mocking bird being classed with the thrashers.

Bird literature may be divided into scientific and popular, or systematic and sentimental, and a third which is a combination of the two. Audubon is by far the greatest ornithologist that ever lived, and everyone should have the pleasure of examining his great work, termed by one critic "the greatest monument that art ever erected to nature." On the desolate coast of Labrador he was far happier than any king ever was. So enthusiastic was he and such a master of English that many of his descriptions are poems.

Wilson is our next greatest ornithologist. He was a contemporary of Audubon and had the same love for the birds, but possibly less enthusiasm. Nuttall, the great botanist, was also a true ornithologist, and excels them all in his descriptions of bird songs. Within the last half a century many ornithologists have developed, some of them extremely scientific and others almost too popular. Among the scientific group are Ridgeway, Baird, Brewer, and Coues, Chamberlain and Allen. Among the popular of a high order are Chapman, Sharpe, Brewster, Torrey, and Burroughs. Those who have given special attention to the economic study of birds are C. Hart Merriam, E. H. Forbush, C. M. Weed, and Ned Dearborn. I mention only a few prominent names in connection with each group. Many others in each line of work are doing much to extend the study of birds. Our leading bird magazines are American Ornithology, Bird Lore, the Condor, and the Auk.

Much poetry has been written on birds and bird life, the most famous being Shelly's To a Skylark, Wordsworth's Cuckoo, and Bryant's Bobolink.

II.

Some of our bird laws are good indeed, but the lawmakers remind us of the worldly man who was asked by his pious neighbor to plant a small patch on his farm for the Lord. After much persuasion, the wordly man decided to do so. In the autumn when the church member came around to get the proceeds of the little patch for the Lord, the wordly neighbor said, "Yes; I planted that patch out thar for the Lord, but He never looked after it, and it made nothing." The lawmakers seem to think that all is accomplished when they have passed bird laws, when in reality the work has just begun. Such laws should be rigidly enforced.

In fact, native birds are one of the Nation's most valuable assets. Destroy them, and in a comparatively short time the insects will have multiplied to such an extent that trees will be denuded of their foliage, plants will cease to thrive, and crops can not be raised. This is not fancy, but plain facts.

The chickadee returns to her brood about 200 times a day with not less than 25 plant lice each time for the young. It has been found

that a cuckoo consumes daily from 50 to 400 caterpillars or their equivalent, while a chickadee will eat from 200 to 500 insects, or up to 4,000 insect or worm eggs. One hundred insects a day is a conservative estimate of the quantity consumed by each individual insectivorous bird. By carefully estimating the birds in several areas, it has been found that in Massachusetts there are not less than five insect-eating birds per acre. Thus the State, with its 8,000 square miles, has a useful bird population of not less than 25,600,000, which, for each day's fare, requires not less than the enormous total of 2,560,000,000 insects. Or better to express such figures in common measurements, 120,000 average insects fill a bushel measure. This means that the daily consumption of chiefly obnoxious insects in Massachusetts is about 21,000 bushels. This estimate is good for above five months in the year—May to September, inclusive; during the remainder of the year the insects, eggs, and larvæ destroyed by the winter, late fall, and early spring migrants will be equivalent to nearly half this quantity.

On the 23d of June, 1885, the Legislature of Pennsylvania passed an act known as the "scalp act," ostensibly for the benefit of agriculture, which provides a bounty of 50 cents each on hawks, owls, weasels, and minks killed within the limits of the State and a fee of 20 cents to the notary or justice taking the affidavit. The following is from Dr. Merriam's report:

"By virtue of this act about $90,000 has been paid in bounties during the year and a half that has elapsed since the law went into effect. This represents the destruction of at least 128,571 of the above-mentioned animals, most of which were hawks and owls.

"Granting that 5,000 chickens are killed annually in Pennsylvania by hawks and owls, and that they are worth 25 cents each—a liberal estimate in view of the fact that a large proportion of them are killed when very young—the total loss would be $1,250, and the killed in a year and a half would be worth $1,875. Hence it appears that during the past 18 months the State of Pennsylvania has expended $90,000 to save its farmers a loss of $1,875. But this estimate by no means represents the actual loss to the farmer and the taxpayer of the State. It is within bounds to say that in the course of a year every hawk and owl destroys at least a thousand mice or their equivalent in insects, and that each mouse or its equivalent so destroyed would cause the farmer a loss of 2 cents per annum. Therefore, omitting all reference to the enormous increase in the numbers of these noxious animals when nature's means of holding them in check has been removed, the lowest possible estimate of the value to the farmer of each hawk, owl, and weasel would be $20 a year, or $30 in a year and a half.

"Hence, in addition to the $90,000 actually expended by the State in destroying 128,571 of its benefactors, it has incurred a loss to its agricultural interests of at least $3,857,130, or a total loss of $3,947,130 in a year and a half, which is at the rate of $2,631,420 per annum. In other words, the State has thrown away $2,105 for every dollar saved. And even this does not represent fairly the full loss, for the slaughter of such a vast number of predacious birds and mammals is almost certain to be followed by a corresponding increase in the numbers of mice and insects formerly held in check by them, and it will take many years to restore the balance thus blindly destroyed through ignorance of the economic relations of our common birds and mammals.

"The legislators of Pennsylvania were not slow to see their mistake, and a State ornithologist was appointed, and through his efforts this ruinous and absurd law was soon repealed."

Practically all living animals of appreciable size as well as most plants that are visible to the unaided eye furnish food for certain insects. Other insects feed upon dead animals, dead trees, or other decaying animal or vegetable matter. A certain larva has been known even to tunnel into marble. Those insects which feed on live vegetation or living animals are capable of doing great harm if they increase unduly, while those that feed only on dead animals or dead and decaying vegetation may do good in nature, but may also do harm or be of great injury by destroying hides, furs, preserved meats, or clothing.

Birds afford a natural check upon the injurious insects, and wherever forests denote the presence of great numbers of destructive caterpillars or grasses indicate that grubs are destroying the grass roots the birds are not slow to assemble and help restore equilibrium.

Wilson Flagg says, after long years of study, that each species of bird performs certain services in the economy of nature, which can not be so well accomplished by any other species. There are millions of birds in the United States and the sun never passes across the heavens but what they all make some special effort to obtain food. A small per cent of this food in certain seasons is the food of man, and the bird is condemned for eating it, without even considering whether he has been of any service in saving the food from predaceous insects. But most of the food of birds is either injurious insects or noxious weed seeds, the very crops which when left alone give man more trouble than all else combined. It seems that we too often fail to see that we are dependent on birds for protection.

The white-throat sparrow, one of our common winter residents is preeminently a weed seed destroyer and is noted for its love of ragweed, smartweed, knotweed, bindweed, and other members of the polygonum genus. If we estimate that there are about 5 of these birds to the square mile in Georgia for 7 months in the year, from October till April, inclusive, there would be about 297,250 birds in the State, and if each bird ate an eighth of an ounce of weed seeds in a day this species alone would eat 37,156 ounces per day, or 2,322 pounds, or over a ton per day. Extend this over a period of 210 days and it makes 243 tons of these noxious weed seeds destroyed by the white throat alone each year. But this does not represent his worth to the farmer yet, for he eats insects also along with his other diet, and there are probably more individuals of this species in Georgia than I have represented. The robin, though a lover of cherries, feeds largely on the white grub, cutworms, grasshoppers, March flies, and ground beetles. Who shall point the finger of scorn or the loaded gun at him and say he is not worthy of life? One writer has said he is our most native and democratic bird.

Over a million dollars were expended in Massachusetts in less than 10 years to destroy the gypsy moth, and one Gen. Samuel C. Lawrence spent more than $75,000 on his place to get rid of the pest. It has been found recently that the natural enemies of this very predacious insect are largely birds, those which follow having been seen feeding upon the larvæ or caterpillars, viz, black-billed cuckoo, rose-breasted grosbeak, catbird, red-eyed vireo, yellow-throated vireo, and possibly the chickadee, black and white creeper, crow, blue-jay, phoebe, pewee, kingbird, towhee, scarlet tanager, chestnut-sided warbler, yellow warbler, downy woodpecker, redstart, Baltimore oriole, and yellow-billed cuckoo. Does it not pay better to protect the birds than to try artificial means for controlling such insects? Massachusetts thinks so, and has done everything to give the birds a fair showing.

The chickadee holds in check the tent caterpillar by eating the eggs.

The white-breasted nuthatch feeds largely on scale insects and their eggs.

The wood pewee feeds on moths, beetles, flies, gnats, mosquitos, and other small flying insects.

Robins and catbirds eat the famous cecropia moth, one of the worst enemies of groves and orchards.

The Mexican cotton boll weevil that has cost the United States Government so much money, probably about $1,000,000 in direct appropriations, and $5,000,000 to the growers in lessening the crop production, can not be controlled by man, but the following birds are proving almost a specific remedy against the weevil—six species of orioles, the nighthawk, the martin, the bank swallow, the barn swallow, the rough-wing, and the cliff swallow.

Many other species have been known to eat the weevil. Boys who are ever ready to kill with sling shot and pot-iron gun every bird that dares to rise before them are lessening the numbers of these birds every year.

The jay bird, the cuckoo, and the shrike are enemies of the smaller birds, but do more good in a day's work than they do harm. The English sparrow eats fewer insects than most other birds, and at the same time keeps more valuable birds from about towns and farm settlements.

Thus far I have brought to your attention only the purely economic relation of birds to the farm. Shall I not take a moment to prove that a knowledge of birds will bring greater reward even than this? Can we afford to close a paper on birds without suggesting their influence on human life? Perhaps we have not thought of all the factors that go to make strength of character. Nature, when understood, wields a powerful influence on human character.

In the early history of England, the Druids had for their temples of worship greenswarths overshadowed with large branching oaks and their hymns a mingling of the voices of nature during the day, while at night they listened silently to the music of the stars, and I often wonder if our modern methods of worship are more wholesome.

I approach this last phase of the subject with a considerable degree of enthusiasm, since, if my acquaintance with the birds has meant anything it has meant a heightening of my sense of the beautiful in nature. It has been the means of putting me in the proper attitude to enjoy nature. The bird adds beauty to the landscape and invests it with a personality. Nuttall says: "Of all the classes of animals by which we are surrounded in the ample field of nature, there are none more remarkable than the feathered inhabitants of the air. They play around us like fairy spirits, elude approach in an element which defies our pursuit, soar out of sight in the yielding sky, journey over our heads in marshaled ranks, dart like meteors in the sunshine of summer, or, seeking the recesses of the forest and the waters, they glide before us like beings of fancy."

Chapman says: "Birds because of their beauty, the charm of their songs, and the ease with which they may be observed, are doubtless the forms of animal life which first attract the young naturalist's attention. His interest in them gives evidence of an inborn love of nature. Too often this priceless gift is lost simply through lack of encouragement and instruction. Properly developed it should prove a never-failing source of pleasure and inspiration, if indeed its influence does not become the most potent factor in our lives."

Forbush says: "The beauty of birds, the music of their calls, the majesty of their soaring flight, the mystery of their migrations have ever been subjects of absorbing interest to the poets, artists, and nature lovers everywhere. Prominent among the undying memories of men are mental pictures of the birds of childhood, their coming in the spring, their nesting, and their chosen haunts. Many an exiled emigrant longs in vain to hear again the outpouring melody of the skylark as it soars above the fields of England."

May we not add that their songs now heard from the leafy groves and shadowy forests inspire delight or recollection of the pleasing past in every breast? How volatile; how playfully capricious. How musical and happy are these roving sylphs of nature, to whom the air, the earth, and the water are alike habitable.

The study is growing more popular every year, and once interested means to leave off many other kinds of sport. What is there to a game of tennis, or golf, or hockey? Health and nothing more. Per se, the game is nothing but momentary pastime. How different it is with bird study. Here you find health in your rambles and at the same time get an insight into the beauties of nature. To know the birds is to have useful resources of life. You become a friend of the birds and help protect them, and in this way prove a benefactor to the human race as well as to the bird race.

So inspiring have I found the pursuit of bird study that I have chosen to take a day with them many times instead of going to the circus or to the polls. For may we not serve better by catching a glimpse of nature's laws and help to vindicate them than to help elect to the modern political office? Again, does it not prove more satisfactory to see nature as it is than to stand around the offensive circus ring and watch and sympathize with caged animals and birds, and I had almost said people?

Literature is full of reference to birds, and every Bible reader well remembers the oft-quoted expression, "The voice of the turtle is heard in the land." Who has not heard the cooing of the dove has missed one of the finest treats nature has to offer.

Shakespeare makes over 600 references to birds and bird life, and in all literature from the earliest down to the present the bird holds a prominent place. The makers of literature are generally people who think and control the destinies of nations, and surely if they all have recognized the æsthetic value of the study of birds that is an additional reason why everybody should have some feeling for the study.

Shall I ever forget the old mulberry tree in our yard down on the farm, where I first learned to love the birds. My love for them at that time was mingled with savagery, for I always thought to have a crossbow or slingshot near at hand, and took advantage of the birds to develop, as Maurice Thompson would say, "The witchery of archery." But it was there that I learned to name most of the birds that visit southeast Georgia, and sometimes I long to live those days over. Now the old mulberry tree is almost a wreck and the birds seem not to visit there as they once did.

All young people are born naturalists, and for the safety of agriculture, horticulture, and floriculture, as well as forestry, should be trained in their early lives. Generally the uninstructed student of birds begins his study by making a collection of eggs, observes Mr. Chapman, without learning anything useful about the birds. With our bright-eyed youths bubbling over with enthusiasm and energy, how much good they may be led to accomplish by a few well-directed lessons on birds. One young chap who had not been properly trained boasted that he had robbed 10 robins' nests in one season, and the season was not over then.

Let us turn the tide and flood the little minds that are committed to our care with the sweet influences of bird music. Let us erect a monument of our fitness to lead in their memories by bringing to their attention before it is too late some of the best and most substantial avenues to happiness. Have we not seen from the record of other bird lovers that "he who, in the still forest of evening, harkens to the exquisite notes of the hermit thrush—that voice of nature, expressing in sweet cadences of pathos and ineffable mystery—experiences amid the falling shades of night emotions which must humble, chasten, and purify the most upright and virtuous of men."

Have you ever been to the woods to catch the first morning melody of the wood thrush or the hermit? Have you ever been out at midday in August and heard the indigo bunting repeat its tree-top strain for more than a half hour at a time? Have you ever been to the woods late in the afternoon and into the evening and heard the robin heavenward lift his evening hymn or the vesper sparrow sing her sweet farewell to the dying day? Have you ever heard the cheerful notes of the bluebird as she wended her way northward on a clear, cool March morning? Too few of us, I fear, have experienced these pleasures, and yet they are among the richest that heaven and earth offer.

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LAMB. Now, Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. ANTHONY].

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] is recognized for two minutes.

Mr. ANTHONY. Mr. Speaker, I hope the House will agree to this provision that has been inserted in the agricultural appropriation bill by the Senate.

To my mind there is no more important section in the bill than this one, which protects the insectivorous and weed-seed eating birds of this country from the destruction that now follows them from the northern to the southern border of this country. This is a measure that will be worth millions of dollars yearly to the farmers of this country, and, aside from its economic value, the element of protection to the game birds of this country should not be overlooked.

The wild pigeons, the ducks, and the geese that used to be counted by the millions in this country have been pursued and hunted from the time of their flight from the North to the South all during the winter, and then on their return in the springtime their flight from the Gulf of Mexico to the Lakes and watercourses of Canada in the mating season; they have been all but exterminated in every State of the Union, until now there is but a small remnant of those millions of game birds left to the country.

I hope the House will agree to this provision that has been inserted in the Senate and give effect to a measure that has been demanded by both the agriculturalists and the sportsmen of the country. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LAMB. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] is recognized for one minute.

Mr. LINTHICUM. Mr. Speaker, I am particularly interested in that provision in this measure giving the protection of the Federal Government to certain migratory game and insectivorous birds. It is an act of long-delayed justice toward the birds that awakens within me memories of youth, recalling a painful incident of boyhood, in which my attention was first directed to the thoughtless cruelties practiced on these little feathered friends, who add beauty and life to our fields and forests and perform an indispensable service in every agricultural community.

I remember when a lad on our old homestead in Anne Arundel County a family of wrens built them a nest on our place. Every year we looked forward to their coming and every year they appeared regularly, occupying their pleasant quarters, raising an interesting family of young. We boys on the farm became quite familiar with the wrens; we grew to regard them as friends and would look into their nest, count the little eggs deposited there, and admire the open-mouthed, hungry nestlings which finally emerged from the tiny shells. And the wrens, never being disturbed by us, did not appear to mind our familiarity in the least.

One hot summer day my brother and I, with a small colored boy who was our inseparable companion on our jaunts about the farm, were walking along when suddenly Mrs. Wren flew up on a fence near us. Almost simultaneously we three boys each caught up a stone and threw it at her. Our aim was all too true. Poor Mrs. Wren dropped limply in her tracks. I can yet remember the look of terror and dismay which came upon the faces of my brother and our colored companion as we beheld the fatal result of our act. We knew that in the nest she had just left there was a family of little wrens too young to feed themselves, who would wait in vain for their mother's return, finally to die of slow starvation. We tried by every means in our power to revive Mrs. Wren, but our efforts were unavailing. Too late we realized the tragedy of which we had been the authors.

I do not recall any act of my life attended with more poignant sorrow than my participation in this thoughtless crime of boyhood. With tear-stained faces we gazed at one another and the dead body of the mother bird lying before us. Then, as though moved by a common impulse, the three of us dropped on our knees and prayed God to forgive us for having murdered Mrs. Wren and brought this great calamity on her family. I do not know what was the fate of the little wrens, for we boys were too ashamed to ever mention our wanton act of cruelty to anyone, nor did we ever look into the wren's nest to see what became of her helpless little ones.

But the death of that mother wren was not in vain. The enormity of our offense was so thoroughly impressed on three young minds that never again was one of us guilty of like wrongdoing, and I am proud to say that ever afterwards my rôle was that of protector of the birds instead of destroyer of them. On my farm, "Twin Oaks," at Linthicum Heights, in Anne Arundel County, there is a small forest inhabited by birds, and I would almost as soon see my own cattle mistreated as these feathered friends who sojourn with me each year, adding beauty to my place, doing a most important work in destroying insects, and enlivening the landscape with their sweet melody.

As I grew older I learned the value of the birds. I found that they served a far more useful end than that of pleasing ornaments and rich music makers. I came to understand how God had created the world and all living things, giving man dominion over all, and how the birds, through destroying the insects, did a most necessary work and were of inestimable value to mankind. I saw that if there were no birds the worms and other insects would soon multiply so rapidly that they would destroy the vegetation of the earth and it would be impossible for the farmer to raise his crops.

OBJECT OF THIS MEASURE.

Now, Mr. Speaker, I shall be brief in stating my views upon this measure, which deals with a problem vital to our agricultural communities.

The provision now under discussion aims to give the protection of the National Government to migratory birds during breeding season. It has been shown that much good has followed the enactment of similar laws by many States of the Union. Those urging the present measure justly assume that if good has come from State legislation along this line, far greater good will follow the enactment and enforcement of this law by our National Government.

The protection of the wild life of our country is of the utmost importance. Who among us does not remember the pleasure afforded by these little friends of forests and fields? Who is so fortunate as not to recall some barbarous act performed against them in his younger days, whose only excuse is that he did not know better at the time? We should begin a campaign of education, teaching not only the pleasure to be had from a closer acquaintance with our bird friends, but also the benefits which the farmers derive from their presence. To many it has never occurred that man is the only living creature who takes life for sport or pleasure; others take life, but when they do so it is always for food or in self-defense—never for pleasure alone.

The history of our treatment of the birds presents a case in which man has not only taken life principally for pleasure, but in which in doing so he has cruelly butchered faithful little servants placed here to add color and life to the fields and forests, to fill the land with their glad songs, and to work for his interests all the long day.

Legislation alone will never assure that complete protection toward which this measure is a step. Real protection will come through educating our people to the value of the birds, that they may realize the part played by them and the other inhabitants of our forests and fields and streams as economic factors in our everyday life. Unless backed by strong sentiment and effective public cooperation, legislation will accomplish little.

The gentleman from Massachusetts [Mr. WEEKS] has cited an example showing the inadequacy of the laws in many States. In some States many of these valuable migratory birds are not protected at all. In others hunters are prohibited from killing them during periods when the birds are not in those States at all and free to kill them when they are there. Now, when the inadequate legislation of one State results in destroying the natural rights of another State by depriving it of the presence and enjoyment and valuable services of the birds I think it time for Uncle Sam to step in and say, "Hands off, gentlemen; these

birds belong to all the States, and I shall see that they are protected for all."

VALUE OF BIRDS.

Mr. William T. Hornaday, in his excellent work, Our Vanishing Wild Life, sagely observes:

The same kind of common sense that teaches men to go in when it rains and keep out of fiery furnaces teaches us that as a business proposition it is to man's interest to protect the birds. Make them plentiful and keep them so. When we strike the birds we hurt ourselves. The protection of our insect-eating and seed-eating birds is a cash proposition—protect or pay.

Were I a farmer no gun ever should be fired on my premises at any bird save the English sparrow and the three bad hawks. Any man who would kill my friend Bob White I would treat as an enemy. The man who would shoot and eat any of the song birds, woodpeckers, or shore birds that worked for me I would surely molest.

Illustrating the value of birds I quote from that splendid paper by Prof. R. J. H. de Loach on The Economic Value of Birds to the Farmers. He says:

The white-throat sparrow, one of our common winter residents, is preeminently a weed-seed destroyer and is noted for its love of ragweed, smartweed, knotweed, bindweed, and other members of the polygonum genus. If we estimate that there are about 5 of these birds to the square mile in Georgia for seven months, in the year, from October until April, inclusive, there would be about 297,250 birds in the State, and if each bird ate an eighth of an ounce of weed seeds in a day this species alone would eat 27,156 ounces per day, or 2,322 pounds, or over a ton per day. Extend this over a period of 210 days and it makes 243 tons of these noxious weed seeds destroyed by the white throat alone each year. But this does not represent his worth to the farmer yet, for he eats insects also along with his other diet, and there are probably more individuals of this species in Georgia than I have represented.

The chickadee returns to her brood about 200 times a day with not less than 25 plant lice each time for the young. It has been found that a cuckoo consumes daily from 50 to 400 caterpillars or their equivalent, while a chickadee will eat from 200 to 500 insects, or up to 4,000 insects or worm eggs. One hundred insects a day is a conservative estimate of the quantity consumed by each individual insectivorous bird. By carefully estimating the birds in several areas it had been found that in Massachusetts there are not less than the enormous total of 2,560,000,000 insects. Or better to express such figures in common measurements, 120,000 average insects fill a bushel measure. This means that the daily consumption of chiefly obnoxious insects in Massachusetts is about 21,000 bushels. This estimate is good for about five months in the year, May to September, inclusive; during the remainder of the year the insects, eggs, and larvæ destroyed by the winter, late fall, and early spring migrants will be equivalent to nearly half this quantity.

Prof. de Loach recites that—

Over a million dollars were expended in Massachusetts in less than 10 years to destroy the gypsy moth, and one Gen. Samuel C. Lawrence spent more than $75,000 on his place to get rid of the pest. It has been found recently that the natural enemies of this very predacious insect are largely birds, those which follow having been seen feeding upon the larvæ or caterpillars, viz, black-billed cuckoo, rose-breasted grosbeak, cutbird, red-eyed vireo, yellow-throated vireo, and possibly the chickadee, black and white creeper, crow, blue jay, phoebe, pewee, kingbird, towhee, scarlet tanager, chestnut-sided warbler, yellow warbler, downy woodpecker, redstart, Baltimore oriole, and yellow-billed cuckoo.

The chickadee holds in check the tent caterpillar by eating the eggs.

The white-breasted nuthatch feeds largely on scale insects and their eggs.

The wood pewee feeds on moths, beetles, flies, gnats, mosquitos, and other small flying insects.

Robins and catbirds eat the famous cecropia moth, one of the worst enemies of groves and orchards.

The Mexican cotton-boll weevil, that has cost the United States Government so much money, probably about $1,000,000 in direct appropriations and $5,000,000 to the growers in lessening the crop production, can not be controlled by man, but the following birds are proving almost a specific remedy against the weevil: Six species of orioles, the nighthawk, the martin, the bank swallow, the barn swallow, the rough wing, and the cliff swallow.

Many other species have been known to eat the weevil. Boys who are ever ready to kill with sling shot and pot-iron gun every bird that dares to rise before them are lessening the numbers of these birds every year.

According to Prof. de Loach, "Wilson Flagg says, after long years of study, that each species of bird performs certain services in the economy of nature, which can not be so well accomplished by any other species. There are millions of birds in the United States, and the sun never passes across the heavens but what they will make some special effort to obtain food. A small per cent of this food in certain seasons is the food of man, and the bird is condemned for eating it without even considering whether he has been of any service in saving the food from predaceous insects. But most of the food of birds is either injurious insects or noxious weed seeds, the very crops of which when left alone give man more trouble than all else combined. It seems that we too often fail to see that we are dependent on birds for protection."

ROBIN REDBREAST.

When we know the bids better and learn to distinguish one species from another we grow to have our preferences just as we now have a stronger liking for one person than another, because of some prominent trait of character which appeals to us. And the better acquainted we get with the birds the more human-like we find them.

There is the robin with his red breast, stately and erect. Every time I see him there is suggested that poem of childhood, "Who killed cock robin?" Nor shall I ever forget the noble part he is assigned in that tragic tale of juvenile books, The Babes in the Wood. You will remember that after the cruel uncle, intrusted with their care, had abandoned the helpless children in the deep wood in order to destroy them and secure their lands, and death had sealed their eyes in peaceful sleep, it was the robins who tenderly covered them with golden-brown leaves of the forest, giving them a tomb which any king might envy.

The food of the robin is: Insects, 40 per cent; wild fruit, 43 per cent; cultivated fruit, 8 per cent; miscellaneous vegetable food, 5 per cent; yet, Mr. Hornaday tells us in his book on Our Vanishing Wild Life that in Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Florida, and our own State of Maryland the robin is legally shot and eaten. As indicating how they are slaughtered in some of these States, he tells of one small hamlet of Tennessee which "sent to market enough dead robins to return $500, at 5 cents per dozen; which means 120,000 birds."

THE MARTIN.

My grandfather found, soon after he settled in Anne Arundel County, that the black martins would chase away all crows and therefore was anxious to have them come and live on his place each year when they moved to our section of the country. Probably you have seen the martin. He is a very black bird, less than one-fifth the size of a crow, only infinitely more swift in his flight and a much better fighter. Unlike the crow, the martin is not destructive to anything about the farm. There are two kinds of martins, the black martin and the bee martin. The black martin is not a song bird; his language is a chatter, but he can spy a crow at the longest distance, and when he sees one he will dart after him making a noise which sounds like Zee! Zee! Zee! and Mr. Crow is very glad to seek other sections and escape his ferocious attacks.

Grandfather erected a large bird box for the black martins and welcomed them to his farm, and in this box they would settle each year—the whole family, a very numerous lot. Unlike the bee martin, which will make its nest almost any place, the black martins insist upon having a good home and will not come unless assured they can find comfortable quarters. In fact, so particular are they that each year they send out scouts in advance to locate homes. These scouts go to the places to which the martins contemplate moving and return to the family and report if good quarters can be obtained, and if a good home can not be had the black martins will go elsewhere.

After grandfather died my father occupied his farm and we learned more about the martins. One year after the martin family left, the sparrow family moved into the bird house. My father did not notice that the martins' quarters were occupied by the sparrows, or else he neglected to clean them out, for the scouts of the martins who came found the bird house occupied by the sparrows, and so the martins did not come at all that year. We missed them greatly, and next year father took care that the sparrow family was moved out early in the spring, so that when the martin scouts came they would find everything in readiness for occupancy. The scouts who came that year evidently made a favorable report, for one morning not many days later we folks at the house heard great chattering and excitement near the bird box and knew that the martin family had arrived.

THE BOBWHITE.

I can not better describe man's ungrateful treatment of one of his faithful bird friends than by here recording Mr. Hornaday's reference to the bobwhite:

And take the bobwhite quail, for example, and the weeds of the farm. To kill weeds costs money—hard cash that the farmer earns by toil. Does the farmer put forth strenuous efforts to protect the bird of all birds that does most to help him keep down the weeds? Far from it! All that the average farmer thinks about the quail is of killing it, for a few ounces of meat on the table.

It is fairly beyond question of all birds that influence the fortunes of the farmers and fruit growers of North America, the common quail, or bobwhite, is one of the most valuable. It stays on the farm all the year round. When insects are most numerous and busy, bobwhite devotes to them his entire time. He cheerfully fights them from 16 to 18 hours per day. When the insects are gone, he turns his attention to the weeds that are striving to seed down the fields for another year. Occasionally he gets a few grains of wheat that have been left on the ground by the reapers, but he does no damage.

The following are records of single individual meals of bobwhite:

Of grasshoppers, 84; chinch bugs, 100; squash bugs, 12; army worm, 12; cutworm, 12; mosquitoes, 568 in three hours; cotton boll weevil, 47; flies, 1,350; rose slugs, 1,286. Miscellaneous insects consumed by a laying hen quail, 1,532, of which 1,000 were grasshoppers.

F. M. Howard, of Beeville, Tex., wrote to the United States Bureau of Entomology that the bobwhites shot in his vicinity had their crops filled with the weevils. Another farmer reported his cotton fields full of quail, and an entire absence of weevils.

And yet, because of its few pitiful ounces of flesh, 2,000,000 gunners and 10,000 lawmakers think of the quail only as a bird

that can be shot and eaten. Throughout a great portion of its former range, including New York and New Jersey, the species is surely and certainly on the verge of total extinction.

Mr. Hornaday concludes his remarks on bobwhite by proposing the following toast, dedicated "To my friend, the Epicure":

The next time you regale a good appetite with blue points, terrapin stew, filet of sole, and saddle of mutton, touched up here and there with the high lights of rare old sherry, rich claret, and dry monopole, pause as the dead quail is laid before you, on a funeral pyre of toast, and consider this: "Here lies the charred remains of the farmers' ally and friend, poor bobwhite. In life he devoured 145 different kinds of bad insects and the seeds of 129 anathema weeds. For the smaller pests of the farm he was the most marvelous engine of destruction that God ever put together of flesh and blood. He was good, beautiful, and true; and his small life was blameless. And here he lies, dead; snatched away from his field of labor and destroyed, in order that I may be tempted to dine three minutes longer, after I have already eaten to satiety."

LOSSES FROM INSECTS.

According to an official report in the Yearbook of the Department of Agriculture for 1904, the table here shown gives the annual values of farm products in the United States and losses chargeable to insect pests:

Product.	Value.	Percentage of loss.	Amount of loss.
Cereals	$2,000,000,000	10	$200,000,000
Hay	530,000,000	10	53,000,000
Cotton	600,000,000	10	60,000,000
Tobacco	53,000,000	10	5,300,000
Truck crops	265,000,000	20	53,000,000
Sugars	50,000,000	10	5,000,000
Fruits	135,000,000	20	27,000,000
Farm forests	110,000,000	10	11,000,000
Miscellaneous crops	58,000,000	10	5,800,000
Total	3,801,000,000	.....	420,100,000
Animal products	1,750,000,000	10	175,000,000
Natural forests and forest products	.....	.....	100,000,000
Products in storage	.....	.....	100,000,000
Grand total	5,551,000,000	.....	795,100,000

Says Mr. Hornaday:

The millions of the insect world are upon us. The birds fight them for us, and when the birds are numerous and have nestlings to feed the number of insects they consume is enormous. They require absolutely nothing at our hands save the privilege of being let alone while they work for us. In fighting the insects our only allies in nature are the song birds, woodpeckers, shore birds, swallows, and martins, certain hawks, moles, shrews, bats, and a few other living creatures. All these wage war at their own expense. The farmers might just as well lose $8,250,000 through a short apple crop as to pay out that sum in labor and materials in spraying operations. And yet, fools that we are, we go on slaughtering our friends, and allowing others to slaughter them, under the same brand of fatuous folly that leads the people of Italy to build anew on the smoking sides of Vesuvius after a dozen generations have been swept away by fire and ashes.

Of the value of the birds to our fields, orchards, and forests this same writer adds:

Millions of Americans and near Americans, both old and young, now need to be shown the actual figures that represent the value of our birds as destroyers of the insects, weeds, and the small rodents that are swarming to overrun and devour our fields, orchards, and forests. Will our people never learn that in fighting pests the birds are worth ten times more to men than all the poisons, sprays, and traps that ever were invented or used?

We can not spray our forests; and if the wild birds do not protect them from insects nothing will. If you will watch a warbler collecting the insects out of the top of a 70-foot forest oak, busy as a bee hour after hour, it will convince you that the birds do for the forests that which man with all his resources can not accomplish. You will then realize that to this country every woodpecker, chickadee, titmouse, creeper, and warbler is easily worth its weight in gold.

WHEN THE BIRDS ARE GONE.

What happens when the birds are destroyed is well shown in an article in the Zoological Society Bulletin for January, 1909, from Richard Walter Tomalin, of Sydney, New South Wales.

In the subdistricts of Robertson and Kangaloon, in the Illawarra district of New South Wales, what 10 years ago was a waving mass of English cocksfoot and rye grass, which had been put in gradually as the dense vine scrub was felled and burnt off, is now a barren desert, and 9 families out of every 10 which were renting properties have been compelled to leave the district and take up other lands. This is through the grubs having eaten out the grass by the roots. Plowing proved to be useless, as the grubs ate out the grass just the same. Whilst there recently I was informed that it took three years from the time the grubs were first seen until to-day to accomplish this complete devastation; in other words, three years ago, the grubs began work in the beautiful country of green mountains and running streams. The birds had all been ruthlessly shot and destroyed in that district, and I was amazed at the absence of bird life.

Prof. de Loach tells us that—

Birds afford a natural check upon the injurious insects, and wherever forests denote the presence of great numbers of destructive caterpillars or grasses indicate that grubs are destroying the grass roots the birds are not slow to assemble and help restore equilibrium.

He further says:

Our native birds are one of the Nation's most valuable assets. Destroy them, and in a comparatively short time the insects will have multiplied to such an extent that trees will be denuded of their foliage, plants will cease to thrive, and crops can not be raised.

BIRDS AND THEIR FRIENDS.

Whoever will take the trouble to study the birds is sure to become a strong defender of them. Not only do they work ceaselessly in man's interests but they exert an influence on his life that brings him into harmony and closer touch with all nature. With glad song they fill his world with brightness and joy and give ornament and motion to the land. Our woods and fields would indeed be dull and silent without them.

Audubon, the greatest ornithologist the world ever produced, traveled to the desolate coast of Labrador to study bird life, and there "was far happier than any king ever was." His writings are termed by critics "the greatest monument that art ever erected to nature." It is said that "so enthusiastic was he and such a master of English that many of his descriptions are poems."

Nuttall, the great botanist, was also an ornithologist, a contemporary of Audubon, and wrote most entertainingly and truly of bird songs.

Burroughs and other writers have written of the birds in a popular way and have done immense good in getting everyday people interested in their life and habits. And, after all, it is the cooperation of everyday people that we seek. In fact, it is that very class this measure aims to restrain. We should educate every American to understand that our real friends are the birds and that it is as foolish and harmful to hurt or destroy them as it would be to cut off our fingers.

I shall vote for this measure, and I hope that those who prize the welfare of our agricultural communities and all lovers of nature will vote for it also. It is a tardy step toward protecting these children of the fields and forest who, during the long years they have been the objects of our ferocity and the recipients of our ingratitude, have never ceased to work faithfully for us. A happy day has come when man has at last opened his eyes to the beauty and value and worth of these little creatures which Providence, in its infinite wisdom, placed here to do the important work for which they were created. Not only do they perform a work most essential to man's material well-being but give pleasure to his eyes and music to his ears.

Mr. LAMB. I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I heartily favor the amendment under discussion. Many varieties of migratory game and insectivorous birds are nearing extinction. The game birds provide a source of food supply which ought to be conserved as much as possible. While nearly every State in the Union has enacted game laws to protect wild ducks, brant, snipe, plover, wild pigeons, and other varieties, it has been conclusively shown by the gentleman from Massachusetts [Mr. WEEKS] that in many instances the closed seasons occur after the migratory fowl have left the State in which the law is in force. This Government is spending approximately $5,000,000 a year in the cause of conservation of our forests. This Government is spending thousands of dollars a year to protect the cotton boll against destruction by the weevil. This very bill carries over $40,000 for the protection of orchard and other fruit trees against diseases, and nearly $30,000 for the control of diseases of forest and ornamental trees and shrubs. There is also an item of $25,000 for the control of diseases of cotton, truck, and forage crops, and related plants.

It seems to me, Mr. Speaker, that it is just as important to protect the various varieties of migratory game and insectivorous birds in their passage from one State to another as it is to protect inanimate things like trees and shrubs and plants. I remember when I was a boy wild mallard or canvasback ducks in California were so plentiful that they sold in the markets as low as $2 and $2.50 per dozen. To-day they cost that much per pair. The fact that they have become scarce by reason of the enormous slaughter that has been going on for many years has added materially to their price. This destruction of game birds is another feature in the problem of the high cost of living.

I believe this legislation to be timely and necessary, and I hope that it will become part of the Agriculture appropriation bill.

Mr. WEEKS. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. LAMB. Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute and a half.

Mr. LAMB. I will ask the gentleman on the other side to use some of his time.

Mr. COX. I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I call the attention of the House first to the property rights involved in this bill. When we get properly in our minds the property rights involved every man in the House who has ever studied law for one minute will realize that the Federal Government has absolutely no jurisdiction in this matter.

Mr. WEEKS. Will the gentleman yield?

Mr. SISSON. I have not time to yield. The gentleman had 10 minutes. I want to say to the gentleman that I am afraid his education and training have been erroneous and in the wrong school, so far as the Federal Government is concerned, if he does not at once appreciate the principles involved. All young lawyers when they first enter the law school are taught that the property in all wild animals, or, as the technical phrase is feræ naturæ, is in all the people of a particular government. In the beginning of this Government all of the wild animals belonged to the colonies by the common law, and that is a part of the law of this land, and the property in all of these animals and all of the birds is now in the people of the States. This bill in express terms endeavors to deprive the people of the States of their property in these birds. In the first place, the birds feed upon the property of the people of the States, and a man has no property in a wild animal or a bird until he has it in custody or until he has brought it to the ground, and then it becomes his own.

But another question to my mind more serious even than the constitutionality of the measure—because many men do not view the Constitution with the same reverence that I do, when they pledge themselves at that desk to support it—when we take into consideration the cost of administering this law, the gentleman seeks to avoid it by saying that it will be executed in conjunction with the States. Nobody believes that. Nobody believes this law will be executed through the State officials; and in order that you may keep surveillance of all the birds in their migratory flight, and as they stop on their way from the South to the North, or from the North to the South, means a multiplication of Federal officers.

And there is another feature that has been lost sight of, so far as the discussion of this bill is concerned, and that is that in line 5, page 57, down to line 12, on the same page, you find the right given the Agricultural Department to make regulations which shall be promulgated by the Secretary of Agriculture and after three months they become a part of the criminal laws of the United States.

Mr. DIES. Does not the gentleman think that a farmer whose crops are being depredated upon by birds should be allowed to kill them in defense of his crops?

Mr. BARTLETT. No.

Mr. SISSON. Under this bill no farmer, whatever damage may be done to his crop, would be authorized to destroy any bird. It would not matter how many birds were on his farm, he would not have the right to destroy that which was destroying his farm and depriving him of his property, thus depriving him of that right which every man has, not only under the common law but under the laws of all the States, to protect himself against depredations which are being actually committed.

But especially do I call the attention of the House to the language on page 57, from lines 5 to 11, where there is a most unreasonable provision, that the regulations of the Secretary of Agriculture shall become a part of the criminal laws of this country.

In order that I may convince the House of the correctness of my position, I will cite the following decisions:

The point is settled by the case of Greer *v.* State of Connecticut (161 U. S., 519). A statute of Connecticut, while providing an open season for the killing of birds, made it an offense to have the birds in possession with intention to procure their transportation beyond the limits of the State. The offense with which Greer was charged was the possession of game birds for the purpose of transporting them beyond the State, although they had been lawfully killed within the State. The Supreme Court of Connecticut sustained the conviction, and the case was carried to the Supreme Court of the United States upon the claim that the Connecticut statute was repugnant to the commerce clause of the Constitution of the United States. In stating the case, Mr. Justice White said that the sole question was whether the State of Connecticut had "the power to regulate the killing of game within her borders so as to confine its use to the limits of the State and forbid its transmission outside of the State." (161 U. S., 522.)

He said (p. 522):

"The solution of the question involves a consideration of the nature of the property in game and the authority which the State had a right lawfully to exercise in relation thereto. From the earliest traditions the right to reduce animals feræ naturæ to possession has been subject to the control of the law-giving powers."

The learned justice then examines the law of Greece, Rome, France, Germany, and England. At page 527 he says:

"The practice of the Government of England from the earliest time to the present has put into execution the authority to control and regulate the taking of game."

This authority, he says, passed to the Colonies, and then to the States. Citing many American cases, he says, at page 528:

"The adjudicated cases recognizing the right of the State to control and regulate the common property in game are numerous."

At page 529 he says:

"The common ownership and its resulting responsibility in the State are thus stated in a well-considered opinion of the Supreme Court of California: 'The wild game within a State belongs to the people in their collective sovereign capacity. It is not the subject of private ownership, except in so far as the people may elect to make it so, and they may, if they see fit, absolutely prohibit the taking of it or any traffic and commerce in it if deemed necessary for its protection or preservation or the public good.'

At page 530 he says:

"In view of the authority of the State to affix conditions to the killing and sale of game, predicated as is this power on the peculiar nature of such property and its common ownership by all the citizens of the State, it may well be doubted whether commerce is created by an authority given by a State to reduce game within its borders to possession, provided such game be not taken, when killed, without the jurisdiction of the State. The common ownership imports the right to keep the property, if the sovereign so chooses, always within its jurisdiction for every purpose. The qualification which forbids its removal from the State necessarily entered into and formed part of every transaction on the subject and deprived the mere sale or exchange of these articles of that element of freedom of contract and of full ownership which is an essential attribute of commerce."

At page 532 he says:

"The power of the State to control the killing of and ownership in game being admitted, the commerce in game, which the State law permitted, was necessarily only internal commerce, since the restriction that it should not become the subject of external commerce went along with the grant and was a part of it. All ownership in game killed within the State came under this condition, which the State had the lawful authority to impose, and no contracts made in relation to such property were exempt from the law of the State consenting that such contracts be made, provided only they were confined to internal and did not extend to external commerce."

The point of the decision is emphasized in the dissenting opinions of Mr. Justice Field and Mr. Justice Harlan, who were of opinion that the game was property and, therefore, an article of commerce because it had been lawfully killed. The decision of the court proceeded upon the ground that the game was not property and, therefore, not an article of commerce and the statute of the State forbidding its transportation beyond the State was, consequently, not repugnant to the commerce clause of the Constitution of the United States.

On the same ground the court, in New York ex rel. Silz *v.* Hesterberg (211 U. S., 31), held that a statute of New York making it an offense to have possession of game within the State during the closed season, although it had been lawfully taken in foreign countries during the open season there, was not repugnant to the Constitution of the United States. Geer *v.* Connecticut, supra, was followed and applied. In concluding his opinion, Mr. Justice Day said, at page 43:

"The New York Court of Appeals further held that the so-called Lacey Act (31 Stat., 187, ch. 553, U. S. Comp. Stat., 1901, p. 290) relieved the regulation of the objection in question because of the consent of Congress to the passage of such laws concerning such commerce, interstate and foreign, within the principles upon which the Wilson Act was sustained by this court. Re Rahrer (Wilkinson *v.* Rahrer, 140 U. S., 545).

"In the aspect in which the game law of New York is now before this court we think it was a valid exertion of the police power, independent of any authorization thereof by the Lacey Act, and we shall therefore not stop to examine the provisions of that act."

In Rupert *v.* United States (181 Fed., 87), in the Circuit Court of Appeals for the Eighth Circuit, decided March 5, 1910, a conviction under the Lacey Act was sustained, the court saying at page 90:

"Quail belong to the State or Territory, or rather to the people collectively thereof, and are subject to the local laws as to killing and the times therefor and the shipment. These propositions have been put at rest by the Supreme Court. (Geer *v.* Connecticut, 161 U. S., 519; Lawton *v.* Steele, 152 U. S., 133.) It is for the State legislature to say when quail may be killed. It may provide that they shall not be killed at any time. It may provide that they may be killed for use at home only and not killed for shipment out of the State, which, if allowed, would result in the extinguishment locally of such game. And no one doubts the validity of game laws which prohibit killing of game on the lands of another. It is quite likely that every State of the Union has such laws, and such was the common law. The individual having no ownership in the game and allowed at certain times, if at all, to kill the same at certain places for particular uses only, it does not become the general subject of commerce free from all inhibitions."

Mr. COX. I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. HARDWICK. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia raises the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-five Members, a quorum, are present.

Mr. BARTLETT. Mr. Speaker, I have no objection to the exercise of proper power to control and regulate the killing or trapping of game birds or the protection of some birds, whether they are migratory or local. My State and a number of States have in the exercise of that power granted to them by the people and reserved to them in the convention that made the Constitution of the United States regulated strictly the killing of game and all kinds of birds. It is against this unusual extraor-

dinary attempt to exercise the power by the Federal Congress that I propose to suggest that Congress has not the power.

I apprehend, Mr. Speaker, that never since the Congress assembled did a bill ever find its way into the Congress using such extraordinary, unusual, and remarkable language as does this bill. It says, after describing the character of birds migratory in character that pass from one State to another—

are hereafter deemed to be within the custody and protection of the Government of the United States and shall not be destroyed or taken contrary to the regulations hereafter provided for.

We have invaded the rights of the States, we have gone and seized the police power in many instances, but it is left to the officers provided for in this bill to extend their arms and gather the birds of the air under the commerce clause of the Constitution of the United States, so that they not only control them but declare them to be in the custody of the United States when they never have been in the custody of anyone else.

Mr. WEEKS. Will the gentleman yield?

Mr. BARTLETT. I can not. Why, Mr. Speaker, even under kings and monarchs, it never was pretended or believed that these animals, feræ naturæ, belonged to anybody except to the man that captured them and reduced them to possession. I have in my hand a decision of the Supreme Court of the United States of Geer against the State of Connecticut which upheld the State of Connecticut in its right to protect game of all sorts, migratory and local. The syllabus in that case is as follows:

The provision in the General Statutes of Connecticut (revision of 1888, sec. 2546) that "no person shall at any time kill any woodcock, ruffled grouse, or quail for the purpose of conveying the same beyond the limits of this State, or shall transport or have in possession, with intent to procure the transportation beyond said limits, any of such birds killed within this State" is legislation which it is within the constitutional power of the legislature of the State to enact.

Mr. Speaker, I protest against this innovation of the Constitution and the rights of the peoples in the States and all the people thereof. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. COX. Mr. Speaker, let no man be deceived when he votes for this bill; let him understand that he is voting for the most far-reaching measure that in my judgment was ever offered to the Congress of the United States. Let him who believes to-day there is one particle of power reserved to the States under the Constitution, when he votes for this bill, ever afterwards be estopped from standing on the floor of this House and complaining in behalf of the doctrine of State rights. It is a pity that this House can not have more time in which to discuss this bill. It is objectionable from many, many standpoints. Remember, gentlemen, that when you come to vote for this bill you are not voting for a law passed by Congress. You are voting for a bill that gives the Secretary of Agriculture the power to make the law. You are granting a bureau in this department the right to make rules and regulations that will come home to roost upon your citizens. How are you going to enforce it? Why, there is no question in the world but what in less than 10 years there will be an army of inspectors traveling all over this country designated as deputy United States marshals, for the purpose of enforcing this measure. I hold in my hand the hearings had before the Forestry Committee of the Senate and the entire bulk of the argument was, not for insectivorous birds, but for the game birds. Who appeared before the committee? Who has read the hearings before that committee? I undertook to get a copy of the hearings before the Agricultural Committee, which considered a similar measure, and I was told that there were none. Who appeared for this bill before the Senate? He who has read the hearings knows that one of the attorneys for the American Game Bird Association in this country came before the committee and undertook to argue the constitutionality of the question, and he did not succeed. There is not a letter or line in the Constitution on which to hang it.

Mr. WEEKS. Will the gentleman yield?

Mr. COX. For a question.

Mr. WEEKS. The gentleman has raised the point that there was no representative before the committee. There were representatives of 44 States before the Agriculture Committee.

Mr. COX. Oh, Mr. Speaker, I can not yield for a statement, I yielded for a question. The Boone and Crockett Club, a corporation or company organized in the State of New York, appeared here, and not one word did the representatives say in behalf of insectivorous birds. But all their argument was for game birds. Let me appeal to you gentleman from the South. Do not be caught on this pin hook.

Mr. LAMB. Mr. Speaker, will the gentleman yield?

Mr. COX. I refuse to yield. Do not be caught on this pin hook, with the arguments that these insectivorous birds will destroy your boll weevil, and for that reason you ought to support it. You have come to Congress, and Congress has granted you $1,500,000 to exterminate the boll weevil. Why have you not found out heretofore that these insectivorous birds would do that?

And to-day it is admitted that nothing has been found that will exterminate the boll weevil, and yet men stand on the floor or this House and insist that these insectivorous birds will destroy the weevil. This is not so, no one believes it for a moment. If it be so, the Southern States engaged in growing cotton, lying as they do contiguous to each other, and extremely interested in the preservation of cotton from the ravages of the weevil, long ago would have enacted uniform bird laws and rigorously and religiously enforced them.

No one appeared for this bill before the Senate committee except sportsmen, men interested in game birds, such as wild geese, ducks, cranes, and so forth, and scarcely a word was said before that committee in favor of the birds which perhaps might do the farmers some little good in destroying the insects which prey upon the products of the fields.

The whole bill is a delusion and a snare. It would have been impossible to put this bill through, simply to protect the game bird, and in order to get it through they had to couple with it a provision about which the fathers of this measure care nothing whatever. Who is the Boone and Crockett Club? Where is it? What was it organized for? It was founded in 1887 by ex-President Roosevelt, and Mr. Sheldon who appeared before the Senate committee in favor of the measure said that the proposed measure was advocated by this club for the conservation of big game, forest reserves, and perhaps it was responsible for big-game refuges. Mr. Sheldon of course was, and is, an ardent advocate of this measure, because he is a member of the Boone and Crockett Club, and no doubt in the world but what this club is in favor of the pending measure, because they are genuine sportsmen.

This ardent advocate laments long and loud concerning big game fast disappearing because he says that members of clubs like the Boone and Crockett Club no longer hunt on foot, or on horseback, but hunt in automobiles, and in fact one of the complaints against the depletion of game is because men do hunt in automobiles. Not many men in this country, compared with the total population, have much time to hunt for pleasure; most of them are rigorously employed in trying to earn a little bread and meat instead of going on pleasure jaunts and trips, slaying, slaughtering, and killing game.

The gentleman from Illinois [Mr. GRAHAM] a few moments ago hit the keynote of the entire situation when he said that he had just received a telegram from the State of Illinois announcing the fact that 100,000 sportsmen in the State of Illinois were in favor of this measure. I have no doubt but what every sportsman and every gentleman of leisure throughout the country is ardently in favor of it, and their desire is that the big game of this country be protected at the expense of the people solely for the purpose of gratifying their pleasures during their leisure hours.

No one knows and no one dares prophesy how much this bill will cost to enforce it, and if it is not enforced it will be a dead letter on the statute books. Let no one comfort himself, however, with the hope that this bill will never be enforced, because the sportsmen throughout the country will see to it that it will be enforced. I do not believe that the farmers of this country are willing to be taxed not less than $1,000,000 per year to enforce its provisions to the end that the sportsmen from the great cities and centers of population may during their leisure hours have an enjoyable time at the people's expense. I have called attention to the fact that we are not voting for a law. We are voting to give a great department—Agriculture Department—complete and plenary power to make rules and regulations, and which when made and promulgated these rules and regulations shall become the law. And under these rules and regulations a farmer or a farmer's boy can, and no doubt will, be hauled into Federal courts and there prosecuted, compelled to pay a fine, and languish in jails or prisons for having violated a rule or regulation of the Agriculture Department, and this, perchance, only for having killed a crow or a sparrow. And all this to satisfy the whims and caprices of the sportsmen of the country. This should well be denominated a sportsmens' bill pure and simple instead of a bill to protect the birds. It is a measure in disguise, is loaded, but the people in the last analysis will be called upon to pay the bill without any corresponding benefit to them.

The hearings disclose the fact, no secret about it whatever, that their intention is to employ and appoint deputy United States marshals to enforce its provisions. The people may

think they are for it, but when they wake up and find a deputy United States marshal in every county of the United States, at a salary of from $1,200 to $1,800, and in addition his per diem allowance at not less than $2 per day, they will realize that they have been buncoed, and buncoed by the "smart set" who live in cities, live luxurious lives, with nothing to employ their time except hunting, fishing, and sporting.

On the question of enforcing the law, while Mr. Pierson, one of its advocates was before the committee, this question was propounded to him, "Suppose this bill become a law, how are you going to enforce it?" He answered, "One way would be to have United States marshals deputized for the purpose."

He was further asked, "You would have to have a great many marshals and game wardens in every State?" To this he answered, "Yes." Further examination was as follows: "It would require an army of men?" Answer: "Would it not be possible to deputize various State officers to act as deputy wardens?" Question: "It is a question whether the State officers would accept the commission without pay." Answer: "That, of course, is a very pertinent question and one that will have to be faced."

So there is no concealment among the authors of this measure as to how they propose to enforce its provisions. Their plan is plain and simple—by appointing deputy United States marshals to do the work. Already the game wardens of the State are costing the States many hundreds of thousands of dollars, and along by the side of the State game wardens will travel a Federal game warden, looking around and seeing where he can find some poor unfortunate individual to arrest, because he must make a showing, and he will be imbued with the idea that the only way to make a showing is to arrest some farmer or farmer's boy, haul him off to the Federal court, and impose a fine or penalty upon him. This bill is but the inroad and the beginning of other and more dangerous bills yet to follow, to everlastingly destroy the rights of States, build a strong centralized Government, and annihilate and destroy the Government of the United States. It is a mere waste of time and a waste of breath and energy to stand upon the floor of this House and undertake to discuss a question along constitutional lines. But the time will come, I know not when, when the people will wish they had harkened and listened to the voice of the Constitution.

This bill is unwise and iniquitous and never should be passed, for the reason that it delegates all power to the executive arm of the Government, that it is unconstitutional, that it usurps the powers of the States reserved by them under the Constitution, and that it is an interference by the Federal Government with the police powers belonging to the States.

Mr. SMITH of New York. Mr. Speaker, ever since the second year of George Washington's first term as President of the United States the State of New York has extended a protecting arm over migratory birds. In 1791 the New York Legislature passed a law establishing a closed season for woodcock, and ever since that date the policy of game protection, and especially of song-bird protection, has been marching triumphantly onward, until at the present time New York has the distinction of having a more enlightened code of game laws and of enforcing them with greater strictness than any other State in the Union. Few inhabitants of the Empire State realize the scope of their own wild-life problem. Each year the State spends close to $300,000 for the protection and propagation of fish and game. It has in its employ 125 game protectors, at a salary of $1,500 each per year, who devote their entire time to the prevention of violations of the game law and apprehension and punishment of those who violate it. In 1912 more than $50,000 in fines and penalties were collected by the State conservation commission, and the 160,000 who annually pay their dollar for a hunting license realize that except for this protection the wild life with which the rural and wooded districts now teem would long since have been extinct.

In 1912 the State also planted 130,000,000 fish in the streams and waters of the State. Its game farm distributed, free of charge, thousands of pheasant chicks and many more thousands of pheasant eggs to stock the covers of the Commonwealth. The deer in the Adirondack Mountains and in the Catskills have been so well protected and their natural enemies have been so completely exterminated that deer are now more numerous in the State of New York than at any time since the white man penetrated north of Albany, and this despite the fact that New York last year stood third among the States of the Union in the number of deer killed by hunters.

It will be evident from these facts, Mr. Speaker, that the wild-life problem has engaged the serious attention of the State of New York; but I want to call the attention of this House to some of the more advanced and progressive measures which prove that in advocating this bill, as so many of the citizens of New York have done, they are acting with no selfish purpose in view. I have advanced these facts to show that the inhabitants of my State are only asking the Federal Government to do for others what for almost a century and a quarter New Yorkers have been doing for themselves. It is obvious that New York, single-handed and alone, can not protect the migratory game and song birds, for the protection of which the nation-wide sentiment has made itself felt in this House.

Practically, since the Civil War it has been a criminal offense to shoot song birds and other insectivorous birds within the State of New York. To-day every schoolboy knows that the robin, the bluebird, the thrush, the meadow lark, and all the other feathered songsters that make the country air glorious with their melody are his friends and your friends, and he recognizes that they have just as good a right to life, liberty, and the pursuit of happiness as he has.

For long years New York has been protecting with a strong arm ducks and swan and geese and brant during their mating season and during the flight to their nesting grounds. No New Yorker may shoot a duck after the 10th day of January, and what is the result of this? It is that these wild creatures know as well as you and I do that they are immune from molestation, and during the past few winters Great South Bay, Shinnecock Bay, and even Oyster Bay, to say naught of our inland lakes and our great boundary waters, Lake Erie and Lake Ontario, have been the homes of greater and greater flocks of migratory wild fowl. More and more are they found on the nesting grounds, which before the prohibition of spring shooting were being rapidly abandoned.

The establishment of closed seasons and the enforcement of good laws have done much for the native game of New York State; but, as I have already pointed out, New York could do relatively little single handed to protect the wanderers which visit her for a time and then fly now north, now south, were it not for the fact that two years ago she placed upon her statute books the most beneficent game law that has ever been written in this country. At one stroke the Bayne-Blauvelt law stopped once and for all the sale of game. New York stopped, Mr. Speaker, not only the sale of her own game, but the game from your State and the game from the State of the gentleman from Wyoming [Mr. MONDELL] and the game from every other State in this Union. It is impossible to buy within the borders of the State of New York the meat of a single American game bird or animal. What was the effect of this law, Mr. Speaker? The effect, the instantaneous effect, was that the market hunter, the man who my friend Dr. Hornaday calls the "game hog," was in a flash deprived of his most voracious and most profitable market. A great blow for the protection of migratory birds had been struck. Some of my friends in Maryland and some of my friends in North Carolina told me that before the Bayne-Blauvelt nonsale of game law was a week old the price of ducks in those States had fallen to less than one-half of what it had been before. The hungry crowd along the "Great White Way," the great hotels which cater to this great crowd, have roared and protested in vain, and no one in the State of New York would ever dream of rescinding this beneficent measure, which has accomplished its purpose so thoroughly and so completely.

The preservation of these wild creatures is a sacred duty. Great as has been the victories in some States of the army of defense, they have not sufficed to keep pace with or offset the ravages of the army of destruction, with its ever more deadly arms and ammunition.

Mr. Speaker, I have pondered over this problem long and thoughtfully. I have spoken with men who have made a life study of this question, and I have been convinced as strongly as I was ever convinced of anything that the only instrumentality that can protect what has been eloquently called the "remnant of our wild life" and preserve it for generations yet to come is the long, strong arm of our National Government.

Mr. AYRES. Mr. Speaker, I merely want to say that I am heartily in favor of any proper measure for the protection of the migratory birds of the United States. The humane societies of the entire country have joined in an effort to give these feathered friends of ours protection from their enemies. The sentiment of the great majority of our citizens is undoubtedly in this direction.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PEPPER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMB. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. MCLAUGHLIN], a member of the committee.

Mr. McLAUGHLIN. Mr. Speaker, it is true that this bill has not been considered on the floor of the House, but it has received a great deal of consideration, and the charge that the Members are not well informed respecting it is not true. It was fully considered in the Senate. Very extensive hearings before the Committee on Agriculture were had, and notwithstanding what the gentleman from Indiana says those hearings were printed. As the gentleman from Massachusetts says, representatives from 44 States have appeared before the committees of the House and Senate, all in favor of this bill.

Mr. ANTHONY. The governors of 30 States indorsed it.

Mr. McLAUGHLIN. Mr. Speaker, I have not time to argue the merits of the proposition, but I wish to answer one or two statements that have been made by gentlemen in opposition to it. It is not true, as charged, that the head of a bureau is permitted to formulate and promulgate rules and regulations. The bill expressly provides that these regulations shall be prepared by the Department of Agriculture, at the head of which is the Secretary of Agriculture; that he shall cause the same to be made public and shall allow a period of three months in which they may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon; and, after final adoption, shall cause the same to be submitted to the President of the United States for approval. It is not unusual for Congress to authorize a department to make rules and regulations similar to those which may be provided under this bill, and that, when so made, they shall have the force and effect of law as if the same had been enacted by Congress itself. Rules are often adopted in this way, which make certain acts, or failure to act, misdemeanors, punishable by fine and imprisonment; and it is not an improper delegation of power by Congress to a department. Rules, and penalties imposed for their violation, have been upheld and approved by the courts of the United States in suits involving the precise questions of the right of Congress to authorize a department to make the rules and the regularity of proceedings for their enforcement.

The entire Forestry Service is administered under regulations adopted by the Secretary of Agriculture, and the violation of many of these regulations is a criminal offense, punishable by fine and imprisonment, and it has been found by experience that the rights of persons and property are not endangered, but are duly and properly safeguarded by these regulations and their enforcement. It would be practically impossible for Congress to enact into law suitable regulations to give effect to the first paragraph, which, by amendment, is to be made a part of this appropriation bill. It would be impossible for Congress to prescribe and fix closed seasons, having due regard to the zones of temperature, to breeding habits, and the times and line of flight of migratory birds, or to select and designate suitable districts for different portions of the country within which or outside of which it shall be made unlawful to shoot, kill, seize, or capture migratory birds which this bill would protect. Rules and regulations proper in one section of the country or at one time of the year would not be applicable to another section of the country or at another season or time of the year. The regulations must be formulated in the first instance by the experts of the Bureau of Biology, prepared by men who understand and know conditions of climate in different parts of the country and are familiar with the habits and courses of flight of the birds. It is necessary for us to give only a little thought to the difficulty of preparing these regulations to show that it is impossible for Congress to adopt them or to enact them into law except as they may become law by authority of Congress acting through the Department of Agriculture, approved by the President of the United States.

This is not a drastic measure, as stated by the gentlemen who are opposing it; it is not an attempt of Congress to override or interfere with local laws of the States. The bill expressly provides that nothing contained in it shall be so construed as to affect or interfere with local laws for the protection of migratory game, or other birds resident and breeding within the borders of the State. The bill is framed to encourage the several States to enact laws and regulations for the protection of birds and to enable the Department of Agriculture to cooperate with the States for the protection of the birds. The bill is intended as a cooperative measure and to enable the Federal Government to act only in case the laws of a State are not sufficient for the protection of migratory birds, or in case officials charged with executing State laws fail in the performance of duty. Some of the States have enacted effective laws on this subject, and in such cases this measure would in no way interfere with their execution by State authorities. The protection of these migratory game and insectivorous birds is of immense importance to the people of the entire country. If proper protection is given by State laws and State officials, the spirit of this measure will be satisfied; but if in any State there be no law, or if it is not executed, it is incumbent upon Congress, in line with its duty to advance and protect the welfare of the entire country, to enact such a law as this and see that it is executed by its officials.

Some of the gentlemen who have spoken in opposition to this measure seem to think an immense sum of money will be necessary to enforce it. The Department of Agriculture, in recommending enactment of this law, asks for only $10,000. This is certainly a trifling sum, and if it is found to be sufficient no one can complain of the law because of the expense of executing it. If, from time to time, larger appropriations are asked, Congress will exercise its judgment. If larger amounts are asked than Congress thinks ought to be expended, they can easily be refused.

I submit that objections made to this bill are not sound. It ought to be enacted into law and every reasonable effort made to enforce it.

The SPEAKER. The time of the gentleman has expired. All time has expired.

The question is on suspending the rules, taking the bill from the Speaker's table, disagreeing to the Senate amendments, and asking for a conference.

The question was taken; and on a division (demanded by Mr. Cox) there were—ayes 127, noes 16.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 287, nays 15, answered "present" 7, not voting 72, as follows:

YEAS—287.

Adair	Estopinal	Kahn	Prouty
Aiken, S. C.	Fairchild	Kendall	Rainey
Ainey	Faison	Kennedy	Raker
Akin, N. Y.	Farr	Kent	Randell, Tex.
Alexander	Fergusson	Kindred	Rauch
Allen	Finley	Kinkaid, Nebr.	Redfield
Anderson	Fitzgerald	Kinkead, N. J.	Rees
Anthony	Flood, Va.	Kitchin	Reilly
Ashbrook	Floyd, Ark.	Knowland	Roberts, Mass.
Austin	Focht	Konig	Roberts, Nev.
Ayres	Fordney	Konop	Roddenbery
Barchfeld	Fornes	Kopp	Rothermel
Barnhart	Foss	La Follette	Rubey
Bartholdt	Foster	Lamb	Rucker, Colo.
Bartlett	Fowler	Langley	Russell
Bates	Francis	Lee, Ga.	Sabath
Bathrick	French	Lee, Pa.	Saunders
Beall, Tex.	Fuller	Lenroot	Scott
Bell, Ga.	Gallagher	Levy	Scully
Berger	Gardner, Mass.	Lindbergh	Sells
Blackmon	Gardner, N. J.	Linthicum	Sharp
Booher	Garner	Littlepage	Sherley
Borland	Garrett	Lloyd	Sherwood
Brantley	Gill	Longworth	Simmons
Brown	Gillett	Loud	Sims
Browning	Glass	McCoy	Slemp
Buchanan	Godwin, N. C.	McCreary	Sloan
Bulkley	Goeke	McDermott	Small
Burgess	Goldfogle	McGillicuddy	Smith, Saml. W.
Burke, Pa.	Good	McGuire, Okla.	Smith, N. Y.
Burke, Wis.	Goodwin, Ark.	McKellar	Smith, Tex.
Burleson	Graham	McKenzie	Speer
Burnett	Gray	McKinley	Stanley
Butler	Green, Iowa	McLaughlin	Stedman
Byrnes, S. C.	Greene, Mass.	McMorran	Steenerson
Byrns, Tenn.	Greene, Vt.	Macon	Stephens, Cal.
Calder	Gregg, Pa.	Madden	Stephens, Nebr.
Campbell	Gregg, Tex.	Maguire, Nebr.	Stephens, Miss.
Cantrill	Griest	Maher	Sterling
Cary	Hamill	Mann	Stone
Claypool	Hamilton, Mich.	Martin, Colo.	Sulloway
Clayton	Hardwick	Martin, S. Dak.	Sweet
Collier	Harrison, Miss.	Matthews	Switzer
Cooper	Harrison, N. Y.	Merritt	Taggart
Crago	Haugen	Miller	Talcott, N. Y.
Cravens	Hawley	Moon, Tenn.	Taylor, Ala.
Crumpacker	Hay	Moore, Pa.	Taylor, Ark.
Cullop	Hayden	Moore, Tex.	Taylor, Colo.
Curley	Hayes	Morgan, La.	Taylor, Ohio
Dalzell	Heald	Morse, Wis.	Thayer
Daugherty	Heflin	Moss, Ind.	Tilson
Davis, Minn.	Helgesen	Mott	Towner
Davis, W. Va.	Helm	Murdock	Townsend
De Forest	Henry, Conn.	Murray	Tribble
Dent	Henry, Tex.	Neeley	Turnbull
Denver	Hensley	Nelson	Underwood
Dickinson	Higgins	Norris	Vare
Dies	Hill	Nye	Volstead
Difenderfer	Hinds	Oldfield	Warburton
Dixon, Ind.	Holland	Olmsted	Watkins
Dodds	Houston	Padgett	Weeks
Donohoe	Howard	Palmer	Whitacre
Doremus	Howell	Patten, N. Y.	White
Doughton	Howland	Payne	Wilder
Draper	Hughes, W. Va.	Pepper	Willis
Driscoll, D. A.	Hull	Peters	Witherspoon
Driscoll, M. E.	Humphrey, Wash.	Pickett	Wood, N. J.
Dwight	Humphreys, Miss.	Plumley	Woods, Iowa
Dyer	Jackson	Porter	Young, Kans.
Edwards	Jacoway	Pou	Young, Mich.
Ellerbe	James	Pray	Young, Tex.
Esch	Jones	Prince	

NAYS—15.

Callaway	Fields	Lobeck	Rouse
Cannon	Guernsey	Mondell	Sisson
Cline	Hardy	Morrison	Webb
Cox	Johnson, Ky.	Page	

ANSWERED "PRESENT"—7.

Adamson	Shackleford	Sparkman	Talbott, Md.
Burke, S. Dak.	Slayden	Stephens, Tex.	

NOT VOTING—72.

Ames	Dickson, Miss.	Lafferty	Pujo
Andrus	Dupré	Langham	Ransdell, La.
Ansberry	Evans	Lawrence	Reyburn
Boehne	Ferris	Lever	Richardson
Bradley	George	Lewis	Riordan
Broussard	Gould	Lindsay	Rodenberg
Candler	Gudger	Littleton	Rucker, Mo.
Carlin	Hamilton, W. Va.	McCall	Smith, J. M. C.
Carter	Hamlin	McKinney	Stack
Clark, Fla.	Hammond	Mays	Stevens, Minn.
Conry	Harris	Moon, Pa.	Thistlewood
Copley	Hart	Morgan, Okla.	Thomas
Covington	Hartman	Needham	Tuttle
Currier	Hobson	O'Shaunessy	Underhill
Curry	Hughes, Ga.	Parran	Vreeland
Danforth	Johnson, S. C.	Patton, Pa.	Wilson, Ill.
Davenport	Korbly	Post	Wilson, N. Y.
Davidson	Lafean	Powers	Wilson, Pa.

So (two-thirds having voted in favor thereof) the rules were suspended, and the motion was agreed to.

The Clerk announced the following pairs:

Until Monday next:

Mr. SLAYDEN with Mr. MOON of Pennsylvania.

Until further notice:

Mr. CANDLER with Mr. DANFORTH.

Mr. CARLIN with Mr. HARRIS.

Mr. CARTER with Mr. HARTMAN.

Mr. CLARK of Florida with Mr. LAFEAN.

Mr. CONRY with Mr. LAWRENCE.

Mr. DUPRÉ with Mr. COPLEY.

Mr. GUDGER with Mr. MCKINNEY.

Mr. HAMLIN with Mr. NEEDHAM.

Mr. JOHNSON of South Carolina with Mr. CURRIER.

Mr. LEVER with Mr. CURRY.

Mr. O'SHAUNESSY with Mr. PATTON of Pennsylvania.

Mr. PUJO with Mr. REYBURN.

Mr. RUSSELL with Mr. RODENBERG.

Mr. RUCKER of Missouri with Mr. J. M. C. SMITH.

Mr. THOMAS with Mr. VREELAND.

Mr. UNDERHILL with Mr. WILSON of Illinois.

Mr. BOEHNE with Mr. AMES.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. CLAYTON with Mr. LANGLEY.

Mr. STEPHENS of Texas with Mr. BURKE of South Dakota.

Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. TALBOTT of Maryland wtih Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. ADAMSON. If the gentleman from Minnesota, Mr. STEVENS, did not vote, I desire to change my vote from aye and answer "present."

The name of Mr. ADAMSON was called and he answered "Present."

Mr. MONDELL. Mr. Speaker, I offer the resolution of instructions which I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That it is the opinion of the House that the conferees on the part of the House should not agree to Senate amendment numbered 142 in form or substance.

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that that is not a privileged motion and is not a motion to instruct.

The SPEAKER. What is the gentleman's objection?

Mr. MANN. The gentleman's objection is——

The SPEAKER. The gentleman will suspend a moment until the Chair can read it.

Mr. GARDNER of Massachusetts. As it is worded this is simply a resolution expressing the opinion of the House. It would not be in order as a motion to instruct, because in effect that would be to repeat that which the House has already done. The House has already disagreed to the Senate amendments, including the migratory-bird amendment. Now, the gentleman from Wyoming proposes to put that disagreement motion once more with regard to one particular amendment. If it is in order as to that particular amendment, it is in order on other amendments in severalty, and when each one has been disagreed to in severalty we shall merely have repeated that which has already been done by disagreeing to the amendments en bloc. I raise the point of order that in itself this is not a resolution of instructions and therefore not privileged.

Mr. MANN. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. MANN. The House having disagreed to the amendment, is it the same thing for the House to add in their opinion the House conferees ought not in conference to agree either in form or substance to the amendment?

Mr. GARDNER of Massachusetts. Why, distinctly not; and the gentleman did not listen to what I said.

Mr. MANN. I did listen to what the gentleman said.

Mr. GARDNER of Massachusetts. I said in the present form it is simply a resolution of the opinion of the House, which is not privileged because it is not a resolution of instructions.

Mr. CANNON. Mr. Speaker, I think the point of order of the gentleman from Massachusetts is not well taken. There is a rule that is common in parliamentary law that the conference shall be free. My recollection is that on many occasions the House has expressed its opinion touching a Senate amendment for information to its conferees who act for the House conference.

Mr. GARDNER of Massachusetts. Mr. Speaker, on the face of the proposition it is not a resolution of instructions. It is an expression of opinion of this House, and nowhere can it be found that a resolution expressing an opinion can interrupt the regular order of business.

Mr. MANN. Mr. Speaker, I am quite sure, without being able to lay my hand upon the precedent, that it has been frequently held that expressions of opinion of the House, addressed to the conferees, is considered as an instruction, and hence would be in order.

The SPEAKER. The Chair would like to ask the gentleman from Massachusetts what is the difference between this proposition in this paper and if the House should say the House instructs the conferees on the part of the House not to agree to Senate amendment so forth and so on?

Mr. GARDNER of Massachusetts. Because one is binding and the other is not binding.

The SPEAKER. Now, the Chair will ask the gentleman another question. Suppose he was one of these conferees and the House asked this, what would he do; would he pay any attention to this?

Mr. GARDNER of Massachusetts. I probably should be very much influenced by it, but that is not the point, Mr. Speaker.

One of the strongest foundations on which the right to instruct conferees rests is the fact that it provides a necessary check on the Speaker, which is desirable, inasmuch as it is the Speaker who has the appointment of the conferees. Any study of this question of instructions will show that fact at once. I do not know whether this point of order has ever been raised before.

The SPEAKER. Now, the gentleman has no doubt that the House can instruct these conferees, has he?

Mr. GARDNER of Massachusetts. Not the slightest, but it may not instruct them to do something which they have already practically been instructed to do when we voted to disagree with all the amendments.

The SPEAKER. This amendment simply warns the conferees that they must reflect the will of the House as expressed in the motion to suspend the rules. The Chair overrules the point of order, and the Clerk will report the resolution again.

The resolution was again reported.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, Mr. Speaker. Would a resolution offered at the present time to agree to that amendment have precedence over that motion?

The SPEAKER. To agree to the amendment?

Mr. GARDNER of Massachusetts. To agree to the Senate amendment.

The SPEAKER. The Chair thinks not, because the House just voted five minutes ago that it would not.

Mr. GARDNER of Massachusetts. Yesterday evening that very motion was put by the gentleman from Georgia [Mr. HARDWICK] to agree to an amendment to which the House had just disagreed.

The SPEAKER. Nobody raised a point of order.

Mr. MANN. Will the gentleman from Massachusetts [Mr. GARDNER] yield for a question?

Mr. GARDNER of Massachusetts. Yes.

Mr. MANN. Would it not be in order now, the previous question not having been ordered, to move an amendment to strike out the word "not"?

Mr. GARDNER of Massachusetts. I did not understand the gentleman.

Mr. MANN. If the previous question be not ordered on the question, would it not be in order to move to amend by striking out the word "not"?

Mr. MONDELL. Mr. Speaker, I desire to be recognized in favor of my motion.

Mr. GARDNER of Massachusetts. I move to amend the motion of the gentleman from Alabama by striking out the negative feature.

Mr. MONDELL. Mr. Speaker, I have the floor.

Mr. GARDNER of Massachusetts. The gentleman from Wyoming [Mr. MONDELL] did not have the floor. "The gentleman from Massachusetts" had it.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] had the floor.

Mr. MONDELL. I was demanding recognition, Mr. Speaker.

Mr. GARDNER of Massachusetts. Mr. Speaker, the rules of this House declare that when a question is under debate certain motions are in order.

The SPEAKER. The Chair holds that the rule provides that a motion to strike out the word "not" is one of the things that is in order.

Mr. LAMB. I think I have the floor, Mr. Speaker.

The SPEAKER. The gentleman from Wyoming——

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. When a bill is under consideration in the House, is not the gentleman in charge of the bill entitled to the floor for debate, although he may not be entitled to cut out a preferential motion? Is not the gentleman from Virginia [Mr. LAMB] entitled to the floor for an hour, and to control that hour, and during the hour move the previous question if he desires to do so?

Mr. LAMB. That was the point I was going to make, Mr. Speaker.

The SPEAKER. The Chair is inclined to believe that when the motion of the gentleman from Virginia [Mr. LAMB] to suspend the rules and send this bill to conference carried, that the control of the gentleman from Virginia over that matter ceased.

Mr. MANN. The motion of the gentleman from Virginia has not been defeated by the vote of the House.

The SPEAKER. The Chair knows that he has not been defeated, but is this a part and parcel of the consideration of this bill?

Mr. FITZGERALD. I think it is, Mr. Speaker, because if the Speaker does not recognize anybody on this motion the conferees will be appointed and the matter will be disposed of, and until it is disposed of the gentleman in charge of the bill is entitled to recognition. If that be not the case, any gentleman desiring to occupy time can very easily take control from those in charge of the business by a motion to instruct the conferees.

The invariable rule in the House has been, according to my experience, that while a motion to instruct is a preferential motion, if it be made prior to the naming of the conferees, the gentleman in charge of the bill has always been recognized as controlling the floor.

Mr. MANN. Always.

Mr. FITZGERALD. Otherwise, those in charge of the bills would be at the mercy of the minority.

Mr. MONDELL. Mr. Speaker——

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Does a motion to lay the gentleman's instructions on the table carry the bill to the table?

The SPEAKER. It undoubtedly does. The Chair is inclined to hold that——

Mr. MONDELL. Mr. Speaker, as late as yesterday this same question was passed upon by the Chair.

Mr. MANN. No; it was not.

The SPEAKER. It was not passed upon. Nobody raised it, and the Chair does not like to raise parliamentary points himself, although he can do it.

Mr. MONDELL. If my recollection serves me aright, after the gentleman from Georgia [Mr. HARDWICK] was recognized, and I was recognized by the Chair before the interruption of the gentleman from Illinois [Mr. MANN], somebody did make the inquiry as to whether the gentleman in charge of the bill was entitled to control the time, and the Chair, if I recollect rightly, said that the gentleman had not demanded it.

The SPEAKER. In order to cut the whole matter short, the Chair will recognize the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Then, Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. SAUNDERS. Mr. Speaker, has the previous question been ordered without debate?

The SPEAKER. There will be 40 minutes of debate.

Mr. SAUNDERS. Whenever the previous question is ordered without debate, the right attaches of 20 minutes' debate on a side—40 minutes' debate.

Mr. FITZGERALD. Mr. Speaker, this is a subsidiary motion to a question that has been pending before the House. The amendments to the agricultural appropriation bill have been disagreed to, and, if I recollect correctly, a motion has been made to suspend the rules and concur in the Senate amendments. When the previous question is ordered on the adoption of a conference report without debate, it has been held that as debate has been had on that question, no debate is in order.

I recall very distinctly, during a long filibuster in this House two or three Congresses ago, that that very question arose. The gentleman in charge of the conference report on the District of Columbia appropriation bill, Mr. McCleary, of Minnesota, presented the conference report and moved the previous question. After the previous question was ordered I made the point of order that there was 40 minutes' debate, and Speaker Henderson, if I recall correctly, referring to the rulings, held that the bill had been debated. This is an incidental question connected with the consideration of the appropriation bill.

The SPEAKER. The Chair will ask the gentleman from New York: Is this case parallel with the case he is talking about? This transaction is under a suspension of the rules. No previous question had been ordered. But how does that fit in with this decision of Mr. Speaker Henderson that the gentleman is citing?

Mr. FITZGERALD. This proceeding is not under the suspension of the rules.

The SPEAKER. The Chair knows this is not.

Mr. FITZGERALD. The House has disagreed to the Senate amendments and asked for a conference. Under the practice of the House the next step is for the Speaker to appoint the managers of the conference on the part of the House. When that is done the matter is disposed of, and it is messaged to the Senate. If the Chair recognizes some one to move to instruct the conferees before he announces the managers, that is a preferential motion, but it is a motion that is incidental to the matter still before the House. That has been debated, and the previous question applied to it not only cuts off amendment but necessarily cuts off debate.

This motion to instruct the conferees is not an original proposition upon which there has been no debate. It is incidental to this whole question of disagreeing to these Senate amendments and sending the bill to conference. On these subsidiary motions debate is not in order if the previous question be ordered. For instance, suppose the gentleman from Massachusetts [Mr. GARDNER] had been recognized to offer an amendment and moved the previous question. Would there then be debate because the amendment had been offered and not debated? After the previous question had been ordered would debate be in order?

The rule, as I recall, is that when any proposition is under consideration on which the previous question has been ordered without debate, there shall be debate for 20 minutes on a side.

What is the purpose of the motion? It is to prevent a question being put to the House without any discussion whatever. But this is not such an original proposition as is contemplated by the rule. It is one of the incidental, subsidiary questions that arise in the transaction of the business of the House.

I do not believe it was ever contemplated by the rule that debate should be permitted after the previous question is ordered under these circumstances.

Mr. SAUNDERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SAUNDERS. I made the point of order and desire to submit the rule upon which I rely.

The SPEAKER. The gentleman will proceed.

Mr. SAUNDERS. Under rule 27, third paragraph, section 884, I find the following:

> When a motion to suspend the rules has been seconded it shall be in order before the final vote is taken thereon to debate the proposition to be voted on 40 minutes, one-half of such time to be given in favor of and one-half to debate in opposition to such proposition; and the same right shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. The Chair would like to ask the gentleman from Virginia a question. Would the gentleman hold that when a bill is reported back to the House from the Committee of the Whole House on the state of the Union, and the gentleman in charge of it moved the previous question on the bill and all amendments thereto to final passage, that there was 40 minutes' debate on that?

Mr. SAUNDERS. That is not this situation. In the case put by the Speaker the main proposition, which was the bill and amendments, had been debated in the Committee of the Whole.

The SPEAKER. Is it not practically the same situation?

Mr. SAUNDERS. No, I think not.

The SPEAKER. Why not?

Mr. SAUNDERS. This bill has practically gone to conference. The motion of the gentleman from Virginia was to take up the bill and amendments under suspension of the rules, and send same to conference. This was ordered by the vote of the House. But the pending proposition is one that relates essentially to the conduct of the committee in conference. One motion that has been carried related to the disposition of the bill. The pending motion operates upon the members of the committee on conference. It is an expression of the will of the House, and is intended to direct and control in part the attitude of the committee when in conference. This resolution is an appropriate matter to be debated, since if adopted, it will express the sense of the House upon a Senate amendment that is of more than doubtful constitutionality. It is a separate and distinct proposition expressing, as I have said, the sense of the House upon one specific item of the bill. The gentleman who offered it was recognized in the first instance to offer it. What sort of analogy exists between this situation and the precedents submitted by the gentleman from New York? The reading of the rule itself is a sufficient answer to all the objections that have been made: What does the rule say?

The same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

I am not concerned to answer at length the gentleman from New York who says that it was never intended for the rule to apply to such a situation as the one before us. It is sufficient to say that and derive the meaning and plain intent of the rule from the simple and definite language in which it is stated.

Mr. SHERLEY. Will the gentleman yield?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. What would the gentleman say to the note which you find under the rule—"when previous question ordered without debate on motion not debatable, no debate allowable under this rule," a decision made by the present occupant of the chair?

Mr. SAUNDERS. That is not this situation at all.

Mr. SHERLEY. That was a decision by the present occupant of the chair. I admit that the case is not parallel with this, but it successfully answers the contention of the gentleman that the language of the rule precludes any case arising where there should not be debate under the previous question.

Mr. SAUNDERS. Not at all. When the rules provide that certain propositions are not debatable, this rule does not apply so as to give debate upon the previous question, for the simple reason that the previous question has not cut off debate.

These propositions are not debatable under any circumstances. Hence the application of the previous question has not operated prejudicially to the right of debate. But this matter is debatable, and the use of the previous question has eliminated a full discussion on the merits. Hence the rule applies so as to give 20 minutes on a side. In the case cited by the gentleman from Kentucky the previous question did not limit the right of discussion. The rules had already provided that the motion to which the previous question was directed was not debatable. Plainly the application of the previous question to a nondebatable proposition would not make it debatable. In the case in hand the resolution is one calling for debate, and proper to be debated under the rules.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to make one suggestion. It all depends upon whether this is an incidental motion. If it is an incidental motion, it is not debatable. If it is not, it is, and in deciding whether it is an incidental motion I invite the attention of the Chair to the fact that the conferees have not yet been appointed.

The SPEAKER. On which side does it have a bearing?

Mr. GARDNER of Massachusetts. I think this is an incidental motion.

Mr. SAUNDERS. Mr. Speaker, I have not yielded the floor. I desire to call attention to the fact that the previous question had not been ordered heretofore in respect to the motion of the gentleman from Virginia [Mr. LAMB] to send this bill to conference, though I think that this fact makes no particular difference in this connection.

The SPEAKER. The other transaction was under suspension of the rules.

Mr. SAUNDERS. Yes; that is true. The bill and amendments were taken up under suspension of the rules, and were not debatable, save as to the 40 minutes provided for. The pending resolution is debatable on its merits, but before the proponent of the same could secure the floor for this purpose, the gentleman from Virginia was recognized and moved the previous question. Hence the latter portion of the rule comes into operation and affords a debate of 40 minutes.

Mr. MANN. Mr. Speaker, it seems to me that this is a very simple proposition. The gentleman from Virginia [Mr. SAUNDERS] relies upon the last clause of paragraph 3 of Rule XXVII, which says:

And the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

There has been debate of 40 minutes on the Senate amendments. Under the motion of the gentleman from Virginia to suspend the rules and disagree to the Senate amendments there were 40 minutes of debate on the Senate amendments. So upon the main question there has been debate. The Chair will notice a statement on page 341 of the Manual, referring to debate:

It may not be demanded on a proposition which has been debated in Committee of the Whole or on a conference report if the subject matter of the report was debated before being sent to conference.

The subject matter has been debated on the motion of the gentleman from Virginia to suspend the rules and disagree to the Senate amendments, and the principal or main question having been debated, debate is not in order after the previous question is ordered on a mere incidental motion relating to the subject matter which has been debated.

Mr. MONDELL. Mr. Speaker, I will ask the Chair to hear me for just a moment. The rule with regard to the previous question is intended to give an opportunity to debate for a limited time every debatable question.

The SPEAKER. The Chair will ask the gentleman a question. Has not this very identical question—that is, the substance of it—been debated for 40 minutes?

Mr. MONDELL. It has not.

The SPEAKER. Did not the gentleman himself make a five-minute speech upon it?

Mr. MONDELL. I did not, Mr. Speaker. The question before the House a moment ago was the question of suspending the rules and sending the Agriculture bill to conference, and in the discussion of the question of whether the bill should go to conference there was some reference made to a certain amendment of the Senate, but the question of instructions has not been debated for a moment.

The SPEAKER. The Chair will ask the gentleman this: Were not the entire 40 minutes of debate used up on this very identical amendment?

Mr. MONDELL. Whether they were or not seems to me entirely irrelevant. The question then before the House was, Shall we send the bill to conference?—and many gentlemen might desire to send the bill to conference who would also desire later to instruct with regard to a particular item. The argument was not then on the question of instruction, but on the question of whether the bill should go to conference. And the item that was discussed then may not be discussed now. The Chair has no knowledge of what the discussion shall consist of, but what I want to emphasize is that the House has not for one moment discussed the question of whether or not the conferees shall be instructed.

Mr. SAUNDERS. Mr. Speaker, I desire to say just a word more. I do not wish to unnecessarily protract this debate, but it seems to me this is a highly important question upon which a ruling is asked. This rule should not be so construed as to unreasonably cut off the very limited debate that is provided, a debate which if allowed in the present instance would be conducted upon a constitutional question of considerable interest. Matters before this House, that are proper to be discussed, ought to be discussed within reasonable limits, and the rules should be so interpreted as to favor some debate at least, if such a conclusion can be fairly reached by the presiding officer. I wish to call the attention of the Chair to the fact that this motion, properly speaking, and in a parliamentary sense is not an incidental motion.

The SPEAKER. The Chair will ask the gentleman why it is not incidental?

Mr. SAUNDERS. Because in familiar parliamentary law such motions as deal with the main proposition, as for instance the motion to amend a bill, or postpone it, are incidental motions, but the motion to instruct a committee is not an incidental motion. The first motion made by the gentleman from Virginia related to the bill itself, to the disposition of the bill. The second motion relates to the men who are to deal with the bill. Neither in form, nor in substance, is the motion of the gentleman from Wyoming, a motion incidental to the motion of the gentleman from Virginia [Mr. LAMB]. In no sense is it subsidiary to the motion of the gentleman from Virginia. Having sent the bill to conference the House is asked by a separate and independent motion to express its opinion upon one proposition, and to impress that opinion upon the members of the con-

ference. It matters not that in the course of the debate one, or more gentlemen may have discussed certain phases of the amendment to which the instructions relate. This was not debate on the Mondell resolution, but on the Lamb motion.

The main proposition first under consideration was whether or not the bill and amendments should go to conference. Discussion on this point, and incidentally discussion on the merits, or demerits of the proposition to protect migratory birds, is not, and can not be considered as discussion of the motion to instruct the conferees of the House to reject this amendment in conference. Debate on this motion is not a repetition of former debate, for the obvious reason that it is directed to an essentially different proposition. One motion deals with the thing itself, and amendments, the other deals with persons. The House might doubt the wisdom of an amendment and yet be unwilling to instruct its conferees to reject it in conference.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Permit me to finish. Obviously the motion of the gentleman from Wyoming has not been debated. If the motion is properly debatable, the previous question has precluded debate.

The pending motion proposes to instruct the committee. The motion is directly addressed to this committee, and intended to control their action. Who has discussed this phase of the matter, or the propriety of limiting the discretion of the committee. The merits of the proposition to protect migratory birds is one thing, the propriety of controlling the action of the committee in this respect is quite another and different thing. These considerations very clearly show that this motion is not an incidental motion to the motion of the gentleman from Virginia. It does not deal with that motion at all, for that motion is a closed incident. An amendment to the Lamb motion, if in order would have been an incidental motion. But this motion looks to the future, and looks to the men who will deal with the bill and amendments during the period that the same will be temporarily out of the House. It orders the conduct of these men in their relation to the subject matter of the conference that the House has ordered by its prior action. I submit that such a motion is not fairly an incidental motion, and should not be so held so as to cut off the very limited debate provided for by the rule. The suggestion that if debate is allowed on this motion an interminable series of debates will be possible, is not well taken. Any motion incidental to the motion of the gentleman from Wyoming would not be debatable if the previous question is moved. Even in the case in hand the gentleman from Virginia [Mr. LAMB] might have debated the Mondell resolution briefly, and then moved the previous question. That action on his part would have cut off all further debate.

Mr. FITZGERALD. Mr. Speaker, I wish to call attention to two decisions in sections 5497 and 5498 of Hinds' Precedents, volume 5:

> The word "proposition" in the rule, providing as to debate after the previous question is ordered, means the main question and does not refer to incidental motions.

The gentleman from Virginia [Mr. SAUNDERS] contends that this motion to instruct is not an incidental motion; that it is not incidental to the main proposition—that is, it is a question which stands by itself and apart from all other questions to which it might be related. What standing would it have here except as an incident to this procedure of sending this bill to conference?

Mr. SHERLEY. And it could not get its preference except by being incidental to it.

Mr. FITZGERALD. Unquestionably it has no standing whatever apart from this proceeding of sending this bill to conference; that is what makes it privileged. It is privileged at this particular stage of this proceeding before the Chair announces the managers on the part of the House. If it were not offered at this time it would not be privileged, it would not be in order, and it would have no standing whatever. Mr. Speaker, in the paragraph in the Precedents giving the history of this rule for debate after the previous question in certain instances the reason is given for its adoption. Upon a number of occasions legislation of the utmost importance had been passed by being called up and the previous question ordered on it and no debate whatever had. In the two decisions which are found here, which the Chair has before him, I think it is made clear that this is an incidental question, and is not in order.

The SPEAKER. There is a certain class of motions that may be called summary proceedings, and all these motions are lumped off in the rules under the head of "incidental." If this kind of a motion was ruled to be debatable, you could never get through with the business of the House, and the Chair holds that there is no debate under it on the theory that it is incidental to the main question. There are three different propositions which have been argued—the two the gentleman from New York cited and another one about three pages farther on in the same volume. The question is on the motion of the gentleman from Wyoming.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 36, noes 117.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and nineteen gentlemen are present, a quorum.

So the motion was rejected.

Mr. EDWARDS. Mr. Speaker, would it be in order to offer instructions at this time?

Mr. WEEKS. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That it is the opinion of the House that the conferees on the part of the House should agree to Senate amendment 142 in form or substance.

Mr. WEEKS. Mr. Speaker, on that I demand the previous question.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that a resolution of instructions having been offered and the previous question ordered on it and the matter disposed of, no further motion is now in order.

Mr. MANN. Mr. Speaker, it seems to me that the motion for instructions is itself open for amendment unless the previous question be had, but there can not be an indefinite number of motions offered in the way of instructions. The motion for instructions being made, any gentleman may offer an amendment by adding additional instructions, but only one main motion for instructions, I think, can be offered. Without a holding to that effect, unless the Speaker hastens the naming of the conferees in spite of Members demanding recognition, we would be in a position where upon one of these bills in conference with a large number of Senate amendments it would be impossible to ever finish.

The SPEAKER. The Chair is ready to rule. This is analogous to a motion to recommit, and there can be but one motion to recommit that is in order, and it is amendable; anybody could have amended it if he got the chance without the previous question being ordered; and it has been held by the Chair's predecessors, and also by the present occupant of the chair, that when a gentleman makes a motion to recommit with instructions and the Chair rules his instructions out of order, then another Member can make another motion that will be in order; but if the first one is in order and disposed of that ends it, because there must be an end to all things some time or other. The Chair sustains the point of order. The Chair announces the following conferees.

The Clerk read as follows:

Mr. LAMB, Mr. LEVER, and Mr. HAUGEN.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7723. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia;

S. 110. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect;

S. 2622. An act to authorize the city of Everett, Wash., to purchase certain lands for the securing, establishment, maintenance, and protection of a source of water supply for said city;

S. 3194. An act to revise section 985 of the Revised Statutes of the United States;

S. 4089. An act for the relief of S. W. Fenton, R. L. Fenton, and Richard Wallace;

S. 5107. An act for the relief of W. D. McLean, alias Donald McLean;

S. 5186. An act to incorporate in the District of Columbia the Brotherhood of North America Indians;

S. 6062. An act for the preparation of a plan for the erection of a foundation and pedestal on ground belonging to the United

States Government in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade;

S. 6675. An act for the relief of Philip Cook;

S. 7600. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada;

S. 7620. An act for the relief of Ernest C. Stahl;

S. 7722. An act to promote the efficiency of the Public Health Service;

S. 7747. An act for the relief of Charles Dudley Daly;

S. 7878. An act for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen;

S. 7880. An act to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line;

S. 8002. An act for the relief of Byron W. Canfield;

S. 8130. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply;

S. 8306. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907;

S. 8377. An act to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.;

S. 8443. An act to extend the time for constructing a bridge across the Missouri River at or near the town of Meldon Springs Landing, Mo.;

S. 8540. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8565. An act to authorize the Virginia and Carolina Southern Railroad Co. to construct a brige across the Lumber River at or near the town of Lumberton, N. C.

DISTRICT APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker——

The SPEAKER. The gentleman from Texas [Mr. BURLESON] is recognized. [Loud applause.]

Mr. BURLESON. I move to suspend the rules and to discharge the Committee on Appropriations from further consideration of H. R. 28499, a bill making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, to disagree to all of the Senate amendments, excepting Senate amendment No. 132, and to concur in Senate amendment No. 132 with an amendment as follows:

SEC. 9. PARAGRAPH 1. That hereafter it shall be unlawful in the District of Columbia to issue any license for a barroom in a new location until the number of barrooms licensed shall bear a relation to the number of inhabitants of 1 barroom to each 1,000 inhabitants, according to the last preceding annual census taken by the Metropolitan police, and then and thereafter the number of barrooms licensed may be increased from time to time as the excise board may determine, but not beyond the ratio aforesaid: *Provided*, That hotels established or hereafter to be established and found by the excise board to have not less than 50 rooms for guests shall always have the right to be licensed to sell intoxicating liquors, subject, however, to forfeiture of said license for violations as provided by existing law: *And provided further*, That no hotel found by the excise board to have less than 50 rooms for guests shall be entitled to a license to sell intoxicating liquor beyond the expiration of the present license year.

PAR. 2. That the fee for a wholesale liquor license is increased for the license year beginning November 1, 1913, $100, and $100 additional for each successive year on the beginning of each and every license year thereafter until the license year beginning November 1, 1916, for which year and every license year thereafter the said license fee shall be $600; and the fee for a barroom license is increased for the license year beginning November 1, 1913, $100, and $100 additional for each successive year on the beginning of each and every license year thereafter until the license year beginning November 1, 1919, for which year and every license year thereafter the said license fee shall be $1,500.

PAR. 3. That no saloon shall be located within 600 feet of any public school, or private school now in existence, or within 500 feet of any established church, or within 1,000 feet of the Marine Barracks, the navy yard, or War College: *Provided*, That this paragraph shall not apply to hotels with 50 rooms or more or to social clubs now in existence.

PAR. 4. That no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section.

PAR. 5. That it shall not be necessary in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants of manufacturing or selling intoxicating liquors without license, or in any section of the District of Columbia where the manufacture and sale is prohibited, to prove the actual sale, delivery of, or payment for any intoxicating liquors, but the evidence of having or keeping them on hand and offering to sell or barter, exchanging for goods or merchandise, shall be sufficient to convict; nor shall it be necessary in a warrant or information to specify the particular kind of liquor manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or mentioned in orders solicited or taken for the purchase of intoxicating liquor, but it shall be sufficient to allege in the warrant or information that the accused manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or kept it deposited to sell or barter.

PAR. 6. That the issuance of an internal-revenue special-tax receipt or certificate by the United States to any person as a wholesale or retail dealer in distilled liquors or in malt liquors at any place within the District of Columbia shall be prima facie evidence of the sale of intoxicating liquors by such person at such place or at any other place of business of such person in the District where such special-tax receipt is posted and at the time charged in any prosecution under this section, but such time must be within the life of such receipt or certificate.

PAR. 7. That nothing in this act contained shall be deemed to repeal any of the provisions of existing laws regulating the sale of intoxicating liquors in the District of Columbia, except in so far as they are necessarily repealed by the provisions of this act.

That the House insist upon its amendment to Senate amendment No. 132 and ask for a conference, and that the Speaker shall, upon the adoption of this motion, appoint the conferees without intervening motion.

The SPEAKER. Is a second demanded?

Mr. WEBB. Mr. Speaker, I demand a second.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] demands a second, and the gentleman from Texas [Mr. BURLESON] asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. BARTHOLDT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. If this motion to suspend the rules should be voted down by chance, will any Member of the House still have the right to make a point of order on the several amendments in the bill, or must the point of order be raised now?

The SPEAKER. The bill would be where it is now, in the hands of the Committee on Appropriations. A Member would have no right to make such a motion.

Mr. WEBB. A parliamentary inquiry, Mr. Speaker. Would it be in order to move as a substitute that the House concur in Senate amendment No. 132?

The SPEAKER. It has got to be taken as a whole or rejected, one or the other. It is not amendable.

Is there objection to considering a second as ordered?

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I wish to make a parliamentary inquiry. Would it be in order to offer an amendment to the amendment offered by the committee?

The SPEAKER. It would not. You have to take this thing as it is offered as a whole or reject it as a whole.

Mr. HAMLIN. Perhaps the Speaker does not quite understand me. I understand the motion made by the gentleman from Texas [Mr. BURLESON] is to disagree to the Senate amendment with an amendment.

The SPEAKER. That is his motion.

Mr. HAMLIN. Yes, sir. Now, my parliamentary inquiry is: Is it in order to offer an amendment to the amendment offered by the gentleman from Texas [Mr. BURLESON]?

The SPEAKER. It is not.

Mr. GREGG of Pennsylvania. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania [Mr. GREGG] is recognized.

Mr. GREGG of Pennsylvania. I could not hear the question that was asked by the gentleman from Missouri. I understood, however, that his inquiry was as to a question of reserving a point of order.

The SPEAKER. To which gentleman from Missouri does the gentleman refer? Two of them have addressed the Chair.

Mr. GREGG of Pennsylvania. I refer to the gentleman from Missouri, Mr. BARTHOLDT. Is it proper to reserve a point of order upon the motion that has been made by the gentleman from Texas [Mr. BURLESON]?

The SPEAKER. It is not. Is there objection to the ordering of a second? [After a pause.] The Chair hears none. The gentleman from Texas [Mr. BURLESON] is entitled to 20 minutes and the gentleman from North Carolina [Mr. WEBB] to 20 minutes.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to modify my motion by changing the word "barroom" to "saloon" wherever it may appear in the motion.

The SPEAKER. The word "barroom" is changed to the word "saloon" wherever the word "barroom" occurs.

Mr. RUCKER of Missouri. Mr. Speaker, I understood the gentleman to ask unanimous consent.

Mr. BURLESON. To modify the motion; that is all.

Mr. RUCKER of Missouri. Reserving the right to object——

Mr. BURLESON. The purpose is to make the verbiage of the bill uniform.

Mr. RUCKER of Missouri. I want to ask the gentleman a question, and this may be all the chance that I may get. I want to ask if the motion the gentleman offers here prevents the selling of whisky in the Union Station in this city?

Mr. BURLESON. I do not think it does.

Mr. RUCKER of Missouri. Do you not think it ought to do so?

Mr. BURLESON. There are many things which I think the amendment ought to bring about which I think it will be utterly impossible to secure at this time.

Mr. RUCKER of Missouri. We may be able to secure that one.

Mr. BURLESON. I do not think so; not now.

Mr. MANN. What became of the request of the gentleman from Texas?

The SPEAKER. The gentleman from Texas asks unanimous consent to modify his motion by inserting the word "saloon" in place of the word "barroom" wherever it occurs. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Speaker, every Member of the House realizes the necessity and the importance of speedily sending the District of Columbia appropriation bill to conference. After to-day, eliminating Sunday, we have only 48 or 60 hours remaining within which it is possible for the conferees to reach an agreement upon this bill, which carries 134 Senate amendments.

There is only one amendment that is giving us any trouble, which presents a serious difficulty, and that is amendment No. 132, known as the Jones-Works excise amendment. It is the only Senate amendment to the District bill that has delayed this bill going to conference. I feel sure that there would be no difficulty, so far as the membership of this body is concerned, in reaching an understanding with reference to this particular amendment but for certain extraneous influences, but unfortunately there are two opposing elements outside of this Chamber that it is impossible to bring together, and, so far as I am concerned, I do not intend to attempt to bring them together.

We have attempted in this amendment, which I propose in lieu of the Jones-Works excise amendment, to give the District of Columbia a sane regulatory measure affecting the licensing of saloons. By its terms we very materially reduce the number of saloons. We fix the number of saloons under the provisions of the amendment as one for every 1,000 inhabitants of the District. To this all may not assent, but no one will deny that it is an improvement on existing conditions and that it is reasonable. We provide that the license fee shall be gradually increased from $800 per annum until it reaches, at a future period of time fixed by the amendment, $1,500. In addition thereto the substitute amendment provides that no saloon shall be located within 600 feet of a school or 500 feet of a church or within 1,000 feet of the navy yard or the War College. It also prohibits saloons in the residence sections of the District.

In addition it provides that an internal-revenue license in the possession of a citizen of the District of Columbia under the law shall be prima facie evidence that that party is engaged in the sale and barter of intoxicating liquors.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. BURLESON. I do.

Mr. HAMLIN. What is the provision with reference to these clubs? I tried to read it when the gentleman let me look at it, but the gentleman wanted it back again and took it back when I tried to find out. What is the provision in regard to these social clubs? Does it not permit the organization of clubs whenever they choose to organize them?

Mr. BURLESON. It does not. On the contrary, it provides that saloons shall not be located within a given distance of a public school or——

Mr. HAMLIN. I understand that.

Mr. BURLESON. Or an established church.

Mr. HAMLIN. What is provided in regard to clubs? Does it limit it to existing clubs, or may clubs be organized hereafter?

Mr. BURLESON. The only place where social clubs are referred to in this motion is here. I will read it:

Provided, That this paragraph shall not apply to hotels with 50 rooms or more, or to social clubs now in existence.

Mr. HAMLIN. That is the point I wanted to get clear.

Mr. BURLESON. Every precaution has been taken to hedge the traffic around so that there can be no evasion of the law. We provide against clubs formed to evade the law. We think that is all that can be accomplished at this time.

I am free to say that the amendment does not suit me in many particulars. It is not as liberal as it should be in some particulars, from my viewpoint, and it is too drastic in others; but in order to meet what is considered the demands of the situation we have drawn the amendment as it is proposed here. I mean what I say when I make the statement that the amendment is not as liberal in some particulars as I would like to have it. If I had my way, I would leave the law as it now is in the matter of prescribing the distance a saloon should be removed from a school or a church. But the sentiment of this House is in favor of the greater distance.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MOORE of Pennsylvania. For a question.

Mr. BURLESON. Yes; for a question.

Mr. MOORE of Pennsylvania. How does the amendment treat those established business places and restaurants which may now be within 500 feet or 600 feet of a schoolhouse or a church? Must they go out of business?

Mr. BURLESON. The proposition will not affect those now in existence until the expiration of their licenses.

Mr. MOORE of Pennsylvania. It affects only those to come hereafter?

Mr. BURLESON. Only those to be licensed hereafter.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. BURLESON. Just one moment, and then I will yield to the gentleman.

Then there is an additional proposition embodied in the amendment to which I desire to direct attention and then I will yield. The amendment provides that in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, of the manufacture or sale of intoxicating liquors without a license, or in any section of the District of Columbia where it is prohibited, it shall not be necessary to prove the actual delivery, sale, or payment for the intoxicating liquors, but the fact of having or keeping them in hand or offering them for sale shall be sufficient to convict. Now, I have briefly outlined just what the amendment provides and all that it will accomplish.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. BURLESON. I yield to the gentleman from Nebraska.

Mr. NORRIS. This amendment strikes out the entire Senate amendment with reference to the sale of liquor?

Mr. BURLESON. It does, and substitutes what I have outlined.

Mr. NORRIS. Is there anything left in this amendment that was in the Senate amendment in regard to the sale of liquor to habitual drunkards?

Mr. BURLESON. There is not. That is covered by existing law.

Mr. NORRIS. Is there anything that was in the other bill, providing for notice on the part of the wife?

Mr. BURLESON. There is not; but it is utterly impossible for us to accomplish all that the gentleman from Nebraska desired in that connection.

Mr. NORRIS. I could not hear it all read, and I wanted to know what the facts are.

Mr. BURLESON. There is no provision in the amendment relating to what the gentleman asks about.

Mr. NORRIS. Is there any prohibition against the sale on holidays?

Mr. BURLESON. There is not. The law with reference to selling on holidays and Sundays continues just as it is at this time, and it is a very drastic law, as the gentleman from Nebraska knows.

Mr. NORRIS. Is there any provision in this committee amendment providing for the closing of saloons at any hour of the night or day?

Mr. BURLESON. The law now regulates that.

Mr. NORRIS. In the Senate amendment there were some provisions, and I wanted to know whether this committee has included them or not.

Mr. BURLESON. It has not; but the existing law does.

Mr. SABATH. The existing law regulates that.

Mr. LANGLEY. Will the gentleman yield?

Mr. BURLESON. Yes.

Mr. LANGLEY. How many saloons will have to go out of business as the result of this amendment if it is adopted?

Mr. BURLESON. As I understand it there are now approximately 560 or 580 saloons, including those in hotels and clubs, in the District at this time. If this amendment becomes law there will be one saloon for every 1,000 inhabitants.

Mr. LANGLEY. What is the total population of the District?

Mr. BURLESON. The population of the District is about 325,000.

Mr. GALLAGHER. How many saloons now in existence will be wiped out of existence if the 600-foot limit applies?

Mr. BURLESON. I am unable to give the gentleman that information. Some say that there will be 150 wiped out. Some contend that there will be only about 45 or 50 wiped out.

Mr. GALLAGHER. There have been no measurements made?

Mr. BURLESON. There were measurements made to ascertain the effect of the Jones-Works excise bill, if it should become law, and I have in my hand statistics prepared by some one and furnished from the District Commissioners' office, showing that under the operation of the Jones-Works excise bill there would be only seven saloons left within the limits of the District of Columbia, and that it would be possible, by the establishment of a very small and very temporary shorthand or typewriting school at certain designated points, to eliminate those seven saloons within a very brief period of time.

Mr. MOORE of Pennsylvania. Apparently my question was not fully answered a moment ago, unintentionally of course on the part of the gentleman. Take the case of the restaurant known as Harvey's, on Pennsylvania Avenue, which has been established for very many years. The Hotel Raleigh is just across the way. Both of them are long established. Within 600 feet of them is the headquarters of the Salvation Army. Now, when the present licenses of those two places expire, will they, by reason of the proximity of the Salvation Army headquarters, be compelled to go out of business?

Mr. BURLESON. The Raleigh Hotel will not. I am not prepared to say with reference to the other. I do not think it would. That is a matter to be passed upon by the excise board.

I reserve the remainder of my time.

The SPEAKER. The gentleman from Texas reserves nine minutes.

Mr. LANGLEY. Will the gentleman yield to me?

Mr. BURLESON. I yield to the gentleman from Kentucky.

Mr. LANGLEY. Will there be 1 saloon for each 1,000 inhabitants and in addition a bar in each hotel?

Mr. BURLESON. One saloon for every 1,000 inhabitants in the District of Columbia. That is what was in mind by those who drew the amendment.

Mr. ADAIR. Is that exclusive of hotels?

Mr. LANGLEY. Exclusive of hotels?

Mr. BURLESON. That excludes hotels and clubs. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER. Mr. Speaker, I would like to ask the gentleman one question.

The SPEAKER. The gentleman has taken his seat, and reserves the remainder of his time—nine minutes.

[Mr. WEBB addressed the House. See Appendix.]

Mr. BURLESON. I yield four minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I crave the attention of the House for four minutes. Gentlemen are very anxious to have a chance to consider this Senate amendment, known as the Jones-Works amendment. This amendment is placed upon the District of Columbia appropriation bill, a bill to carry on the District government for the coming fiscal year, and it ought to be considered on its own merits and no other way. Now, what is the parliamentary situation? The Senate put this amendment upon the District of Columbia appropriation bill. It has come to the House; it goes under the rules to the Committee on Appropriations, where it now is. When it comes back to the House it is subject to the point of order. That sends it to the Committee of the Whole House on the state of the Union for consideration. Not only this amendment, but a dozen other amendments are subject to the point of order. General debate is first in order, and then if it is the sense of a majority of the House after debate to close it, consideration under the five-minute rule and under the rules of the House. There are hundreds of amendments that can be made and can be discussed under the five-minute rule, requiring days of time, and it means that the District of Columbia appropriation bill has to fail or other bills are to fail.

So much for the parliamentary situation. This motion is to suspend the rules, requiring a two-thirds vote, and disagree to all of the Senate amendments except this particular amendment, and send the bill to the Senate asking for a conference. If this action is had, the House and Senate conferees will meet with full power and authority to settle all differences between the two bodies—and as to the Jones-Works amendment, they can agree to the House amendment or the Senate amendment, or can make an entirely new bill touching the regulation of the liquor traffic in the District of Columbia and report the same to their respective bodies, and if the agreement is ratified by the two bodies the bill would become a law on the approval of the President.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. CANNON. I can not yield in four minutes. So much for the parliamentary situation. Now, touching the merits of the bill, I am not in harmony with some of the provisions in the Jones-Works measure. I do not believe that there are 50 men in this House who are. I am not in harmony with the proposed House amendment in some respects.

I would make it, as the gentleman from Texas says, more liberal in some features and more stringent in some features. It is a marked improvement upon the present law. In the end, and in the speedy end, it will cut saloons down in this District from 586 to about 325. I say, again, this is the practical way to legislate settling the differences between the House and Senate. If the agreement does not suit a majority of the House when presented, it will go for nothing. I am anxious to have legislation in the premises, and I know of no way to get it in the remaining days of this session except through a full and free conference between the Senate and House.

The SPEAKER. The time of the gentleman has expired. The gentleman from North Carolina [Mr. WEBB] has four minutes and the gentleman from Texas [Mr. BURLESON] five minutes.

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. WILLIS.]

Mr. WILLIS. Mr. Speaker, when unanimous consent was sought in the House the other day to disagree to the Senate amendments I objected, and I do not propose that this motion shall be allowed to go to vote without filing my protest against it. I objected then, Mr. Speaker, because I did not propose that any committee or any number of gentlemen less than the whole membership of this House should have the right to strangle this bill in the dark. [Applause.] I do not propose that it shall be suffocated even in the daylight by the gentlemen who have reported this amendment, if I know of any way to prevent it. The gentleman from Texas [Mr. BURLESON] said in response to the inquiry of the gentleman from Nebraska [Mr. NORRIS] that there is in his proposed amendment no regulation touching the sale of liquor to minors; that there is no regulation concerning the sale of liquor on holidays.

Mr. BURLESON. There are drastic regulations in the law now on that subject.

Mr. WILLIS. Mr. Speaker, I understood the gentleman to say, in response to the query of the gentleman from Nebraska [Mr. NORRIS], that it was not possible to get all these desirable changes in the law now. If the statement he now makes is true, we already have them. The fact is, Mr. Speaker, if these things are desirable, there was an easy way whereby the gentleman from Texas could have permitted this House to vote on them. It has just been said that there are not 50 men on this floor who are in favor of the Jones-Works bill. Then, if that statement, which I do not believe, is correct, in God's name, why not give the membership of the House a chance to vote on it instead of strangling it by this proposition? Ah, the gentlemen who are opposed to the Jones-Works bill are afraid to let the House vote on it. That is why. [Applause.]

Mr. SHARP rose.

Mr. WILLIS. I will yield to my colleague for a brief question.

Mr. SHARP. Is it not true, in answer to the charge of the gentleman from Illinois that we come here at the eleventh hour to pass such legislation, that these reforms were presented time and time again for consideration before the District of Columbia Committee, and that its enemies defeated all such efforts by preventing the attendance of a quorum?

Mr. WILLIS. I understand from the papers that that statement is absolutely true. I hope this motion and the amendment offered by the gentleman from Texas [Mr. BURLESON] will be voted down.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I request not to be interrupted. For several years I have been making a disinterested and cold-blooded scientific investigation of this question [laughter], and I have come to the final conclusive proposition that reform rests with the youth of the land absolutely and that reform propositions, to get better results, must start with the youth. Investigations at Bellevue Hospital and elsewhere as to the antecedents of drunkards show that 68 per cent of all the drunkards contracted the habit before they were 21 years old. I repeat it, and I hope every Member here will listen. While laws are supposed to prevent the sale of intoxicating liquor to

minors, investigations show that 68 per cent of all the drunkards—not temperate drinkers, but drunkards—more than two-thirds of all the drunkards, contracted the habit before they were 21 years old and 30 per cent before they were 16 years old. And, fathers, listen—7 per cent before they were 12. The investigation showed if you bring up a boy until he is 21 and he has never begun to drink, only 2 per cent begin after that age, and the chances are 50 to 1 that he will never begin.

Therefore, I say, the true heart of regulation is to cut off the continued sale of liquor to minors, and no substitute to the Jones-Works bill ought to be acceptable unless it has some provision for improving the law relating to the sale of liquor to minors. The Jones-Works bill itself ought to be amended. It is shameful to provide that clubs may sell liquor to minors. At present the law against the sale of liquor to minors is grossly inadequate and is being nullified in our great cities. Reform in regulation should begin with strengthening the effectiveness of this law. The proposed amendment neglects this and should be voted down.

The SPEAKER. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for five minutes.

Mr. FITZGERALD. Mr. Speaker, I have not had the opportunity to spend the last two or three years of my life in making "a disinterested, cold-blooded, scientific investigation" [laughter] as to the causes of the evils resulting from drink. I do know something, however, about the situation in this House as to this bill.

This bill was referred to the Committee on Appropriations and printed on the 20th day of this month. The Committee on Appropriations met to consider it on the 21st. It was interrupted in its consideration by the Members being required to come on the floor of the House for the consideration of the sundry civil appropriation bill—on the 19th, the 20th, and the 21st of February when the committee sat 12 hours a day in this House with the sundry civil bill. On the 22d of February the committee took up the preparation of the general deficiency bill and reported that bill, with a Sunday intervening, on the 26th day of February. This is the 28th day of February, and the general deficiency bill was finished in the House yesterday.

When the gentleman from North Carolina [Mr. WEBB] speaks about this bill being strangled in the Committee on Appropriations he is speaking about matters as to which he has as little information as he seems to have in regard to the Jones-Works bill and the excise law of the District of Columbia.

Mr. WEBB. I said the District Committee. I did not say the gentleman's committee.

Mr. FITZGERALD. The gentleman spoke about this bill being strangled in committee.

Here is the District of Columbia appropriation bill, carrying in round numbers $12,000,000 to maintain the District government. It comes to the House with 134 amendments. This so-called Jones-Works amendment fills 27 pages of the bill. The so-called utilities amendment fills 62 pages of the bill. Another amendment, longer than the others not mentioned, fills 3 pages of the bill.

How much consideration has the gentleman from North Carolina [Mr. WEBB] given to any one of these amendments? How does he expect this House intelligently to take up at this time all of these important amendments and give three hours' general debate to one of them and then have these 27 pages read for amendment and consideration in committee?

Mr. Speaker, I have no sympathy with those who contract evil habits from drink or anything else or who do things to make others contract evil habits. I am not in sympathy with extreme drinking, but I do not believe that the experience of mankind has demonstrated that by rigid, drastic prohibitory laws the cause of temperance is advanced. I believe that reasonable legislation that will eliminate as far as possible the abuses connected with the sale of liquor will tend more to correct evils than the attempts of the narrow-minded to control and regulate entirely the habits of the individual. [Applause.]

This amendment has been prepared with some care during the week in which the bill has been awaiting action. Men who have antagonistic views on the liquor question have conferred together. An attempt has been made to get such a provision as will materially reduce the number of saloons in the District, as will substantially increase the license tax to be paid, and as will give that ample and adequate control over the sale of liquor in the District of Columbia that is proper; and that having been done, and this provision added to the existing liquor legislation, the situation should, in my judgment, be satisfactory to those extremists on both sides, none of whom can have their own way, but must meet on a common ground when legislation is to be accomplished. [Applause.]

I hope the motion of the gentleman will prevail. Otherwise I fear that the cause of temperance will not be benefited.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. HAMLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAMLIN. I rise to submit a request for unanimous consent. I am not going to ask the House to grant me time to submit remarks upon this proposition, but I should like permission to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. BURLESON] to suspend the rules——

Mr. HEFLIN. I should like to have the amendment of the gentleman from Texas again reported.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the motion of the gentleman from Texas be again reported. Is there objection?

SEVERAL MEMBERS. Regular order!

The SPEAKER. The regular order is demanded, which is equivalent to an objection. The question is on the motion of the gentleman to suspend the rules, discharge the Committee on Appropriations from further consideration of this bill, concur in the Senate amendment with the amendment which has been read, disagree to all the other amendments, and send the bill to conference.

The question was taken, and the Speaker announced that in his opinion two-thirds had voted in the affirmative.

Mr. HOBSON. Mr. Speaker, I ask for the yeas and nays.

Mr. WEBB. I demand a division.

Mr. HENRY of Texas. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEBB. Did the Speaker state that we are now about to vote on the Burleson amendment also?

The SPEAKER. To vote on the whole thing as one proposition.

Mr. WEBB. I did not understand the Speaker to state——

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded, which is to vote on the motion to suspend the rules and send this bill to conference.

Mr. WEBB. With the amendment.

Mr. ALEXANDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALEXANDER. As I understand it, the motion is to suspend the rules and agree to the committee amendment to the Jones-Works amendment, and disagree to all the other amendments, and send the bill to conference.

The SPEAKER. Yes.

Mr. WEBB. That is what I thought.

The SPEAKER. That is the way the Chair tried to state it.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAGGART. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAGGART. What is the exact proposition before the House?

The SPEAKER. The exact proposition is——

Mr. SHERLEY. Mr. Speaker, I insist that that has already been stated, and this is not in order.

The SPEAKER. The gentleman from Kentucky objects.

Mr. MANN. I ask unanimous consent that the motion of the gentleman from Texas be again reported.

The SPEAKER. The gentleman asks unanimous consent that the Clerk again report the motion of the gentleman from Texas. Is there objection?

There was no objection.

The motion of Mr. BURLESON was again read.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. I should like to know, if this motion prevails and this bill, with the amendments, is sent to conference, would that prevent the conferees from deciding upon some other proposition with reference to this excise matter?

The SPEAKER. That is not a parliamentary inquiry, and the Chair does not know. The question is on suspending the rules and agreeing to the motion of the gentleman from Texas

[Mr. BURLESON]. On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 129, nays 171, answered "present" 5, not voting 76, as follows:

YEAS—129.

Adamson	Donohoe	Heflin	Moss, Ind.
Allen	Doremus	Henry, Conn.	Murray
Anthony	Draper	Howard	Payne
Ashbrook	Driscoll, D. A.	Hull	Pepper
Barchfeld	Driscoll, M. E.	James	Peters
Bartholdt	Dupré	Kahn	Redfield
Bartlett	Dwight	Kinkead, N. J.	Reilly
Bathrick	Dyer	Knowland	Rodenberg
Berger	Edwards	Konig	Rothermel
Blackmon	Esch	Konop	Rouse
Booher	Evans	Lamb	Sabath
Borland	Fairchild	Langley	Scully
Browning	Fergusson	Lawrence	Sherley
Buchanan	Fitzgerald	Lee, Ga.	Sherwood
Bulkley	Fordney	Lee, Pa.	Simmons
Burgess	Foss	Levy	Smith, N. Y.
Burke, Pa.	Fuller	Littlepage	Speer
Burke, Wis.	Gallagher	Lobeck	Stanley
Burleson	Gardner, Mass.	Longworth	Stevens, Minn.
Byrns, Tenn.	Gardner, N. J.	McCoy	Sweet
Calder	Garner	McDermott	Talcott, N. Y.
Cannon	Gill	McKellar	Taylor, Ohio
Cantrill	Gillett	McKinley	Tilson
Cary	Godwin, N. C.	Madden	Townsend
Cline	Goeke	Maguire, Nebr.	Underwood
Cooper	Goldfogle	Maher	Vare
Crago	Graham	Mann	Warburton
Crumpacker	Greene, Mass.	Matthews	White
Cullop	Greene, Vt.	Merritt	Wilson, Ill.
Curley	Gregg, Pa.	Miller	Young, Mich.
Dalzell	Hamill	Mondell	
De Forest	Hardwick	Moore, Tex.	
Dent	Hart	Morgan, La.	

NAYS—171.

Adair	Good	Lever	Rubey
Aiken, S. C.	Goodwin, Ark.	Lewis	Rucker, Mo.
Ainey	Gray	Linthicum	Russell
Akin, N. Y.	Green, Iowa	Lloyd	Scott
Alexander	Gregg, Tex	Loud	Sells
Anderson	Griest	McCall	Shackleford
Austin	Guernsey	McCreary	Sharp
Barnhart	Hamilton, Mich.	McKenzie	Sims
Beall, Tex.	Hamlin	McLaughlin	Sisson
Bell, Ga.	Hardy	Macon	Slemp
Boehne	Harrison, Miss.	Martin, Colo.	Sloan
Butler	Haugen	Martin, S. Dak.	Small
Byrnes, S. C.	Hawley	Moore, Pa.	Smith, Saml. W.
Callaway	Hay	Morgan, Okla.	Smith, Tex.
Campbell	Hayden	Morrison	Stedman
Carlin	Hayes	Mott	Steenerson
Claypool	Heald	Murdock	Stephens, Cal.
Clayton	Helgesen	Neeley	Stephens, Miss.
Collier	Helm	Nelson	Stephens, Nebr.
Covington	Henry, Tex.	Norris	Sterling
Cox	Hensley	Nye	Stone
Daugherty	Higgins	Oldfield	Switzer
Davis, W. Va.	Hill	Olmsted	Taggart
Denver	Hinds	Padgett	Taylor, Ala.
Dickinson	Hobson	Page	Taylor, Ark.
Dies	Holland	Palmer	Taylor, Colo.
Difenderfer	Houston	Pickett	Thayer
Dixon, Ind.	Howell	Plumley	Thomas
Dodds	Howland	Porter	Towner
Doughton	Humphrey, Wash.	Post	Tribble
Ellerbe	Humphreys, Miss	Pou	Turnbull
Faison	Jacoway	Powers	Underhill
Farr	Johnson, Ky.	Pray	Volstead
Fields	Jones	Prince	Watkins
Flood, Va.	Kendall	Prouty	Webb
Floyd, Ark.	Kennedy	Rainey	Wilder
Focht	Kent	Raker	Willis
Foster	Kinkaid, Nebr.	Rauch	Wilson, Pa.
Fowler	Kitchin	Rees	Witherspoon
Francis	Kopp	Richardson	Woods, Iowa.
French	La Follette	Roberts, Mass.	Young, Kans.
Garrett	Langham	Roberts, Nev.	Young, Tex.
Glass	Lenroot	Roddenbery	

ANSWERED "PRESENT"—5.

Bradley	Saunders	Slayden	Talbott, Md.
Davidson			

NOT VOTING—76.

Ames	Davenport	Kindred	Patton, Pa.
Andrus	Davis, Minn.	Korbly	Pujo
Ansberry	Dickson, Miss.	Lafean	Randell, Tex.
Ayres	Estopinal	Lafferty	Ransdell, La.
Bates	Ferris	Lindbergh	Reyburn
Brantley	Finley	Lindsay	Riordan
Broussard	Fornes	Littleton	Rucker, Colo.
Brown	George	McGillicuddy	Smith, J. M. C.
Burke, S. Dak.	Gould	McGuire, Okla.	Sparkman
Burnett	Gudger	McKinney	Stack
Candler	Hamilton, W. Va.	McMorran	Stephens, Tex.
Carter	Hammond	Mays	Sulloway
Clark, Fla.	Harris	Moon, Pa.	Thistlewood
Conry	Harrison, N. Y.	Moon, Tenn.	Tuttle
Copley	Hartman	Morse, Wis.	Vreeland
Cravens	Hughes, Ga.	Needham	Weeks
Currier	Hughes, W. Va.	O'Shaunessy	Whitacre
Curry	Jackson	Parran	Wilson, N. Y.
Danforth	Johnson, S. C.	Patten, N. Y.	Wood, N. J.

So (two-thirds having failed to vote therefor) the motion was lost.

The following additional pairs were announced:

Until further notice:

Mr. KINDRED with Mr. DAVIS of Minnesota.

Mr. AIKEN of South Carolina with Mr. BATES.

Mr. AYRES with Mr. AMES.

Mr. BRANTLEY with Mr. COPLEY.

Mr. BROWN with Mr. CURRY.

Mr. BURNETT with Mr. HARRIS.

Mr. FINLEY with Mr. HUGHES of West Virginia.

Mr. DAVENPORT with Mr. JACKSON.

Mr. FERRIS with Mr. LAFFERTY.

Mr. HUGHES of Georgia with Mr. MCGUIRE of Oklahoma.

Mr. LITTLETON with Mr. NEEDHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. MOON of Tennessee with Mr. WEEKS.

Mr. PATTEN of New York with Mr. REYBURN.

Mr. TUTTLE with Mr. SULLOWAY.

Mr. WILSON of New York with Mr. VREELAND.

Mr. ANSBERRY with Mr. WOOD of New Jersey.

Mr. ESTOPINAL (in favor of Burleson motion) with Mr. PATTON of Pennsylvania (against).

Mr. FORNES. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in the room and listening when his name should have been called.

Mr. FORNES. I was in the anteroom.

The SPEAKER. The gentleman does not qualify.

The result of the vote was then announced as above recorded.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for 40 minutes under a special order.

Mr. WEBB. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. At this time am I not entitled to be recognized, the gentleman from Texas having lost his motion? If I am, I would like to make a motion that would dispose of this appropriation bill.

The SPEAKER. The bill is now where it has been for four or five days.

Mr. WEBB. I understand that, but I thought it was now before the House.

The SPEAKER. It is not before the House; it is in the Committee on Appropriations, and was brought before the House for a specific purpose.

Mr. WEBB. I have a motion, Mr. Speaker, that I wish to submit.

The SPEAKER. But there is no motion the gentleman can make in reference to it.

Mr. WEBB. Then I ask unanimous consent, Mr. Speaker——

Mr. FITZGERALD. The regular order.

The SPEAKER. The regular order is demanded, and that is to recognize the gentleman from Kentucky.

A BUDGET PROPOSAL.

Mr. SHERLEY. Mr. Speaker, I desire to express to the Members of the House my appreciation of the opportunity afforded me to speak to them in these closing hours, when there is so much of legislation to be enacted, and my only excuse is that the subject of my speech I believe to be of great importance to the House and to the country, and I desire the intelligent criticism of my colleagues touching the proposals that I shall make relative to the procedure of the House. Two days ago the President of the United States sent a message to the House on the subject of a national budget. I shall not undertake in the limited time at my disposal to deal with the many phases of so vast a subject as that or to consider the message itself, but beyond some incidental remarks touching the general subject of a budget I desire to address myself to the proposition of creating a budget committee for this House in order that there may be a more comprehensive and effective consideration of revenue and annual supply bills.

The United States is peculiar among all of the great nations of the earth in that it has never developed what might be called a budget system of government. At the time of our independence, England had not developed that system of responsible government that has since been the model for so many other nations, and a budget as a method of fixing responsibility was, in its modern sense, practically unknown. And yet the elements of a budget system are found in the Constitution itself. Article I, section 8, provides that "the Congress shall have power to levy and collect taxes, duties, imposts, and excises"; and section 9, paragraph 7, provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be furnished from

time to time." By these provisions the legislative body, the only logical representative of a free people, is given primary and theoretically complete control over taxation and expenditure, but by virtue of other provisions in the Constitution giving to the President the power and duty to administer the law, with the right to appoint the chief administrative officers, such actual control over expenditures as is exercised by Parliament under the English system is impossible here.

I shall not undertake now any discussion of the English system. It is sufficient to point out that its cardinal virtue lies in the fact that those who administer the laws are chosen from and are a part of the legislative body and hold their ministerial posts at the will of that legislative body.

Yet constant reference is made to this system, and by some all proposals are to be measured by it. In so doing they seem to forget that government is a matter of evolution. Probably the cause of more failures to reform methods of doing government business—city, State, or National—is the fact that the man proposing the reform faces it from the outside rather than from the inside. Governments, like men, are always narrowed and restricted by habits—personal habits, if I may be pardoned for such a use of the word—habits that restrict their activity and their initiative just as they do every individual. Having in mind some of the habits of our Government, and particularly of this body, I have a proposal that, while not representing an ideal reform, is sufficiently simple, I trust, to enable it to be adopted and yet of sufficient importance to produce some real relief from our present intolerable system and in time lead the way to other reforms. But, before I read the proposal, let me very briefly outline our present practice, familiar though it is to most of you.

The theory of the makers of the Constitution was a separation of the executive, legislative, and judicial departments, a separation that has continued and must continue in the absence of a radical fundamental change in our Constitution. And as I have indicated, that makes unnecessary of consideration the many propositions that are presented that are predicated on the idea of a ministry that is the Government and comes out of and is answerable only to the legislative body; where they prepare and present a budget and on its legislative success or failure depend their ministerial lives. Here the President, chosen by all the people and absolutely free from accountability to Congress, save only through impeachment for malfeasance in office, selects his Cabinet officers, who by express constitutional prohibition may not be Members of Congress. These Cabinet officers are responsible to Congress in no true sense of the term, their tenure rests with the President, and while Congress may and does impose duties upon them, the proper performance of such duties can in no effective way be compelled by it. Among the duties so imposed is one requiring them to submit detailed estimates of needed appropriations for an ensuing year.

The estimates must be submitted to the Secretary of the Treasury by the 15th of October each year and by him submitted to Congress upon its opening in December of each year. It is made his duty to assemble them and to present them to the Congress in the form that has been usual in presentation of the estimates of the various departments; and if they are submitted to him in a form other than that in which they have heretofore been submitted, it is his duty to put them in the proper form, leaving to a footnote any suggested change in form. Recently it has been made also his duty to estimate the revenues of the ensuing year and the appropriations probably necessary for the maintenance of the Government; and if it is found that the appropriations will exceed the estimated revenues, then he shall certify that fact to the President of the United States, that the President in communicating to Congress may inform it how the appropriations can be curtailed or the revenues increased. Many other provisions of law exist touching the preparation of particular estimates, concerning which you are doubtless familiar. All of these various laws are ones limiting the discretion of the administrative officers. These limitations are frequently the cause of useless trouble and expense in particular cases, but Congress, having, as I have indicated, no real direct control over the departments and constantly finding abuses, is forced into continual limitations upon the discretion of all these officers. Congress, in brief, distrusts them, and they in return frequently assume an attitude of hostility toward its will.

And this is a condition that is not simply the result of an improper presentation of estimates and expenditures, as stated by the Economy Commission in its budget report, but grows directly out of the facts I have just stated of Cabinet officers having a fixed tenure and a responsibility, not to the body granting the funds but to the executive who is to see to their expenditure. Now, in the preparation of the estimates of the departments each Cabinet officer acts on his own responsibility, and while they are all transmitted to Congress by the Secretary of the Treasury, he is simply the messenger for the various departments.

John Sherman, one of the very greatest of the Secretaries of the Treasury that this country ever had, undertook to get the power to supervise the estimates of the other members of the Cabinet. But naturally every one of the other Secretaries objected to having a veto power given to anyone else over the budget that he presented. And so the matter failed. But Congress could well afford to give to one member of the Cabinet not only the power but to make it his duty to revise these estimates. And the reason of that would be this: You would then compel a certain consideration by the executive department of the budget as a whole. There is a tendency for each Secretary to consider the needs of his department only; and not unusually the sum total of the estimates to be submitted is found not by any consideration of the Government's power to raise revenue, not by any consideration of the relative merits of this department's demands as against that department's demands, but simply by the opinion that the head of each department has of its needs and then a sum in addition. And so I believe that one of the reforms that should be had and that could be had without in any way changing the present form of government would be to empower and direct the Secretary of the Treasury to revise the estimates. Of course we can not require the President. We can simply do as we did in this instance that I speak of, require the Secretary to communicate to the President that the President may, in turn, inform Congress. But the fatal mistake in the provision enacted was that it required the Secretary of the Treasury only to inform the President when he found the estimated revenues to be less than the estimated appropriations for the ensuing year. Now, the reason for it exists just as much in a case where the revenues of the country may be sufficient to meet the ordinary expenses as it does where we are likely to have a deficit in the revenues. And unless the duty is imposed upon him you will not have, other than through the initiative of some Executive desirous of bringing about reform, that supervision and consideration of the different items that go to make up a budget.

I quite agree with the Economy Commission that the form in which estimates are submitted is not one calculated to give to Congress the information it most needs or desires. A rearrangement should be made of the estimates, but here it is well to bear in mind what I have said of the habits of government. This Congress has adapted itself to certain classifications. Some should be abolished, but some, though scientifically not defendable, because of a fixed habit should be retained.

In some particulars we have a proper plan. The beginning of the fiscal year is near enough to the time when the estimates are submitted and near enough to the period at which those estimates are likely to have been enacted into law to bring about as much accuracy as possible in dealing with the future. In this regard I think the system is all that it should be. We have also passed stringent laws in regard to the creation of deficits, and have done much to require the keeping within the year of the expenses of the departments, and not to permit the borrowing from a future year for the expenses of a current year, with the idea of enabling the Government and the legislative branch of it to know without serious difficulty what the appropriations for a particular year happen to be. But much more can be done along this line.

But the great reform to be made is, as I have said, to compel consideration by the Executive and his Cabinet of the estimates as a whole. It may be that Congress will insist on having the original estimates of departmental chiefs, though I do not believe it need to, but certainly, if possible, the Executive should be required to assume the responsibility of a budget proposal, and Congress can then take the responsibility of granting, curtailing, or enlarging such proposal. As it is now, there is no true central Executive responsibility. Much of this reform could be had without change of law on the initiative of the President. It is his duty to advise Congress from time to time, and as a basis for such action he can require any information desired from administrative officers.

But it is not as to the administrative side of the budget that I desire to chiefly speak, but of its legislative aspect, though they are so dependent upon each other as to make it necessary to constantly consider both.

The estimates sent to Congress, as you know, are distributed to the various appropriating committees and these committees from time to time report bills appropriating such sums as are considered proper for the various governmental departments.

Up until the Civil War the Committee on Ways and Means had jurisdiction over both the levying of taxes and the appro-

priation of the revenues. It very properly, from the standpoint of theory, had charge of those two highest functions of government, the levying of taxes and the spending of money raised as a result of the levy. But in 1865, largely on account of the tremendous labors that were being imposed upon that committee, a division took place and there was created the Committee on Appropriations, and given to it exclusive power over the appropriation bills, leaving to the Ways and Means Committee the power it now has of exclusively considering the revenue bills. In this country it has been supposed by some people that there was not that same need for having a central authority over matters of raising revenue and matters of expenditure that existed in other countries. To my mind that is a mistake. It has been true, and probably will be true for many years, that Congress will levy taxes frequently for purposes and reasons other than the raising of revenue. But it ought to be true that somewhere in a legislative body there should be some central authority to consider the levying of taxes and the raising of revenue in connection with the appropriation of moneys for the maintenance of the Government. Nothing is stronger evidence of a bad system of government than the piling up either of huge surpluses, that are a constant invitation to extravagance, or the failure to provide sufficient revenues to meet the ordinary and necessary expenses of the Government. And to properly prevent that, there must be cooperation somewhere between that power that first formulates the bill to levy the taxes and that power that first formulates the bill disposing of the money so raised. But we have not only separated these two functions of raising revenue and of disbursing revenue, but in 1880 we took from the Committee on Appropriations control over the Agriculture appropriation bill; and that was followed in 1885 by taking from them control over the appropriation bills relative to the Army, the Navy, Indian affairs, foreign affairs, and rivers and harbors; so that to-day the Committee on Appropriations has control of 6 out of the 14 supply bills, and you have seven or eight different roads to the Treasury; and as Mr. Tawney, the former chairman of the Appropriations Committee, very happily said, "As many byways as there are members of these appropriating committees." The result of that has been that there is not now any consideration in Congress of the appropriations as a whole.

Only in these closing days of Congress has any consideration been given to the total of expenditure that is to be made for the ensuing fiscal year. In other words, after the act has been done and is in large measure beyond recall, there then comes a summing up to determine whether or not it has been a wise or a foolish act.

Now, a more indefensible system can hardly be imagined, and all will unite in condemning it. But what of the remedy? And that brings me to my proposal. I have undertaken to provide in the resolution that I will read in a moment a means to compel a consideration by this House, and through that consideration by the country at large, of the broad fundamental question of how much shall be raised and how much shall be expended during a fiscal year; and that having that, we will then be able to consider not simply the details of particular supply bills, as we do now, but how far we want to pursue a given policy of government touching expenditures along one line or another. The resolution I have introduced is in language as follows:

Resolved, That the following rule be added to the rules of the House, and to be known as section 6 to Rule X:

6. There shall be a committee on estimates and expenditures, whose personnel shall consist of the following members: The chairmen and three ranking majority members and the ranking minority member of the Committees on Ways and Means and Appropriations, and the chairman and the ranking minority member of the Committees on Rules, Agriculture, Foreign Affairs, Military Affairs, Naval Affairs, the Post Office and Post Roads, Rivers and Harbors, and Indian Affairs. The chairman of said committee shall be selected by the members thereof. Said committee shall, as soon after the convening of each regular session of Congress as may be, report to the House the amount of revenue probably available for appropriation for the next fiscal year, and apportion the amount to the several appropriation bills within the jurisdiction of the committees empowered by the rules and practice of the House to report appropriations from the Treasury. This report, or supplementary reports to meet exigencies of the public service, may be made on any legislative day after the reading of the Journal, and when agreed to by the House shall limit the totals of the appropriations reported by the several committees.

The proposal is substantially this: That instead of undertaking what I believe to be the impossible task of bringing back to the Committee on Appropriations jurisdiction of all the supply bills, to create a committee composed in its personnel of the heads of the various appropriating committees. I gave to the Committee on Ways and Means representation greater than any other committee except Appropriations. I did that because the Committee on Ways and Means is properly charged with the great function of determining the amonut of revenues that shall be available. I gave to the Committee on Appropriations a preponderance over other appropriation committees, not out of partiality for that committee, but because it has under its charge six of the great supply bills, whereas the other great appropriating committees have only one, except in the instance of the Committee on Military Affairs, which reports two supply bills. I also made as a part of that committee the chairman and the minority member of the Committee on Rules, because that is necessarily the great political committee of the House and should have a voice in a matter so fundamental as the arrangement of a budget.

This committee would consist of 16 majority Members and 10 minority Members. It is urged that that is too large a number, but I desire to suggest to the House that it is really two committees, because the majority members would necessarily come to their conclusions in private, just as the majority members of the Committee on Ways and Means now do, and they would then present to the minority members their proposal.

A counter proposal of the minority would be made, and those two proposals would come to the House for adoption or modification. These reports would bring to the attention of this House and require the consideration by it of the real purposes of government and of legislation, for in the final analysis nearly every proposition that comes before a deliberative body is one either of taxation or expenditure.

Now, I insist that one of the most vicious things that has occurred in America has been the constant raising of revenue without any consideration of the needs of revenue for the purposes of government, and, as a result of that—having a country whose tax limit has never been even approached, let alone reached—we have at various times piled up great surpluses in the Treasury, a constant invitation to extravagance in expenditures.

This report when adopted should be made a limitation upon the power of any committee to report. As an illustration, the committee on the budget estimates that the revenues will amount to a thousand million in the ensuing year and that that sum should be the amount proper to be expended. Having determined that general amount, it then allots it, and it says to the Army, "You will have $90,000,000." It says to the Navy, you shall have a hundred and thirty million dollars—of course, I am speaking just in loose figures—and to the various other appropriating committees, you can appropriate such sums. The problem, then, that will confront the departments will not be simply how much can we expend—that has been determined—but how best can we expend that sum in the interest of the people of America? [Applause.] And instead of having the ingenuity of the department expended in trying to arrive at reasons for increased appropriations you will compel every department which comes with a particularly new or pet proposal of theirs to show something that can be eliminated or economized in in order to make room for the new proposal.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question there.

Mr. SHERLEY. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. Suppose the Congress should think it desirable to engage upon some enterprise; for instance, if we should undertake to take the Mississippi River out of the rivers and harbors bill and undertake to prevent the floods in the lower river just as we undertake to dig the Panama Canal, would not the fact that the budget at the opening of the sessions had limited the expenses to a given sum for that year preclude the Congress from undertaking that work?

Mr. SHERLEY. It would not necessarily, because the committee on the budget is given power to bring in supplemental estimates from time to time.

Mr. HUMPHREYS of Mississippi. It would not prevent any committee from bringing in such a bill without the consent of the budget committee previously obtained?

Mr. SHERLEY. It would as to any appropriation not provided for in the original report or some subsequent report of the budget committee. Now, the resolution I read I do not think is complete, nor do I think it is entirely in the proper form. I am sure that it should be supplemented by a rule which would make subject to the point of order any bill reported by any committee appropriating a sum that was in excess of the amount allotted for such purpose; so it would be within the individual power of any single Member to recommit to the committee reporting it a bill which violates the rule that the House had adopted. In addition to that I am inclined to believe we are going to be forced to the position now occupied in the English Parliament, where it is no longer in the right of a single member to make a motion to increase any item in any of the supply bills.

Mr. FOWLER. The gentleman says you make subject to a point of order an appropriation in amount in excess of the

budget allowance. Now, would the gentleman also make it subject to the point of order to appropriate a sum less than the amount of the budget allowance?

Mr. SHERLEY. By no means. I would not undertake to say these committees in working out their details should not make economies beyond that suggested by the budget committee. The whole function of the budget committee is not to usurp the work now being done by the various appropriating committees, because, in my judgment, there is no limited number of men, such as would comprise a committee of working size, sufficiently industrious and sufficiently intelligent to do the work of preparing the detail of all the supply bills that are to be appropriated by this Congress, and that is one of my answers to the proposal frequently made that you should give back to the Appropriations Committee entire charge. I say, if we do that, it will result in dividing that committee simply into subcommittees, and that those subcommittees would be as distinct for all practical purposes as the various appropriating committees are now.

Mr. HAMLIN. I am in entire sympathy with the gentleman, I think, and I believe he is along the right line; but it has been suggested—I have heard it suggested—that it might place too much power in the hands of a few men, and, as I understand the general scheme, this budget committee must report to the House, and the House must adopt its report before it is binding.

Mr. SHERLEY. The gentleman is right. The budget committee's report would be binding only when approved by the House.

Now, the criticism suggested by some and just mentioned by the gentleman really applies to the proposal urged in lieu of mine, of giving back to the Appropriation Committee exclusive jurisdiction of supply bills. That is what destroyed it before. That committee would determine what is the real function of the House alone to determine—the relative size of the various bills. Now, I believe in power and with it responsibility, but what I particularly want is the power of a party and not a committee of a party, and then, as a true sequence, party responsibility.

In my judgment, a lot of the trouble in American public life now is not so much that a combination of men have too much power, but that many individual men have so much hidden power that no party can be held responsible by the American people. I am a believer in party government. I believe the present condition of affairs we are passing through in America is altogether a temporary one. You can not agree to the idea, that we of Anglo-Saxon stock have been bred to believe in, of a true representative government unless you have party responsibility, and one of the curious features of evolution in America is that everywhere else than upon the floor of this House the tendency has been more and more toward the centralization of power, and with it responsibility. What is the meaning of the commission form of government in cities? What is the meaning of the constant tendency to lessen the number of officials? It is to give to a limited number of people power, and then give to the great body of the people the right to make those men who have been given this power answerable and responsible.

Now, we have developed in America a peculiar system, a system of committee government largely brought about by the tremendous detail of legislation that comes in a great country like this. The result is that every old Member realizes that in committee is done most of the great creative work touching legislation. That is a condition that we could not change now if we would. But it ought to result not in taking away from committees power in the first instance, but in bringing their work before Congress, so that the whole body can pass judgment upon it and so as to create party responsibility. We had a debate in this House just a few days ago touching the size of the American Navy. That debate should not have happened on the naval bill. It ought to have happened in the consideration of a budget. This House ought to determine, the Congress ought to determine, in the first instance, how much it can and how much it is willing to expend for military purposes, whether for the Army or for the Navy, how much for peace, how much for the ordinary upkeep of the Government, and that determination should be made before we get into the details of bills.

If that had been had, the question that would have been before this House for determination when the naval bill was up would not have been the size of the bill, but whether the particular items were proper items and whether that amount of money could better be expended in building a particular type of ship or another type or doing this particular work or that particular work. Instead of that you had a debate here that undertook, in a way, to review the general appropriations and whether we were runing away beyond what Congress ought to appropriate during a single session.

Mr. TILSON. Mr. Speaker, may I interrupt the gentleman?

Mr. SHERLEY. Certainly.

Mr. TILSON. I would like to ask just what part the gentleman has assigned here to the Senate? What would he do with the amendments brought in by the Senate?

Mr. SHERLEY. That raises a question I expected to come to later, but will discuss now. It has been suggested that this plan would be of no avail because we fail to take into consideration the Senate, which is a body of equal power with this. I grant you that is a weakness, and it may be that the remedy for that is to have this committee on the budget to report a concurrent resolution, which shall be adopted by the House and sent to the Senate, and there considered by the Senate and if modified go through the ordinary course of conference, and finally be agreed to, and, when agreed to, shall mark the absolute limitations of the Congress.

Some have suggested the idea of a joint committee made up of the House and the Senate, but knowing, as I said in the beginning, the habits of Governments, the habits of these legislative bodies, I did not believe it was practicable, at least at this time, to bring about such a joint committee of the House and the Senate. But this I do think would happen, even if we had no cooperation with the Senate: The very moment you focused public attention upon such a consideration as I have outlined would be the result of this budget committee's report, that moment you would stop most of the abuses that we all now recognize.

Why is it the American people are so indifferent to expenditure? Is it that they are an extravagant people? Is it that they accept in a loose way the constantly repeated statement made here of a former Speaker, that this was a billion-dollar country, and therefore we should have a billion-dollar Congress? No. The reason the American people have heretofore not been interested in questions of expenditure is because they have never had brought to their attention in its broad aspect this question of expenditure. The only time the American people know anything about what we are going to spend is after we have appropriated it, just as this House only knows after it has ended its labors. If this House had known in advance it was liable to find itself with the total it now finds itself with, in my judgment you would have had a very different attitude touching these various supply bills, and when the people have learned of the expenditures, there is no party upon whom can be rightfully placed the responsibility.

While as to the personnel of this budget committee I am not indifferent, I am in no sense wedded to the proposal here made. It has been suggested by some that it would be well simply to have two majority members and one minority member of each of the appropriating committees. My own idea was that the Ways and Means Committee and the Committee on Appropriations were entitled to a larger representation, because they represented in their subsequent work larger interests than those of any other single committee.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). Does the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. ALEXANDER. If the resolution were agreed to and this budget committee created, would it not devolve upon this budget committee the duty of hearing all the claims made for appropriations, and would they not duplicate the work of the several committees or else take over to themselves that entire work? How would you manage that?

Mr. SHERLEY. I think not, although I want to say that the clerk of the Committee on Appropriations, for whose judgment I have a very great respect, and who has had an experience away beyond that of any man here, has thought that that would be the result. Here is what I think: I believe that it would be easily possible for such a committee, having as a part of its personnel men who by previous experience as chairmen of the various committees were familiar with details, to consider the broad questions without hearing all of the people that these various committees now hear or determining all the details. And I suggest a further thought that the trouble now is with all of our appropriations that they are not based upon what we ought to expend or upon what the country ought to be willing to stand for in the way of taxation, but they are based upon what men who have the expenditures to make say they need or desire.

I believe the time is coming in America when Federal taxation plus that already made by State and county and city is going to be sufficiently burdensome for the membership of this House to consider how far it is warranted in levying a tax; and whenever you reach that point, then you have got to consider—truly consider—a budget. Heretofore, with the idea of doing welfare work by virtue of taxation, we have gathered

together such huge revenues that we have never had to consider the question of retrenchment, except occasionally in times of depression.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. ALEXANDER. I simply want the gentleman from Kentucky to understand that I am in entire accord with the purpose that he hopes to accomplish.

Mr. SHERLEY. I am obliged to the gentleman for his interest and inquiry.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SHERLEY. Yes.

Mr. HARDWICK. As I understand the gentleman's plan, it is that, with the exception of some Members from the Committee on Ways and Means and some from the Committee on Rules, the balance of the budget committee would be taken from the appropriating committees of the House. Of course, that is necessary to some extent; but does the gentleman consider that on this budget committee some balance or equilibrium ought to be maintained between the appropriating and the nonappropriating committees; or, in other words, between the fellows who want to hold things down and the fellows who want to increase appropriations? I ask the gentleman whether it would not be a good thing to hold a balance between the economists and the others who might not be economists?

Mr. FITZGERALD. Where are they? [Laughter.]

Mr. HARDWICK. I do not know. My private opinion is that they are not anywhere. [Laughter.]

Mr. SHERLEY. The safety lies in the fact that you have to have the approval of the House of the budget committee's recommendation before it becomes effective. What I believe would happen is this, that the recommendations of the majority members of the budget committee would come before a caucus of that party and would be perfected and adopted in caucus, and that the minority proposals would come before the minority caucus and be approved there.

Now, I know that there are men on this floor who absolutely differ with that idea, men who do not want what they say is caucus government. I answer by saying that what you need in America more than anything else is party responsibility. Who is answerable for large expenditures? We on this side load the blame on you, and you in return lay it on us. Each of us points to various and sundry votes that have been cast touching appropriations to support our position. But whenever a party comes in with a proposal touching the expenditures for the entire ensuing year, that moment it will make an issue, and an intelligent issue, on which the electorate of the country will determine who shall be given the reins of power.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield to me for an interruption?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. HAMLIN. I recognize that this is one of the most important propositions that has come before the House lately, and I am very much interested in it. I want to ask the gentleman this question: The country is growing from year to year, and of course appropriations and expenditures must keep pace with the growth of the country. Now, this budget committee, in parceling out the amounts of money that shall be permitted to be appropriated this year by the Naval Committee or the Military Committee or the Committee on Agriculture or any other committee, will have to take into consideration, will it not, the estimates of the different departments?

Mr. SHERLEY. Yes; of course.

Mr. HAMLIN. Would they not have to hear evidence?

Mr. SHERLEY. They ought to take up the estimates in one sense. I believe, as I said in the beginning, that this is only a step toward a full reform. What you must have finally is to have the administrative end of the Government present its budget to the legislative end, a statement of what it is willing to stand sponsor for and what it considers to be needed, and then let the legislative body, as it alone can do, determine the policy of how far it will warrant the proposals of the administrative end.

Now, as to the hearing of evidence. The gentleman has in mind that that would require a consideration of details, just as suggested by the gentleman from Missouri [Mr. ALEXANDER]. I answer no. I believe it is possible to bring before the committee the broad, general question of expenditures. They would not have to go into the details. For instance, take the Committee on Fortifications. I speak of that because as chairman of that subcommittee I am peculiarly familiar with it. That bill carries, as a rule, somewhere from four to seven or eight million dollars a year, dependent somewhat upon the amount of new work that is to be undertaken, the maintenance funds, and so forth. The budget committee would not be required to do the detailed work of examining that my subcommittee does in determining whether a particular amount of money is necessary to buy searchlights or range finders in order to decide whether this Government, as a matter of policy, should spend $5,000,000 or $7,000,000 or $10,000,000 or $15,000,000 on seacoast defenses.

The trouble is that we have all gotten a reverse idea of the functions here. We have gotten the idea that the policy of Congress is to be determined by estimates. I insist that it is the duty of Congress to determine how much it can afford to tax the people of America; and, having determined that, then to apportion the amounts to be used for the various purposes that they consider requisite and necessary.

Mr. HAMLIN. In that I agree with the gentleman from Kentucky absolutely; but it occurs to me that in the evolution of this thing finally it might result in the budget committee of necessity going into details, and I want to say that I do not believe I would be averse to that idea. I do not know but what all of these appropriation bills ought to be reported from one committee.

Mr. SHERLEY. My own judgment is that it is absolutely impossible for one committee to do it.

Mr. HAMLIN. With a large committee you could subdivide it.

Mr. SHERLEY. If you subdivide it, you have all the ills you now have, of a divided control over the matter; and what I am after is not simply the consideration by the same individuals of each individual bill, but I am after forcing the consideration by the Congress, and through it by the country, of totals. That is the important thing that must be brought about if you are to have a reform.

Mr. HARDY. I understand the gentleman's whole theory is that the Government, as a wise business concern, should start off by saying how much money it may be able to raise and spend during the year, and then say to the departments, "Make your estimates within that total range."

Mr. SHERLEY. Unquestionably. As I have said, this theory found expression when the Ways and Means Committee had not only charge of the revenue-raising bills, but it had charge of all appropriating bills; and it was only at the time of the Civil War that that power was taken away from the Ways and Means Committee. It is interesting to remember why. It was because the work became so heavy that they could not do it. Then what happened? The Committee on Appropriations had the entire jurisdiction of supply bills, and there came a great fight on a great leader who was chairman of that committee, and it was believed that Samuel J. Randall had gathered to himself so much power as chairman of the Committee on Appropriations that in order to give to the membership their proper share in the Government the Committee on Appropriations should be stripped of some of its power; and gradually, one by one, the appropriating powers that now find lodgment in these various other committees were taken from the Committee on Appropriations.

Mr. HAMLIN. I understand that perfectly, I think; but here is the idea: How could this committee properly and fairly determine how much money the Rivers and Harbors Committee, for instance, could expend this year unless they went into the details of the work?

Mr. SHERLEY. The thing to determine first is how much the Rivers and Harbors Committee shall spend; not how much they could spend.

Mr. HAMLIN. I did not mean how much they could spend. I meant how much they needed and ought properly to have.

Mr. SHERLEY. The Rivers and Harbors Committee is a very good illustration. River and harbor work, so far as it relates to contract obligations, ought to be determined by a settled policy that should bear a relationship to the necessary expenditures made along other lines of governmental activity. In other words, every question of expenditure is not simply a question of whether a particular thing is well to do, but whether that thing is well to do, having in mind the need or the desirability of doing some other particular thing. Therefore it would be perfectly easy for a budget committee to determine as a matter of policy that, say, $50,000,000 should be expended for river and harbor work. And it would not need, in order to determine that question, to go into the subject of how much money was needed for the particular work on Red River or how much was needed on the Missouri or the Ohio, but it would determine that, considering the revenues, we can afford to spend only so much, and then it would properly leave it to the Rivers and Harbors Committee to work out the details.

Mr. EDWARDS. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. EDWARDS. Does not the gentleman think that perhaps we would be up against this proposition: The budget committee would say that it might expend, say, $50,000,000 for the purpose of improving rivers and harbors, and there would be an incentive or inclination on the part of the committee to go up to it, when, in point of fact, the necessities might not require that amount?

Mr. SHERLEY. That might be so; but they go up to that point and beyond it now. There would be this: If you carried along with this proposal the other proposal that it should not be in order, in the consideration of any supply bills, for a man to offer an amendment increasing the amount, the activity of the Committee of the Whole would be engaged in holding down the appropriation, whereas every man knows now that every chairman of a committee with a supply bill who comes out here does not have to fight to keep his bill from being reduced, but he has to fight to keep the Committee of the Whole from running away with it and increasing it. Why? Because the selfishness of individual men will always compel, whenever the House permits it, these men to increase expenditures.

So you have to-day by the rules to protect the Committee of the Whole against the selfish opportunity of individuals. We are all alike; we live in an atmosphere where a man's success here is essential if he is to live. He does not have the opportunity a member of Parliament has, where he lives or falls with his party. Here every man has to show an individual activity under our present system, and as the result of a spur from behind he is constantly seeking to get something for his particular locality, and until you prevent that by the rules or cultivate a public opinion that will not judge Members by the amount of money they bring home to their districts, you will have the same tendency continued.

Mr. EDWARDS. How many Members does the gentleman say the budget committee ought to consist of?

Mr. SHERLEY. I have stated, 26 Members.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Kentuck; be extended 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Kentucky be extended 15 minutes. Is there objection?

There was no objection.

Mr. MURDOCK. Will the gentleman from Kentucky yield to me for a question?

Mr. SHERLEY. Certainly.

Mr. MURDOCK. Under our party government ordinarily the executive department is of the same party as the legislative department, or the majority in the legislature, and the executive department, by reason of patronage and other things, dominates more or less the legislative branch, and the origin to-day of appropriations is not generally on the floor but is in the departmental offices. They do make extravagant demands upon the legislative committees. As I understand the gentleman's proposition, it is—and I think it has virtue—that the initiative of the amounts to be expended will be, in fact, in the legislative body and not in the executive body?

Mr. SHERLEY. Not entirely. It is true that no legislative body can, by virtue of its very numbers, by virtue of the multiplicity of its duties, know as the administrative officers can know the particular needs of a particular service. They only know in the first instance, and there must of necessity be given to the Congress through the administrative offices this information, and that is the true function of the budget from the administrative end. But this is a legislative function; having obtained that information, to determine how far, considering that every expenditure represents a tax, the resources of the country warrant the levying of taxes to raise given amounts, and how far a particular bit of governmental activity, though it may be worth while as an abstract thing, is warranted, having in mind the burdens of taxation and the need of certain other things.

Mr. MURDOCK. Will it not actually follow under that proposition that the executive department, having in mind certain necessities and referring that to Congress as the needs of the department, will determine the budget and the amount of money to be expended, and will you not be traveling in a circle?

Mr. SHERLEY. Not entirely. In the first place, the time has never been when Congress absolutely accepted the recommendation of the department, and it never will be and it never should be; Congress should always exercise a supervision over it. The trouble now is that you get nothing from the departments that approaches a budget.

The Executive has absolutely neglected one of the chief functions of an administrative officer, and that is not simply to see that moneys appropriated are properly and economically expended, but to determine the needs of the Government as a whole. As I stated in the beginning, estimates are now made by district and local officers. They go on up through the heads of the departments and finally to the Cabinet officers, and then are by them sent through the Secretary of the Treasury to Congress. You have no real premier of the Cabinet, and you have never had practically a consideration by the Executive of a budget as such.

Mr. MURDOCK. But you do have a maximum demand from all departments.

Mr. SHERLEY. Yes; but it largely represents an appetite rather than a theory of government.

Mr. MURDOCK. Yes; and Congress largely follows it.

Mr. SHERLEY. No; I do not think so; but it follows it somewhat, because its consideration of the estimates is just as faulty in method as the consideration by the President is faulty in the first instance. We, just as much as he, have failed to consider totals.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. AUSTIN. When the budget committee makes its report to the House will the House have any right to increase the amount carried in the budget?

Mr. SHERLEY. Unquestionably; and that is the debate that ought to take place on the floor at the beginning of Congress, as to whether the party charged with responsibility has made a sufficient allowance for agriculture, a sufficient allowance for the Navy and the Army, or for pensions or for any other subject of appropriation.

Mr. AUSTIN. Suppose the budget committee should decide in favor of an expenditure of $25,000,000 for public buildings and grounds, who would determine the items to make up that $25,000,000?

Mr. SHERLEY. The Committee on Public Buildings and Grounds.

Mr. OLMSTED. Mr. Speaker, if a question as to what amount of money should be expended for agriculture or for the Navy or for the Army were to be debated at the beginning of Congress, how would you determine how much is required, unless you first have hearings such as the Committee on Appropriations or the Committee on Agriculture has, where the heads of the departments appear?

Mr. SHERLEY. I do not think that you could have the debate that is properly had in the consideration of the details of a bill, but I think that you could have a pretty general debate as to how well you are following out a policy touching any one question. Let us take the Navy, for instance. I use that because that is in the minds of us all. Suppose the administration determines as a governmental policy that the Navy should be increased each year by the addition of two battleships, and we called that a naval program.

The majority in control of the House brings in a proposal carrying so many millions of dollars for the Navy. Some gentlemen will ask those in charge of the bill if that contemplates the expenditure for one battleship or two battleships. The reply is made that the total is based on an expenditure for one battleship, and the question is asked why, and he is answered, then, because it is found that we have to expend so much for the Army and so much for agriculture and so much for the judiciary and so much for the ordinary upkeep, and so forth, that the probable revenues that the Government will have amount to so many millions, and that if we give to the Navy enough money to build two battleships we will have to cut some of these other items or increase taxation or have a deficit. That raises the question, then, not simply as to the desirability of two battleships, but as to the desirability of two battleships as against an Army of a certain size, as against certain expenditures for agriculture, and so forth.

In other words, it brings a discussion of comparative merit rather than a discussion of particular items segregated from everything else.

Mr. AUSTIN. Would it not reduce also the time consumed in this House in the consideration of appropriation bills?

Mr. SHERLEY. I think it would; and that brings to mind another thought. I believe we have to get away from the plan that I have advocated and that a great many others have advocted heretofore of detailed specifications and limitation upon every appropriation. If the gentleman heard the first of my speech, he will recall that I said in substance that we treat every executive officer as if he were a suspicious character, and he treats us as if we were a lot of numskulls who knew nothing about the needs of the service, and out of that mutual suspicion comes half the trouble. Aside from the fundamental reason of absence of responsibility to us, one reason we have had to treat

him as a suspicious character is because the form of making estimates and the form of reports of work done did not give us information as to whether it was well done or not, and so, for fear it might not be well done, we have taken away discretion and tied his hands, whereas the real system ought to be to give to an administrative officer some discretion and then require accountability.

I do not wish to further delay the House, but I want to make this suggestion while it is in my mind. I do not suggest this plan as the ultima thule of government, and I do not suggest it as the best that can be had, but I submit to this House that we do need a change, as the present condition is intolerable [applause], and I ask my critics to suggest something better if they are not pleased with this and I shall be perfectly willing to modify it; but the time has come for action on the part of Congress. Let us look to some system better than the antiquated method we now have.

Mr. AUSTIN. I desire to ask the gentleman if the Committee on Appropriations have thoroughly discussed this plan and approved of it?

Mr. SHERLEY. No; there are nearly as many opinions in the Committee on Appropriations as there are members of that committee. The other one most frequently urged and which is held by the chairman of the committee [Mr. FITZGERALD] and by the gentleman from Illinois [Mr. CANNON] is to return to the old condition where the Appropriations Committee had exclusive jurisdiction of all supply bills.

I have already referred several times to that proposal and its fatal defect. To my mind, no plan is effective that does not provide for the consideration of the total sum to be appropriated prior to a consideration of individual supply bills. This is true, even though one committee have exclusive jurisdiction of supply bills.

Now, if the advocates of the Appropriation Committee propose a submission by it to the House of a budget, then every argument they advance against my plan applies equally to theirs with the added difficulty of taking from other Members powers they now have, and giving to the already overburdened members of the Appropriations Committee such additional powers.

I do not for a moment believe that the members of these other committees will ever consent to give up their power over the details of these supply bills, but I do believe that without unduly disturbing existing conditions a budget committee as outlined can be formed.

I am very much obliged to the House for its patience. [Loud applause.]

INVESTIGATION OF FINANCIAL CONDITIONS.

Mr. PUJO. Mr. Speaker, I desire to submit a privileged report (H. Rept. 1593) to the House in reference to the monetary investigation.

The SPEAKER. The gentleman from Louisiana submits a privileged report to the House.

Mr. PUJO. Mr. Speaker, I would request——

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is it a privileged report?

Mr. PUJO. Yes.

Mr. MANN. By what authority?

The SPEAKER. The Chair has not examined it; the gentleman from Louisiana said it was privileged.

Mr. PUJO. Mr. Speaker, I ask also that the views of the minority may be likewise presented with the majority report.

Mr. MANN. Mr. Speaker, reserving the point of order, by what authority does the gentleman offer this as a privileged report?

Mr. PUJO. By authority of legislation.

Mr. MANN. Well, I know; but that is not an answer to the question.

Mr. PUJO. That is a most perfect answer to the question. This House authorized and instructed the Committee on Banking and Currency to make an investigation of certain conditions in this country. They have done so, and desire to submit their report to the House. I hope the gentleman from Illinois does not object to the report being submitted.

Mr. MANN. I have no objection to the gentleman making the report that is to be dropped in the basket. What I am asking is by what authority does he announce on the floor that it is a privileged report. The gentleman can put his report in the basket.

Mr. PUJO. Why, by the authority of the dignity of this House.

Mr. MANN. Lots of reports are made in the House——

The SPEAKER. Every report that is made in the House has a certain dignity but there is not anything that makes this report privileged.

Mr. PUJO. Mr. Speaker, I ask unanimous consent to make this report to the House.

Mr. MANN. Mr. Speaker, if the report is put in the basket it is made to the House.

Mr. PUJO. Mr. Speaker, I ask unanimous consent to make the report to the House upon the investigation of financial and monetary conditions.

Mr. MANN. Reserving the right to object, I have no objection to the gentleman presenting his report if it does not give it a privileged status. I do not know what the gentleman's intentions may be.

The SPEAKER. The usual way is, except certain things that are specified in the rule as privileged, the report goes through the basket, or the box, as it is called. The gentleman has a perfect right to file it.

Mr. PUJO. I have asked unanimous consent to submit it to the House and bring it to their attention. Of course, if they do not want to——

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to hand in his report and hand it to the Clerk so the Clerk can read the title.

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I wish to ask the gentleman whether it is true that he made an agreement with Mr. Untermyer that no question should be asked of witnesses except with Mr. Untermyer's approval?

Mr. PUJO. Mr. Speaker, if the House will permit me to take a little of its time, I will say that no such agreement was made. The rules of the House provide, with reference to the examinations of witnesses, that no question can be submitted except by permission of the chairman. That is the rule. If the gentleman from Massachusetts, who is quite a parliamentarian, will look up Jefferson's Manual, he will find that no one has the right to ask a question except through the chairman of the committee. There was no such agreement made with Mr. Untermyer or anybody else, and every member of the committee had the right to submit his questions through the chairman and the attorney.

Mr. GARDNER of Massachusetts. Were any questions asked that Mr. Untermyer did not O. K.?

Mr. PUJO. Many of them, very many of them.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to present this report to the House.

Mr. MANN. As the gentleman has the right, under the rules of the House, to make his report in the usual manner, and as the request might carry with it the giving of the report a privileged status, and thereupon authorize the reading of the report in full at this stage of the proceeding. I shall object.

The SPEAKER. The gentleman from Louisiana [Mr. PUJO] asks unanimous consent that the minority have the right to file its views.

Mr. PUJO. Two separate views.

Mr. BYRNES of South Carolina. Mr. Speaker, reserving the right to object, I wish to say in reply to the gentleman from Massachusetts that no such agreement was ever made by the subcommittee, as that no question should be asked except with the approval of Mr. Untermyer, but, on the contrary, he was directed to ask any question that was asked or suggested by any member of that committee. And I know that I have asked questions of one witness without ever asking anything of Mr. Untermyer or anybody else.

Mr. GARDNER of Massachusetts. Then, why was a question submitted to him in writing?

Mr. BYRNES of South Carolina. Questions were submitted to the chairman in writing whenever a member of the committee desired to have a question asked, but it is also true that a great many questions were asked by counsel upon the suggestions of members of the committee without being written or submitted to the chairman.

Mr. GARDNER of Massachusetts. Were they not submitted to Mr. Untermyer? Yes or no.

Mr. BYRNES of South Carolina. They were not. Sometimes they were, but never for his approval or disapproval, and I am satisfied no member of the committee will say he ever refused to ask any question suggested to him.

The SPEAKER. The question is on the request of the gentleman from Louisiana [Mr. PUJO] that the minority shall have the right to file its views. Is there objection? [After a pause.] The Chair hears none.

Mr. McMORRAN. Mr. Speaker, I ask that they be allowed to file two separate minority views.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28775. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 72.

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 18787) relating to the limitations of the hours of daily service of laborers and mechanics employed upon a public work of the United States and the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and that the action of the Speaker of the House of Representatives and the President of the Senate in signing the said enrolled bill be rescinded.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, nonconcur in all the amendments save amendment numbered 132, the amendment known as the "Jones-Works excise bill," that that amendment be considered in the House as in the Committee of the Whole under the five-minute rule, and that after consideration a conference be requested.

Mr. CARY. I object.

Mr. HARDWICK. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. CARY. I object, Mr. Speaker.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-five Members are present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Fairchild	Lamb	Ransdell, La.
Aiken, S. C.	Ferris	Lawrence	Reyburn
Ames	Finley	Lever	Richardson
Ansberry	Garrett	Lindsay	Riordan
Anthony	George	Littleton	Rothermel
Barchfeld	Gillett	McCall	Scully
Broussard	Greene, Vt.	McGuire, Okla.	Smith, J. M. C.
Brown	Gregg, Pa.	McKinney	Sparkman
Burke, S. Dak.	Gudger	Maher	Stack
Burke, Wis.	Hamilton, Mich.	Merritt	Stephens, Tex.
Butler	Hamilton, W. Va.	Moon, Pa.	Sulloway
Candler	Harris	Moon, Tenn.	Sweet
Carter	Hart	Moore, Tex.	Talcott, N. Y.
Conry	Hartman	Morgan, Okla.	Taylor, Ohio
Cravens	Haugen	Morse, Wis.	Vreeland
Currier	Heald	Mott	Weeks
Curry, N. Mex.	Hughes, Ga.	Parran	White
Dalzell	Hughes, W. Va.	Patten, N. Y.	Wilson, Ill.
Danforth	Jackson	Patton, Pa.	Wilson, N. Y.
Davenport	Kahn	Peters	
Dickson, Miss.	Korbly	Prince	
Draper	Lafean	Pujo	

The SPEAKER. On this roll call 293 Members have responded—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take from the Speaker's table the bill H. R. 28775, the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk reported the title of the bill, as follows:

An act (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The SPEAKER. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman from New York. How much is the bill increased as it comes from the Senate over what it was as it passed the House?

Mr. FITZGERALD. I am not quite certain. My recollection is that when it was reported from the Senate committee it carried in the neighborhood of $6,000,000 over the amount carried in the House bill. A hasty examination of the RECORD discloses the fact that very late last night the Senate adopted some amendments which will add something like $8,000,000, or possibly more; I should say, at least, altogether, $7,000,000.

Mr. RODDENBERY. Can the gentleman state in round numbers the amount of appropriations in the bill as it passed the House?

Mr. FITZGERALD. My recollection is that the bill as it passed the House carried about $113,000,000.

Mr. RODDENBERY. And as it came back from the Senate it is about $120,000,000?

Mr. FITZGERALD. That is my opinion.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. CANNON.

BRIDGE ACROSS THE LUMBER RIVER, N. C.

Mr. SIMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIMS. I rise to make a privileged motion, as I understand it. There is a House bill reported (H. R. 28810) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C. The Senate has passed a bill that is the same or identical, as I understand it. It is now on the Speaker's table.

The SPEAKER. What is the number of the Senate bill?

Mr. SIMS. Senate bill is numbered 8565.

Mr. MANN. Mr. Speaker, if the gentleman desires unanimous consent to take that bill from the Speaker's table, I have no objection.

Mr. SIMS. It will take only three minutes. I will ask unanimous consent to do that. I want to get it through in the way that will be speediest.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent for the present consideration of the Senate bill 8565 in lieu of the House bill No. 28810. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 8565) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.

Be it enacted, etc., That the Virginia & Carolina Southern Railroad Co., a corporation organized under the laws of the State of North Carolina, is hereby authorized to construct, maintain, and operate a bridge and approaches across the Lumber River, at or near the town of Lumberton, or North Lumberton, State of North Carolina, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The House bill of similar import will lie on the table.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

OFFICERING AND MANNING OF VESSELS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States, with Senate amendments, and to concur in the Senate amendments. The amendments are satisfactory to the House Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] moves to take from the Speaker's table a House bill with Senate amendments. The Clerk will report the bill and amendments.

The Clerk read the title of the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States.

The Senate amendments were read.

Mr. ALEXANDER. I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the last vote was laid on the table.

JUDICIAL DISTRICTS OF PENNSYLVANIA.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7802) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill, which the Clerk will report.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Is it in order now, under the practice of the Speaker, to entertain a request for unanimous consent?

Mr. OLMSTED. I hope the gentleman will not make any objection.

Mr. HARDWICK. I simply desire to know whether, under the present practice of the House and of the present Speaker, it is in order to recognize a gentleman from the floor to make a request for unanimous consent.

The SPEAKER. The Chair will ascertain as soon as he can. What is the present parliamentary status of this bill?

Mr. OLMSTED. It is a Senate bill, which has passed the Senate and been unanimously reported to the House by the Committee on the Judiciary.

Mr. HARDWICK. Is it on the Unanimous Consent Calendar?

Mr. OLMSTED. It is on the Unanimous Consent Calendar, but it was put on too late. It has not been on that calendar three days.

Mr. HARDWICK. Other people have bills which are on the Unanimous Consent Calendar.

Mr. OLMSTED. This is the last request I shall make in this House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent. If the gentleman from Georgia wishes to object, he can do so.

Mr. HARDWICK. I was simply asking if the Chair was prepared to entertain these requests.

The SPEAKER. The Chair does not raise points of order himself except on extraordinary occasions.

Mr. MANN. Let us have the bill read.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

An act (S. 7802) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 103 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 103. That the State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October, at Harrisburg on the first Mondays in May and December, at Sunbury on the second Monday in January, and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Harrisburg, and civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday in May and the third Monday in October, and at Erie on the third Monday in July and the second Monday in January."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. OLMSTED, a motion to reconsider the last vote was laid on the table.

ROBERT ROSS.

Mr. HAY. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 21315) for the relief of Robert Ross and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and amendments.

The bill and the Senate amendments were read.

The SPEAKER. The gentleman from Viriginia moves to concur in the Senate amendments.

The motion was agreed to.

SAMUEL BUTTER & CO.

The SPEAKER laid before the House the bill (H. R. 20511) for the relief of Samuel Butter & Co., with Senate amendments.

The Senate amendments were read.

Mr. CURLEY. I move to concur in the Senate amendments.

Mr. HARDWICK. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-nine Members present, not a quorum.

Mr. UNDERWOOD. I move a call of the House.

The question was taken; and on a division (demanded by Mr. HENRY of Texas) there were—ayes 141, noes 45.

Accordingly a call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Fairchild	Lamb	Pujo
Ames	Faison	Lawrence	Ransdell, La.
Ansberry	Ferris	Lever	Reyburn
Anthony	Finley	Levy	Richardson
Ashbrook	Fitzgerald	Lindsay	Riordan
Ayres	Fuller	Littleton	Roberts, Mass.
Barchfeld	George	Lobeck	Rucker, Colo.
Bates	Gill	McCall	Rucker, Mo.
Broussard	Gillett	McGillicuddy	Scully
Brown	Gould	McGuire, Okla.	Sells
Burke, Pa.	Greene, Vt.	McKinney	Smith, J. M. C.
Burke, Wis.	Gregg, Pa.	Maher	Sparkman
Candler	Gudger	Martin, S. Dak.	Stack
Clark, Fla.	Hamilton, Mich.	Merritt	Stanley
Conry	Hamilton, W. Va.	Moon, Pa.	Steenerson
Copley	Hammond	Moon, Tenn.	Sulloway
Currier	Harris	Morgan, Okla.	Talcott, N. Y.
Curry	Haugen	Morse, Wis.	Taylor, Ala.
Dalzell	Heald	Moss, Ind.	Thistlewood
Danforth	Houston	O'Shaunessy	Tilson
Davenport	Hughes, Ga.	Parran	Vreeland
Dickson, Miss.	Hughes, W. Va.	Patten, N. Y.	White
Draper	Jones	Patton, Pa.	Wilson, Ill.
Driscoll, M. E.	Kahn	Pepper	Wilson, N. Y.
Ellerbe	Kindred	Powers	
Estopinal	Korbly	Pray	
Evans	Lafean	Prouty	

The SPEAKER. Two hundred and seventy-six Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to, and the Doorkeeper was directed to open the doors.

Mr. CLAYTON. Mr. Speaker, I move to suspend the rules and pass the bill S. 5382, with amendments.

Mr. HARDWICK. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Under the rules the motion of the gentleman from Alabama can not be entertained. Clause 3 of Rule XIII provides that on days—and, Mr. Speaker, as the Chair ruled this morning, that means all days—when it shall be in order to suspend the rules the Speaker shall immediately, and so forth, direct the Calendar for Unanimous Consent to be called. I raised this same question of order this morning and the Chair then ruled that these motions to suspend the rules, with a single exception——

The SPEAKER. The Clerk will call the Unanimous Consent Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

BRIDGE ACROSS TWELVE MILE BAYOU, LA.

The first business on the Unanimous Consent Calendar was the bill (H. R. 28632) to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La.

The Clerk read the bill, as follows:

A bill (H. R. 28632) to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La.

Be it enacted, etc., That the police jury of Caddo Parish, La., be, and is hereby, authorized to construct, maintain, and operate a bridge across

Twelve Mile Bayou in Caddo Parish, La., on the Arkansas Line Road, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS CADDO LAKE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28633) to amend an act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana."

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOWLAND. I object.

Mr. WATKINS. Will the gentleman reserve the objection until I can make an explanation? I know he will withdraw his objection.

Mr. HOWLAND. I can not reserve the objection to the bill.

The SPEAKER. The gentleman refuses to reserve an objection, and the bill will be stricken from the calendar.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is a quorum present, and the Clerk will report the next bill on the Calendar for Unanimous Consent.

BRIDGE ACROSS SABINE RIVER, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28098) to authorize the construction of a bridge across the Sabine River, at Orange, Tex.

The SPEAKER. Is there objection?

Mr. DAVIS of West Virginia. Mr. Speaker, I object.

The SPEAKER. The gentleman from West Virginia objects, and the bill is stricken from the calendar.

MEMORIALS TO THOMAS JEFFERSON AND ALEXANDER HAMILTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28468) to provide for the erection of memorials to Thomas Jefferson and Alexander Hamilton in the District of Columbia.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects, and the bill is stricken from the calendar.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Mr. Speaker, does a bill that has been passed by the Senate over the veto of the President occupy a privileged status on the calendar?

The SPEAKER. It occupies just the same privileged status that these other matters do, in the discretion of the Chair. It is privileged, of course, under the Constitution.

The Clerk will report the next bill.

AMENDING CHAPTER 784, UNITED STATES STATUTES AT LARGE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27279) to amend the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195.

The SPEAKER. Is there objection?

Mr. WILLIS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects, and the bill will be stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. WARREN, and Mr. GORE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 26680) making appropriations for the fiscal year ending June 30, 1914, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. WETMORE, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate having proceeded in pursuance of the Constitution to reconsider the bill entitled "An act divesting intoxicating liquors of interstate character in certain cases," returned to the Senate by the President of the United States with his objections and sent by the Senate to the House of Representatives with the message of the President returning the bill.

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 8540. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 8390. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 8541. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 8576. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 8400. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 28607. Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill with Senate amendments of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

H. R. 8619. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 23676. An act to regulate the officering and manning of vessels subject to the inspection laws of the United States;

H. R. 21315. An act for the relief of Robert Ross; and

H. R. 20511. An act for the relief of Samuel Butter & Co.

STEAMBOAT INSPECTORS, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28524) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal.

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects, and the bill will be stricken from the calendar.

CALL OF THE HOUSE.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the point of order is dilatory.

The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-seven Members present; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Esch	Korbly	Ransdell, La.
Alexander	Estopinal	Lafean	Rauch
Ames	Evans	Lamb	Redfield
Andrus	Fairchild	Langham	Rees
Ansberry	Faison	Lever	Reyburn
Anthony	Ferris	Levy	Richardson
Ayres	Finley	Lindsay	Riordan
Barchfeld	Flood, Va.	Linthicum	Roberts, Mass.
Barnhart	Focht	Littleton	Rucker, Colo.
Bates	Fowler	Lloyd	Scott
Bathrick	Fuller	Lobeck	Scully
Beehne	George	McCall	Selis
Bradley	Gillett	McGillicuddy	Sharp
Broussard	Godwin, N. C.	McGuire, Okla.	Sherwood
Brown	Gould	McKinney	Simmons
Burke, Wis.	Gray	Madden	Slayden
Calder	Greene, Vt.	Maher	Small
Callaway	Gudger	Martin, S. Dak.	Smith, J. M. C.
Candler	Hamilton, Mich.	Matthews	Smith, Saml. W.
Clark, Fla.	Hamilton, W. Va.	Merritt	Stack
Cline	Hardwick	Mondell	Steenerson
Collier	Harris	Moon, Pa.	Sterling
Conry	Harrison, N. Y.	Moon, Tenn.	Sulloway
Copley	Hartman	Moore, Tex.	Switzer
Crago	Hay	Morgan, Okla.	Talcott, N. Y.
Cravens	Hayden	Morse, Wis.	Taylor, Ala.
Currier	Heald	Mott	Taylor, Colo.
Curry	Heflin	Needham	Taylor, Ohio
Dalzell	Henry, Conn.	O'Shaunessy	Thistlewood
Danforth	Houston	Padgett	Turnbull
Dougherty	Hughes, Ga.	Parran	Tuttle
Davenport	Hughes, W. Va.	Patten, N. Y.	Volstead
Davidson	Humphrey, Wash.	Patton, Pa.	Warburton
De Forest	James	Pepper	Weeks
Denver	Johnson, S. C.	Plumley	White
Dickson, Miss.	Kahn	Pou	Wilson, Ill.
Draper	Kindred	Powers	Wilson, N. Y.
Driscoll, D. A.	Kitchin	Prince	Woods, Iowa
Driscoll, M. E.	Knowland	Pujo	
Ellerbe	Kopp	Randell, Tex.	

The SPEAKER. On this roll call 226 Members, a quorum, responded to their names.

Mr. UNDERWOOD. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Clerk will open the doors——

Mr. HENRY of Texas. Mr. Speaker, I move that the House do now adjourn.

The question was taken and the Speaker announced the noes have it——

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were—ayes 41, noes 85.

Mr. HENRY of Texas. Yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Twenty-one gentlemen have arisen; not a sufficient number.

Mr. HENRY of Texas and Mr. HARDWICK. The other side, Mr. Speaker.

The SPEAKER. Those opposed will rise. [After counting.] Ninety-nine gentlemen in the negative. Twenty-one is not a sufficient number, and the yeas and nays are refused.

Mr. BURKE of Pennsylvania. Mr. Speaker, I make the point of order that there is only one matter in order, and that is the consideration of the President's veto message.

The SPEAKER. The gentleman makes what point of order?

Mr. BURKE of Pennsylvania. I make the point of order that there is no business in order now except a consideration of the message of the President of the United States concerning the Webb-Kenyon bill to the Senate and the House.

Mr. UNDERWOOD. Mr. Speaker, I think the matters in order are those called up from the Unanimous Consent Calendar now before the House, and until the message is brought before the House, why, it is not in order. I understand it is optional with the Speaker, of course, to recognize what order of business shall come before the House, but I understand that the gentleman in charge of this bill does not desire to bring it before the House until to-morrow morning, so the gentleman informs me, and if that is the case, why, I think it is optional with the Speaker not to recognize anyone else to call it up from the Speaker's table except when the gentleman in charge of the bill originally in the House is prepared to bring it before the House. I will say I do not desire to force that bill before the House to-night without notice to everyone to have an opportunity to be here, and I shall move to adjourn if the Speaker holds that it is in order to take it from the Speaker's table; but if not, I hope the House will proceed with business. The point I make is the question of whether it can be called from the Speaker's table or not is a question of recognition by the Speaker to exercise within reasonable limits, and I say to the Speaker it is the purpose of those who are in favor of passing the bill over the President's veto, as they inform me, to call up the bill to-morrow at half past 10 o'clock, and if the Speaker holds that the gentleman's position is in order, of course I shall move that the House adjourn.

Mr. HENRY of Texas. Will the gentleman yield for a question? The gentleman says it is the purpose of those friendly to the legislation to call it up at half past 10 o'clock. I desire to say that I am friendly to the legislation and hoped to take it up at once.

Mr. UNDERWOOD. Not every Member of the House, of course, but I meant those in favor of the legislation who were in charge of it.

Mr. HENRY of Texas. I have been regarding myself in favor of the legislation, and I know nothing about any such agreement.

Mr. CLAYTON. Mr. Speaker, may I interrupt my colleague? My colleague has correctly stated the case. I told him and have told a number of other gentlemen that it was my purpose, as chairman of the committee that reported this bill and having had the management of the bill when it was acted on in the House before it was returned to the Senate, on the assembling of the House to-morrow morning at 10.30 o'clock to move to pass this Webb liquor bill over the President's veto, and that was the understanding of a great many gentlemen, and I believe on that account they have gone away from the House to-night with the expectation of being here to-morrow to vote on that matter when it was laid before the House.

Mr. MANN. Mr. Speaker, Rule XXIV provides the order of business in the House, and that the order of business shall be as follows: First, prayer by the Chaplain; second, reading and approval of the Journal; third, correction of reference of public bills; fourth, disposal of business on the Speaker's table; fifth, unfinished business, and so forth. As I understand, this bill is now on the Speaker's table to be laid before the House under the Order of Business No. 4—disposal of business on the Speaker's table. If I understand the matter correctly, the House has proceeded beyond that order of business. This morning the Speaker recognized the gentleman from North Carolina [Mr. SMALL] to proceed with the unfinished business, which was a motion made by him on a prior day to suspend the rules and pass the bill which he had up this morning.

And I think we have proceeded beyond No. 4 on the calendar—the disposal of business on the Speaker's table—so it is not within the power of a Member of the House to call a matter off the Speaker's table until he lays it before House.

Mr. HARDWICK. Will the gentleman yield?

Mr. MANN. I will.

Mr. HARDWICK. Since the instance to which the gentleman refers—the matter of the gentleman from North Carolina [Mr. SMALL]—have we not taken many matters from the Speaker's table?

Mr. MANN. Oh, yes; it is a very common practice in the House.

Mr. HARDWICK. That is all we are trying to do now.

Mr. MANN. You take business off the Speaker's table at any time, but when the gentleman invokes a technical ruling on one side he is subject to the application of a technical ruling on the other side. He, having invoked the proposition that he has a right to call the matter from the Speaker's table, I call attention to a rule which provides the time when the matter can be taken from the Speaker's table; that is, only under the Order of Business No. 4, except the suspension of rules and by unanimous consent.

Mr. HARDWICK. Suppose this were the last day of the session and there was no possibility that we could get back to this order; then would the rule of the House supersede the Constitution of the United States?

Mr. MANN. I doubt whether it would on the last day.

Mr. BURKE of Pennsylvania. The gentleman from Illinois [Mr. MANN] is correct, so far as he goes, but he misinterprets the purport of the motion of "the gentleman from Pennsylvania." I am not calling this message from the Speaker's table. I am not exercising my right as a Member. My belief is that it is the duty of the Speaker immediately, under the Constitution, to lay that message before this House for action, not necessarily that we shall take a vote on it to-night, but that we shall at least "proceed to consider it" by taking some action with reference to it. I am perfectly agreeable to the proposition that we shall vote on it some time to-morrow, or the day after, if the House wishes.

The SPEAKER. The Chair will decide that proposition without any argument. It is not the business of the Speaker to do anything of the sort. [Applause.]

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

Mr. BURKE of Pennsylvania. A case similar to this, precisely in point, arose in this House twice before. On July 8, 1856, one of the Representatives from New York, as a question of privilege, asked the House to proceed to the reconsideration of Senate bill No. 1.

The SPEAKER. I know, but that is not such a case as the gentleman stated. The gentleman said it was the duty of the Speaker to do it.

Mr. BURKE of Pennsylvania. I still believe, Mr. Speaker, that as the Constitution provides a method for the disposal of a President's message, that the Speaker temporarily being the custodian of that document, it is his duty to do that which the Constitution says must be done by the House. The Speaker is only the agent of the House for the time being, and as the custodian of that document he must put it before the House, because otherwise the Speaker could thwart the will of this House by refusing to lay it before the House for consideration.

The SPEAKER. He could not do anything of the sort. There is a great deal of difference in its being privileged and the Speaker laying it before the House of his own motion.

Mr. BURKE of Pennsylvania. I call it up in my own right as a Member, then, and I say in that connection that I have no desire to force a vote on it to-night. I am perfectly willing to have the matter disposed of——

The SPEAKER. What is the gentleman trying to do, then?

Mr. BURKE of Pennsylvania. To have the message placed before the House and to "proceed to dispose of it" in some manner, either by fixing the time in the future on which a vote shall be taken, or to vote on it now.

The SPEAKER. The Chair will take the liberty of making a very short statement. There has been a tentative agreement as to the time when this veto message shall be taken up. Gentlemen came to the Speaker and reported that it had been agreed they would take it up in the morning at 10.30 o'clock, and divers Members came to the Chair and asked him about it, and he gave them that information. Of course, that does not affect this question of privilege at all, but it affects the question of a fair deal.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If this matter should be laid before the House in any way at the present time, would it be in order to raise the question of consideration?

The SPEAKER. The Chair thinks not.

Mr. UNDERWOOD. I will state if the Speaker holds it is in order to call this message from the table, I shall move that the House do adjourn.

The SPEAKER. The Chair will be compelled to overrule the point of order.

ADJOURNMENT.

Mr. UNDERWOOD. I make the motion that the House do now adjourn.

Mr. GARDNER of Massachusetts. It is in order to postpone to a fixed time the consideration of a bill. I merely make that suggestion.

Mr. DYER. A point of order, Mr. Speaker. A motion to adjourn is not debatable.

The SPEAKER. Nobody is trying to debate it.

Mr. DYER. The gentleman from Massachusetts [Mr. GARDNER] is.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Saturday, March 1, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cabin Branch and Curtis Creek, Md. (H. Doc. No. 1439); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of the Treasury recommending that authority be given the Secretary of the Treasury to enter into contracts to provide sufficient accommodations for the several departments; and that the appropriation known as "architectural competitions" be made available for the payment of fees of architects (H. Doc. No. 1440); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 406) stopping traffic and preventing interference with the suffrage procession, reported the same without amendment, accompanied by a report (No. 1594), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28840), authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada, reported the same with amendment, accompanied by a report (No. 1592), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28845) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River, reported the same with amendment, accompanied by a report (No. 1591), which said bill and report were referred to the House Calendar.

Mr. PUJO, from the Committee on Banking and Currency, submitted a report (No. 1593), together with the views of the minority, of the committee appointed pursuant to House resolutions 429 and 504, to investigate the concentration of control of money and credit, which reports were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WILSON of Pennsylvania: A bill (H. R. 28864) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes; to the Committee on Claims.

By Mr. KNOWLAND: A bill (H. R. 28865) to extend the provisions of the act approved June 25, 1910, entitled "An act to further regulate interstate and foreign commerce by prohibiting transportation therein for immoral purposes of women and girls, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSON: A bill (H. R. 28866) for the establishment of a currency board in connection with the Treasury Department of the United States and for the incorporation of associations of reserve and discount throughout the United States; to the Committee on Banking and Currency.

By Mr. HEFLIN: Joint resolution (H. J. Res. 407) to require separate reports on cotton ginned and linters from the seed; to the Committee on the Census.

By Mr. DAVIDSON: Joint resolution of the Legislature of the State of Wisconsin, in favor of the Weeks bill for the protection of migratory birds; to the Committee on Agriculture.

By Mr. COOPER: Joint resolution of the State of Wisconsin, memorializing Congress to enact as speedily as possible a law providing for a uniform system for the protection and propagation of game, etc.; to the Committee on Agriculture.

By Mr. HINDS: Joint resolution of the Senate and House of Maine Legislature, seventy-sixth session, urging the enactment of a law for the protection of migratory birds; to the Committee on Agriculture.

By Mr. CARY: Joint resolution by the Senate and House of the Wisconsin State Legislature, urging the enactment of law for the protection of migratory birds and game; to the Committee on Agriculture.

By Mr. BURKE of Wisconsin: Joint resolution of the Legislature of the State of Wisconsin, praying for the establishment of a uniform system for the protection of game; to the Committee on Agriculture.

By Mr. ESCH: Joint resolution of the Legislature of the State of Wisconsin, praying for the establishment of a uniform system for the protection of game; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bill was introduced and referred as follows:

By Mr. BROWN: A bill (H. R. 28867) for the relief of the heirs of William Elliott; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Petition of the State Law and Order Alliance of Albany, N. Y., favoring the passage of the Kenyon red-light injunction bill to clean up Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. ANDERSON: Petition of sundry citizens of Houston, Minn., favoring the passage of legislation to compel concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of a bill making an appropriation for the purpose of experimenting with methods for avoiding any unnecessary loss to the fruit raisers; to the Committee on Agriculture.

Also, petition of the Defiance County Farmers' Institute, favoring the passage of legislation granting Federal aid in the construction of public roads, etc.; to the Committee on Agriculture.

By Mr. BROWN: Papers to accompany bill for the relief of the heirs of William Elliott; to the Committee on War Claims.

By Mr. DYER: Petition of the Yellow Pine Paper Mill Co., of Orange, Tex., favoring the passage of legislation to provide for an adequate duty on paper and paper products; to the Committee on Ways and Means.

Also, petition of the Indian Rights Association of Philadelphia, Pa., favoring the passage of an amendment to the Indian appropriation bill providing for the construction of the Yakima project for irrigation of the allotted lands of the Yakima Indians of Washington; to the Committee on Indian Affairs.

By Mr. HENRY of Connecticut: Petition of members of Wapping Range, No. 30, Wapping, Conn., favoring the passage of the Page bill (S. 3) granting Federal aid for vocational education; to the Committee on Agriculture.

By Mr. HINDS: Petition of the Free Baptist Church, Sanford; Baptist Church and congregation, Sanford; voters in Men's Class, Baptist Church, Spring Vell; voters of Waterboro; 55 men of the Congregational Church, Sanford; Methodist Episcopal Church, Old Orchard, all in the State of Maine, favoring the passage of the Kenyon "red-light" injunction bill, to clean up Washington for inauguration; to the Committee on the District of Columbia.

By Mr. MOTT: Petition of the Indian Rights Association of Philadelphia, Pa., favoring the passage of an amendment to provide for the construction of the Yakima project for the irrigation of the allotted lands of the Yakima Indians, Washington; to the Committee on Indian Affairs.

By Mr. O'SHAUNESSY: Petition of the New England Water Works Association, Boston, Mass., and the Appalachian Mountain Club, protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

Also, petition of the Rhode Island Citizens' Historical Association, Providence; Lonsdale Botanical and Field Naturalist Society, Lonsdale; Mary N. Eldridge, Greenville; Amber L and Louis E. Remington, Rumford; and George D. Phillips, of Greene, all in the State of Rhode Island, favoring the passage of the McLean bill for Federal protection of migratory birds; to the Committee on Agriculture;

Also, petition of Blanchard, Young & Co., Providence, R. I., favoring the passage of the Weeks bill (H. R. 27567) for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the New England Club of Library Commission Workers, of Boston, Mass., favoring the passage of legislation extending the parcel post to cover library books; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of the Women's Clubs of Ansonia, Derby, and Shelton, Conn., protesting against the passage of any legislation tending to destroy the present national system of forest conservation; to the Committee on Agriculture.

Also, petition of members of Cheshire Grange, No. 23, Cheshire, Conn., favoring the passage of the Page bill (S. 3) granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of members of Mad River Grange, No. 21, Waterbury, Conn., favoring the passage of the Page bill (S. 3) granting Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Appalachian Mountain Club, protesting against the passage of legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

By Mr. SLOAN: Petition of citizens of Rising City, Cedar Bluff, Shelby, Mona Bluffs, and Colon, all of Nebraska, favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the fund for the developing of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Petition of the Lumber Carriers' Association, Detroit, Mich., protesting against the passage of House bill 23637, for the increase of the sailors on the small boats of the Great Lakes; to the Committee on the Merchant Marine and Fisheries.

By Mr. UNDERHILL: Petition of special joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers' and Producers' Association and Traffic Bureau, of Knoxville, Tenn., protesting against the passage of legislation reducing the tariff on aluminum; to the Committee on Ways and Means.

Also, petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of a bill making an appropriation for the purpose of experimenting with methods for avoiding any unnecessary loss to the fruit raisers; to the Committee on Agriculture.

By Mr. WHITACRE: Petition of Branch No. 435 of the National Association of Letter Carriers, favoring the passage of the Hamill bill for pensioning old and infirm postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of sundry negro citizens of the State of Ohio, protesting against the passage of legislation making it unlawful for any society or fraternal order to hereafter adopt and send or receive through mail any word or title of the name of any animal or bird that is already being used as part of its title or name by any fraternal order, society, or association; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *March 1, 1913.*

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for the gracious Providence which brings us to this day of solemn and reverent memory. As we recall the life and public service of him whom we this day commemorate, we pray Thee to inspire our minds and to give utterance to our lips that we may fitly honor the life which Thou hast called to Thy nearer presence and to Thy higher service.

We pray Thee, our Father, to comfort those that mourn. Uphold them by Thy heavenly grace and grant that neither the height of remembered joys nor the depth of sorrows that can not be forgotten, nor the present with its burdens nor the future with its loneliness may be able to separate them from the love of God which is in Christ Jesus our Lord.

In the name of Him who abolished death and brought life and immortality to light, hear Thou our prayer. Amen.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and my unanimous consent, the further reading was dispensed with and the Journal was approved.

TRANSFER OF APPARATUS, ETC. (S. DOC. NO. 1125).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report from the Superintendent of the Capitol Building and Grounds relative to the apparatus, appliances, equipment, etc., transferred by him to a branch of the government of the District of Columbia, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 7802. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

S. 8565. An act to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 20511) for the relief of Samuel Butter & Co.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 21315) for the relief of Robert Ross.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913.

The message also announced that the House had passed a bill (H. R. 28632) to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La., in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that, the House of Representatives having proceeded, as the Constitution provides, to reconsider the bill (S. 4043) divesting intoxicating liquors of their interstate character in certain cases, returned by the President of the United States to the Senate, in which it originated, and passed by the Senate on a reconsideration of the same, it was

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 267. An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes;

S. 271. An act to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication;

S. 8178. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district;

H. R. 11627. An act to correct the military record of Barkley S. Dennison;

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;

H. R. 16319. An act to extend and widen Western Avenue NW. in the District of Columbia;

H. R. 18213. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States;

H. R. 18294. An act for the relief of John C. Sullivan;

H. R. 20511. An act for the relief of Samuel Butter & Co.;

H. R. 21315. An act for the relief of Robert Ross;

H. R. 21709. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

H. R. 22593. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities;

H. R. 22913. An act to create a Department of Labor;

H. R. 23568. An act to amend section 55 of an "Act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 23676. An act to regulate the officering and manning of vessels, subject to the inspection laws of the United States;

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens;

H. R. 24661. An act for the relief of James Parsons;

H. R. 24703. An act to extend the authority to receive certified checks drawn on National and State banks and trust companies in payment for duties on imports and internal taxes and all public laws;

H. R. 25264. An act for the relief of W. A. Kelly;

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 26078. An act for the relief of Charles S. Kincaid;

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law;

H. R. 27806. An act granting a pension to Mary McArthur;

H. R. 27875. An act authorizing the President to convey certain land in the State of Texas;

H. R. 28469. An act granting two condemned cannon to the Walkill Valley Cemetery Association, of Orange County, N. Y.;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. J. Res. 326. Joint resolution providing for extending provisions of the act authorizing extensions of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Bohemian-American Camp, No. 30, United Spanish War Veterans, of Chicago, Ill., praying for the enactment of legislation granting pensions to widows and orphans of soldiers of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of the Tri-City Central Trades Council, of Granite City, Ill., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in a Government navy yard, which was ordered to lie on the table.

Mr. POINDEXTER presented a memorial of sundry citizens of College Place, Dunlap, Spokane, and Snohomish, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. JONES presented sundry telegrams in the nature of petitions from the Marine Firemen, Oilers, and Water Tenders' Union of the Pacific; the Masters, Mates, and Pilots' Association; the Marine Engineers' Association; and from L. Norkgauer, all of Seattle, in the State of Washington, praying for the enactment of legislation to better the condition of American seamen, which were ordered to lie on the table.

THE DISTRICT GOVERNMENT (S. DOC. NO. 1126).

Mr. CHAMBERLAIN. I present the memorial of W. O. Owen and other citizens of the District of Columbia, praying for the appointment of a joint committee of the Senate and House of Representatives to consider and report to Congress upon the existing form of government in the District with a view to perfecting its municipal government and making it a model for all the self-governing cities of the United States. I ask that the memorial be printed as a document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BATTLE MONUMENTS AT BULL RUN, VA.

Mr. BRANDEGEE. For the Senator from Delaware [Mr. DU PONT] I bring before the Senate from the Committee on Military Affairs the bill (S. 1142) to protect the monuments already erected on the battle fields of Bull Run, Va., and other monuments that may be there erected. It is reported with an amendment in the nature of a substitute. I ask unanimous consent for the present consideration of the bill, and I wish to put in the RECORD a letter and paper in relation to it.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on Military Affairs report to strike out all after the enacting clause and insert:

That the Secretary of War is hereby directed to inquire into the practicability of purchasing the land upon which the aforesaid monuments stand, the advisability of making the purchase thereof, and the price which will have to be paid therefor.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. BRANDEGEE. I will state for the information of the Senate and the RECORD that the bill was introduced in the Senate nearly two years ago by the Senator from Virginia [Mr. SWANSON]. It is a duplicate of House bill 1330, introduced in the House by Mr. CARLIN and reported favorably by the House Committee on Military Affairs. The Senate committee amendment corresponds exactly with the report of the House committee. I polled the members of the Senate Committee on Military Affairs and obtained the signatures of all but two members of the committee who were absent.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Chair would suggest striking out the preamble.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. Would that at all affect the substitution of this provision for the House bill, if it should get consideration in the House at the present session?

The PRESIDENT pro tempore. It might possibly interfere with it.

Mr. BRANDEGEE. I prefer that the preamble should remain.

The preamble was agreed to.

Mr. BRANDEGEE. I ask the privilege of inserting in the RECORD the House report on the bill and a letter from the commander in chief of the Grand Army of the Republic.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PROTECTION OF MONUMENTS ON BATTLE FIELDS OF BULL RUN, VA.

Mr. HAY, from the Committee on Military Affairs, submitted the following report, to accompany H. R. 1330:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1330) to protect the monuments already erected on the battle fields of Bull Run, Va., and other monuments that may be there erected, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all of the bill after the enacting clause, and insert the following:

"That the Secretary of War is hereby directed to inquire into the practicability of purchasing the land upon which the aforesaid monuments stand, the advisability of making the purchase thereof, and the price which will have to be paid therefor."

Your committee, after extensive hearings on this bill, was not satisfied as to the price asked for the land; and while it is thought that some steps should be taken to protect the monuments which have been erected thereon, yet it is deemed advisable that full information should be had before any appropriation is made for the purpose of acquiring the property.

EBBITT HOUSE,
Washington, D. C., February 26, 1913.

Hon. FRANK BRANDEGEE,
United States Senate.

DEAR SIR: The Grand Army of the Republic much desire the passage of House bill No. 1330, relating to purchase of land at Bull Run, on which a Union monument now stands, and adjacent land, being part of the battle field.

This bill has been favorably reported to the House. I understand Senator SWANSON favors its passage. It does not carry an appropriation.

Gen. Whitaker (Gen. Whitaker is acting as chairman of the Grand Army of the Republic committee appointed by the national encampment), late of First Connecticut Cavalry, and Lieut. Round, late of First Connecticut Heavy Artillery, are interested in the matter. I trust you will give your help to the project, and help to have it passed this session.

Very truly, yours,

ALFRED B. BEERS,
Commander in Chief G. A. R.

WOMAN'S SUFFRAGE PROCESSION.

Mr. SUTHERLAND. I introduce a joint resolution, for which I ask immediate consideration. It is a matter that is important in character.

The PRESIDENT pro tempore. The joint resolution will be read.

The joint resolution (S. J. Res. 164) stopping traffic and preventing interference with the suffrage procession was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the superintendent of police of the District of Columbia be, and he is hereby, directed to stop all the ordinary traffic and travel, including the operation of street railroads, along Pennsylvania Avenue from the Peace Monument to Seventeenth Street, between the hours of 3 and 5 p. m., on Monday, the 3d day of March, 1913, and to prevent any interference with the suffrage procession on that date.

Mr. OVERMAN. I ask that the joint resolution may be again read.

The Secretary again read the joint resolution.

Mr. OVERMAN. I suggest an amendment providing that the joint resolution also include the 4th day of March.

Mr. SUTHERLAND. The 4th of March has been provided for.

Mr. SMOOT. Yes; that has been provided for.

Mr. SUTHERLAND. This joint resolution is simply to cover the one day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE ROCKEFELLER FOUNDATION.

Mr. LEA submitted an amendment intended to be proposed by him to the bill (H. R. 21532) to incorporate the Rockefeller Foundation, which was ordered to lie on the table and be printed.

STATISTICS OF COMMERCIAL FERTILIZERS.

Mr. SMITH of South Carolina submitted the following resolution (S. Res. 487), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of Commerce and Labor, through the Bureau of Corporations, be, and is hereby, directed to investigate the causes of the advance in price of ammoniates and nitrates used in the manufacture of commercial fertilizers, and report the findings to the Senate at the earliest practicable time.

COMMITTEES OF THE SENATE.

Mr. MARTIN of Virginia submitted the following resolution (S. Res. 488), which was read, considered by unanimous consent, and agreed to:

Resolved, That the standing and select committees of the Senate as constituted at the end of this session be, and they are hereby, continued until further order of the Senate.

OKANOGAN RIVER BRIDGE IN WASHINGTON.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 8575) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River. I will say that a similar bill has been reported favorably by the House committee, and I think I can get this bill through that body if we will pass it here with the amendments which I shall suggest.

Mr. SMOOT. Is this a House bill?

Mr. JONES. No, this is a Senate bill; but, I repeat, a similar bill has been reported in the other House, and if we pass this bill I think we can get it through the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 1, line 5, after the words "operate a," it is proposed to strike out "footbridge" and to insert "bridge"; in line 7, after the word "River," to insert "at a point suitable to the interests of navigation"; in line 9, after the word "Reservation," to strike out the period; in line 10, to strike out "SEC. 2. That the" and to insert "said"; and in the same line, after the word "bridge," to strike out "authorized by this act"; so as to make the bill read:

Be it enacted, etc., That the town of Okanogan, a municipal corporation of the State of Washington, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge, with approaches thereto, across the Okanogan River, at a point suitable to the interests of navigation, from the lower or easterly end of Pine Street, in said town, to a point directly opposite on the Colville Indian Reservation, said bridge shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River."

WILLIAM H. SEWARD.

Mr. LEA. I ask unanimous consent for the present consideration of the bill (H. R. 8921) for the relief of William H.

Seward. The bill has passed the other House and is for the relief of a very old soldier. Unless he gets the relief at this Congress, it is doubtful if he will live long enough to get any benefit from the passage of the bill. The bill is unanimously reported from the Committee on Military Affairs.

Mr. SMOOT. I am not going to object to this bill, but I shall object to the consideration of any other bill until after the conference report on the river and harbor bill shall be taken up and proceeded with.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws William H. Seward, who was a second lieutenant of Company I, Second Regiment Michigan Infantry Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that company and regiment on the 30th day of August, 1862, but no pension, bounty, or allowances shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PNEUMATIC-TUBE COMMISSION.

Mr. GUGGENHEIM. Mr. President, I have announced to the Senator from Oregon [Mr. BOURNE], the chairman of the Committee on Post Offices and Post Roads, my resignation as chairman and member of the Joint Commission on Government Purchase of Pneumatic Tubes, the resignation to take effect to-day.

EMBEZZLEMENT OF EVIDENCE OF DEBT.

Mr. GALLINGER (Mr. BRANDEGEE in the chair). When the calendar was considered a couple of days ago one District of Columbia bill, which will not give rise to any discussion, was inadvertently omitted. It is the bill (H. R. 21714) to amend subchapter 2 of chapter 19 of the Code of Law of the District of Columbia. It was prepared and introduced at the request of the United States attorney for the District of Columbia to cure a defect in the District laws. I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. NELSON. I move that the Senate proceed to the consideration of the conference report on House bill 28180—the river and harbor bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nevada suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fall	Newlands	Simmons
Bourne	Gallinger	Oliver	Smith, Ariz.
Bristow	Gardner	Overman	Smith, Ga.
Bryan	Gronna	Owen	Smith, S. C.
Burton	Johnston, Ala.	Page	Smoot
Catron	Jones	Percy	Sutherland
Chamberlain	Lodge	Perkins	Webb
Clapp	McCumber	Pittman	Wetmore
Crawford	Martin, Va.	Pomerene	Works
Culberson	Martine, N. J.	Root	
Cullom	Nelson	Sheppard	

The PRESIDENT pro tempore. Forty-two Senators have answered to their names—not a quorum. The roll of absentees will be called.

The Secretary called the names of the absent Senators, and Mr. KAVANAUGH and Mr. SMITH of Maryland answered to their names when called.

Mr. LEA, Mr. BRANDEGEE, Mr. POINDEXTER, Mr. ASHURST, and Mr. THORNTON entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the conference report on the river and harbor bill.

Mr. NELSON. Mr. President, before the question is put on agreeing to the report, I desire briefly to make an explanation of what the conference committee has done.

When it was sought to put the river and harbor bill into conference in the House of Representatives this transpired—I read from the CONGRESSIONAL RECORD as to the proceedings there:

Mr. MANN. Mr. Speaker, I realize that at this time in the session, if a river and harbor bill is to be enacted at all, it will need to be sent to conference at an early hour. There are a number of Senate amendments to this bill which I think the House ought to have an opportunity to vote upon before they are agreed to. There is amendment No. 11, carrying what is called the Connecticut River Dam; amendment No. 64, carrying a provision for the erection of a dam by the Municipal Electric Light Co., of Minnesota; amendment No. 77, providing a report relating to the contract system; amendment No. 78, providing for the appointment of a river regulation commission; amendment No. 126, providing for the renting of Government dredges to private parties; amendment No. 133, authorizing the Secretary of Commerce and Labor to define and establish anchorage grounds throughout the United States. These amendments are of great importance. The first one, No. 11, intending to establish practically the policy of the United States or of Congress in regard to the construction of dams for power purposes by themselves, in the main, has no relation to a river and harbor bill. They are not river and harbor items. May I ask my distinguished friend from Florida if he is willing to say to the House that these amendments will not be agreed to by the House conferees in conference without the House hereafter having an opportunity to express its opinion upon each of them?

Mr. SPARKMAN. I can say in answer to that, most emphatically, yes. Personally I am opposed to each one of the items to which the gentleman has referred being in this bill, whatever their individual merits may be, and I certainly should not agree to any of those amendments without referring them back to the House and taking the sense and the instructions of the House upon them.

Further on, this transpired in reference to another amendment:

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that the House is in such disorder that we can not hear the gentleman.

The SPEAKER. The House will be in order.

Mr. SPARKMAN. I say in reference to the question propounded by the gentleman from Illinois as to whether the House would have an opportunity to vote upon the items to which he refers before a final agreement is reached by the conference committee unless they are eliminated in conference. Whatever their individual merits, I do not believe they should appear in this bill.

Mr. MANN. With that statement, so far as I am concerned, I am quite content, and if anyone else desires time in opposition to the motion I am perfectly willing to yield it.

Mr. GALLAGHER. Mr. Speaker, I would like to ask the gentleman from Illinois a question. I want to ask him if he will not include amendment 57 in that request? If he does not, I wish to try to include it.

Mr. MANN. The gentleman can make the request himself. I have not read amendment No. 57.

Mr. GALLAGHER. I ask that amendment No. 57 be included in that request.

Mr. SPARKMAN. I can make the same answer in reference to that item. Of course, I understand that while some Members here may favor the item, there are others who object to it, and though I might favor it I should not in view of the known hostility to record it here concur without resubmitting the question to this House and obtaining the instructions of the House in the premises.

From this it appears, Mr. President, that the House of Representatives itself when it agreed to send the bill to conference quarantined, as it were, seven different amendments, and said in effect to the conference, "These amendments you must not agree to; and, if insisted upon by the Senate, you must bring the matter back to the House." These amendments are No. 11, relating to the Connecticut River dam; No. 57, relating to the Grand Calumet River in Indiana; No. 64, the provision relating to surplus water power of the dam located between the cities of Minneapolis and St. Paul—the Twin Cities—in which the State University of Minnesota is deeply interested; No. 77, requiring a report by the Secretary of War as to the advisability of continuing the contract system; No. 78, relating to the creation of a river-regulation commission; No. 126, relating to the renting of Government dredges to private parties; and No. 133, relative to the establishment of anchorage grounds in harbors and bays of the United States.

We were advised by the House conferees that if they were compelled to go back to the House with the river and harbor bill upon those amendments, it would lead to the defeat of the bill, that prolonged debate would be occasioned in the other House on those amendments, and that it would be doubtful whether the bill could be brought to a vote at this session. So the river and harbor bill would in all human probability have utterly failed. In view of this situation, in order to secure the passage of the river and harbor bill—a bill in its main features as equitable and as just as any river and harbor bill I have known in recent years—and in order that this beneficent legislation might not entirely fail, the Senate conferees thought it advisable to recede on the seven amendments referred to, and we accordingly did so.

Mr. President, we were advised as to some of these amendments that it would be utterly impossible under any circumstances to get the House to agree to them. As I have read from the RECORD, there was great objection to the Connecticut River dam item, because it involved the establishment of a policy in reference to water powers or dams built by private capital, a matter over which there has been a great controversy pending in the House for two or more years.

In reference to amendment No. 77, incorporated on the river and harbor bill at the instance of the very able Senator from Nevada [Mr. NEWLANDS], I desire to say that that same amendment was in the river and harbor bill a year ago, and the House conferees, not then restrained by the action of the House, as they were this year, utterly refused to agree to that amendment. That is one of the amendments quarantined.

Amendment No. 78 is an amendment that was introduced on the floor, also on motion of the Senator from Nevada, of far-reaching character relating to conservation, river regulation, and so forth. Senators are familiar with it.

Senators, I am sure, can not say that I have acted at all selfishly in this matter. One of the most important of the Senate amendments was the one relating to the dam between Minneapolis and St. Paul. I think, as a matter of fact, the House conferees individually were not opposed to that amendment, but it being quarantined as were the other amendments, it had to go into the same class, and, so far as I was concerned, I did not feel that it was just and proper for me to act like the dog in the manger, and because I could not secure the adoption of my amendment have the river and harbor bill fail. Therefore, in that respect I have acted in reference to my own particular amendment concerning the State of Minnesota as I have in reference to the other six amendments.

As to the result of the conference, from a pecuniary standpoint, the bill as it passed the House contained in cash appropriations $37,112,958 and in continuing contracts $3,760,000, or a total of cash and contracts of $40,872,958. The Senate added to the bill by amendment $4,921,987 in cash and $3,235,800 in continuing contracts, or a total of $8,157,787, so that, as the bill finally passed the Senate and went into conference, it contained a total cash appropriation of $42,034,945 and $6,995,800 in continuing contracts, or an aggregate of $49,030,745.

I want to say that in respect to practically all the other amendments except the seven quarantined amendments, as I call them, the House receded, and in conference the bill was reduced in dollars to the extent of $1,161,851; but in that reduction there was included $500,000 provided for in the quarantined amendment of the Senator from Nevada, and therefore leaving that amendment, No. 78, out of consideration, the total reduction effected in conference on the Senate amendments was not over $600,000 outside of the half million that was included in the amendment of the Senator from Nevada.

To the Senate conferees the question was presented whether we would let the bill fail. I am satisfied if we had sent the bill back and had not reached this final agreement there would have been no river and harbor bill at this session. In view of that fact the Senate conferees with one accord felt that, under the circumstances, it was just and right, in order to save the bill, to recede from those seven quarantined amendments.

As I have said before, Senators will remember that I myself was as much interested in one of those amendments relating to my own State as any Senator could well be interested in any amendment, but, notwithstanding that, I have treated that amendment exactly as I have treated the other amendments.

Mr. President, I desire to say that it is important that our river and harbor work should go on. There is great necessity for the work to be continued in the Mississippi Valley, on the lower Mississippi from Cape Girardeau down to the Head of Passes; there are a great many other improvements, such as those on the Ohio River and in some of our great harbors, which it is important and necessary should proceed, but I think that, for the good of the country, it is necessary that this bill should pass. Unless it passes now, work will be delayed on a great many valuable improvements, especially those along the South Atlantic coast and on the Mississippi River.

Another thing: There has never been a river and harbor bill since I have been in the Senate, for a period covering 18 years, that could not in some respects, perhaps, be made the subject of criticism. Our country is great; we have harbors and rivers all over the country that need more or less improvement. Senators and Representatives come here and are zealous to have these improvements made in their respective districts and States. We listen to all of them and we do the best we can under the circumstances of each case. We must all admit that occasionally mistakes are made, but I think, on the whole, that this bill is as free from mistakes as almost any river and harbor bill which has been passed in recent years.

Up until about three years ago—I speak of the time during which I have been in the Senate—we were in the habit of having a river and harbor bill once in two or three years. Three years ago we started on the idea of having a moderate-sized annual bill. We have followed that policy for two years; this is the third annual bill; and I think those who are familiar with the subject and who have had experience under both systems will concur with me that, all other questions aside, an annual bill is much preferable and more economical.

There is another reason why an annual bill is proper, and that is, there are a great many instances where new improvements are desired, and before such improvements can be made either in rivers or in harbors, it is necessary that there should be a preliminary examination and survey.

If you have an annual bill, you can have that examination and survey ordered in one year, and if the survey demonstrates the necessity and value of the improvement you can have an appropriation for it the next year; while, under the old system, with two or three years intervening between the bills, it sometimes took four or five years before you could inaugurate a new improvement.

I do not know that I care to say anything further on this subject. I think my colleagues on the conference committee, who were with me and labored on this bill, will concur with me in all I have said.

Mr. NEWLANDS addressed the Senate. After having spoken for some time,

The PRESIDENT pro tempore. The Senator from Nevada will suspend. The hour of 12 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Mr. BURTON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Nevada will proceed.

Mr. NEWLANDS resumed and concluded his speech, which is as follows:

Mr. President, I am very thankful to the Senator from Minnesota for relieving me of the duty of reading from the House proceedings the remarks of various prominent Members of the House at the time the conference was agreed upon.

In the House one of the leading Members, referring to six or seven prominent items in the river and harbor bill, asked the assurance of the chairman of the committee, Mr. SPARKMAN of Florida, that as to those amendments no action would be taken by the conferees without submitting the matter to the vote of the House. Among the amendments referred to were two amendments offered by myself—amendments 77 and 78, the former of which was inserted by the Senate in the river and harbor bill last year and went out upon the insistence of the House conferees, while the other was unanimously put upon this bill by the Senate after a protracted discussion and is now, with five or six other amendments, quarantined—to use the expression of the Senator from Minnesota—by the action of the House.

The term "quarantined" would imply that there is something noxious in these amendments; that they contain the germ of some loathsome disease, prejudicial to the interests of the United States. My contention is that these amendments are not noxious, not destructive, but are beneficial and constructive; that they have their proper place in the river and harbor bill, and that they should be considered by both Houses. They have received consideration in the Senate. They have not received consideration in the House. All I now contend for is that the report should be disagreed to, not with a view to defeating the bill, but with a view to giving the House the opportunity which it desires of considering these amendments without their being quarantined on their way to full consideration by three conferees, the servants of the House.

I insist that the House has the right to debate, consider, and vote upon these amendments; that the action of the House indicates that that was their desire, and that that desire has been thwarted by the action of the servants of the House.

What are these amendments, Mr. President? I shall ask to have them both inserted in the RECORD here, with the consent of the Senate, and if there is no objection will content myself with a short statement of their nature.

The Senator from Oklahoma [Mr. OWEN] tells me, however, that he desires to have them read; so I shall ask the Secretary to read amendments 77 and 78, being sections 2 and 3 of the river and harbor bill.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Amendment numbered 77, being section 2 of the bill:

"That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report, not later than December 1, 1913, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing-contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report."

Amendment numbered 78, being section 3 of the bill:

"A commission, to be known as the River Regulation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce and Labor, two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and such River Regulation Commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, and constructors of eminence as it may deem advisable to employ in connection with such plans. And for the expenses of such organization, investigation, and plans the sum of $500,000 is hereby appropriated."

Mr. OWEN. Mr. President, before the Senator from Nevada explains this matter I think we ought to have the Senate present. It will take only a few moments to get them here, and I think they ought to listen to this. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Nelson	Smith, Ariz.
Bankhead	Cullom	Newlands	Smith, Ga.
Bourne	Cummins	O'Gorman	Smith, Md.
Brady	Fall	Oliver	Smith, Mich.
Brandegee	Foster	Overman	Smith, S. C.
Bristow	Gallinger	Owen	Smoot
Brown	Gardner	Page	Stone
Bryan	Jones	Percy	Sutherland
Burton	Kenyon	Perkins	Swanson
Catron	La Follette	Pittman	Thomas
Chamberlain	Lea	Poindexter	Thornton
Crane	McCumber	Pomerene	Tillman
Crawford	Martin	Sheppard	Townsend

The PRESIDENT pro tempore. On the call of the roll 52 Senators have answered to their names. A quorum of the Senate is present. The Senator from Nevada is recognized.

Mr. NEWLANDS. Mr. President, the reading of these amendments to the river and harbor bill must convince every listener of their national and beneficial character. Amendment 77 simply calls for a report from the Secretary of War regarding the saving and other advantages of the continuing contract system, regarding the rapidity with which projects can be completed, regarding methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities to the existing or probable demands of general commerce. It also calls for a report as to one or more systematized schemes of improvement, and also for other matters of related information pertaining to the uses or control of the waters of the country, and makes an appropriation of $100,000.

Now, can the Senator from Minnesota give me any reason why such an amendment should be quarantined? Does that amendment contain the germs of a loathsome disease prejudicial to the interests of the country? I would ask a reply from the Senator from Minnesota. The Senator does not answer, and I assume therefore that he has nothing to say against the amendment. On the contrary, he believes in the amendment.

Mr. NELSON. Mr. President——

Mr. NEWLANDS. The Senator supported the amendment in the committee and on the floor.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. I do not care about answering the Senator more than to say that he is mistaken about my views. I never believed in the amendment that he introduced. It was subject to a point of order when it was before the Senate, but I felt like a good many other Senators, that having had six hours' debate in favor of the amendment probably the easiest way was to let it go on the bill. But I never believed in it.

Mr. NEWLANDS. Does the Senator mean to say that he is opposed to the principle of the amendment or opposed to it simply on the ground that it is not in order? I ask the Senator whether he means that he is opposed to the principle of the amendment or if he is simply opposed to it on the ground that it is not in order?

Mr. NELSON. I have been unable to discover the real principle of that amendment as yet, and therefore I am not prepared to answer.

Mr. NEWLANDS. I regard that as the misfortune of the Senator. I trust that he will soon be able to come to a favorable conclusion regarding it.

But, Mr. President, this section simply calls for information regarding a matter that has been under discussion for many years, regarding a matter concerning which the parties have been declaring themselves for the last eight years, as to a system of developing our rivers by cooperation with the States and other interested parties in such a way as to develop every use of our rivers in addition to navigation, and in such a way as to vastly advance the prosperity and the wealth of the country.

Yet this amendment, which simply calls for information, is quarantined, according to the statement of the Senator from Minnesota, by the conferees of the House. That action is in line with the action of the Rivers and Harbors Committee of the House for over 20 years. They have sought to hamstring the Corps of Engineers of the Army in their endeavor to perfect plans for a related system of waterways, apparently content that large sums of public moneys should be spent upon the waterways, provided navigation, which constitutes the only constitutional basis of our action, is not promoted thereby.

I have alluded heretofore to the sinister influences, of which Congress itself may be unconscious, tending to a control of the action of the country with reference to waterways in such a way as to bring about large expenditures in different localities to the interests of those localities without endangering in any way the monopoly now enjoyed by the railway systems of the country. The railways have been content that we should be liberal in our appropriations and even wasteful in our appropriations. They have not stood on guard in the interests of economy. Every expenditure made, provided it did not promote navigation, furnished them custom in the way of passengers and freight. They were only solicitous that we should not have a continuous and related system of waterways, perfect in all their equipments, just as railways are, with transfer facilities, terminal facilities, freight houses, warehouses, and all the paraphernalia that belong to transportation, including such conveniences as would bring ship and car, and boat and car, into absolute cooperation in the people's service.

True to the traditions of the Rivers and Harbors Committee of the House, we have the conferees of the House even refusing to permit a section in the bill which simply calls for information from the experts in the employ of the Government to be voted upon by the Members of the House itself. The plea may be made that we are in the closing hours of legislation, but we all know that the House has an expeditious way of bringing a debate to a conclusion. There will be no difficulty there, if a conference report is made submitting these two amendments to the Members of the House, in fixing a rule limiting the debate to two or three hours, and limiting the time of the speakers in such a way as that no delay will be accomplished, and yet free opportunity for discussion be given.

My purpose is not to defeat this bill. My purpose is to perfect this bill and to perfect it by consulting the House itself, to whom participation in debate upon this subject has thus far been denied by the quarantine which has been accomplished through the action of the House conferees.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. I wanted to ask the Senator if he had ever introduced this amendment in the form of a bill and had it presented to the committees of each House.

Mr. NEWLANDS. This particular amendment, may I say, was offered to the rivers and harbors bill last years in the Senate, and was passed by the Senate and stricken out in conference. It has never been, according to my recollection, the subject of a separate bill, but its substance was included in the general bill which I have been offering now for the last six or seven years entitled "A bill for river regulation." That bill has been before the Commerce Committee of the Senate for six or seven years in varying forms, and was offered in the House by Mr. BARTHOLDT, a Representative from Missouri, some years ago. There has been opportunity for consideration of these bills in both Houses.

Now, as to the Senate, let me say that in the Senate committee the bill has been considered at various times, but I have never been able to get it out of the committee in a satisfactory form. For some time it has been referred to a subcommittee of the Committee on Commerce, and recently while we were considering the rivers and harbors bill the committee took that bill out of the hands of the subcommittee and ordered a report of it to the Senate without recommendation. So that bill is on the calendar, but without recommendation. Then, later on, its substance was put upon this bill by the Senate in these amendments.

Mr. BRANDEGEE. Inasmuch as the Senate has already passed the proposition in the form of an amendment, I wished to find out whether the Committee on Rivers and Harbors of the House, where the present impasse seems to exist, had ever considered the question, or whether the Senator had ever been before the committee and tried to get the Rivers and Harbors Committee of the House to adopt his proposition.

Mr. NEWLANDS. I do not know what progress has been made regarding my bill as introduced by Mr. BARTHOLDT in the House, and I am not familiar with it, but what I claim is that this is a legitimate part of a river and harbor bill. I think the Senator from Ohio [Mr. BURTON] will bear me out in that assertion. The river and harbor bill, and I ask the attention of the Senator from Ohio, has been the vehicle of just such legislation as this for years. The river and harbor bill has been regarded as a bill of general legislation relating to rivers and harbors. I appeal to the Senator from Ohio, whose long experience upon these matters we all recognize, whether that is not so.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. BURTON. It is impossible to frame a river and harbor bill without certain administrative features. Otherwise the public works could not be properly managed; new projects would not be undertaken and finished in proper form. It is not merely an appropriation bill; it is a bill providing for the cost and management of improvements in rivers and harbors.

I wish to say further, Mr. President, that I very strongly approve these two amendments of the Senator from Nevada. The great difficulty in past years has been that in a measure the ostensible object of which is to improve rivers and harbors numerous projects relating to bank protection and prevention of floods have been brought forward under the guise of river and harbor improvement. I do not believe there is any solution of this great question of the control of waters except by a commission taking up all the related uses of water.

I have strongly opposed the bill of the Senator from Nevada, which would place this whole subject under the control of a commission and give them a certain amount of money to expend, authorizing them to select projects for improvement, but this provides for investigation only, with a view to bringing under the control of the different bureaus or departments of the Government the whole subject of the use of waters, including navigation, water-power regulation, the prevention of soil erosion, and other related subjects. We can not much longer bring in river and harbor bills without the information obtained by such an investigation as is provided in this measure. Otherwise, if we take them up and consider them superficially and ingraft various propositions relating to waters on a river and harbor bill we in that way make appropriations on subjects with which we are not in a position to deal.

Mr. NEWLANDS. I felt sure that the Senator, with his familiarity with the subject and with his long-held views, would indicate his indorsement of these two amendments. There has been a difference between the Senator and myself regarding another matter.

Mr. PERCY. As I understood the statement of the Senator from Ohio, it was that he indorses the first amendment, but strongly dissented from the second.

Mr. BURTON. No, Mr. President, I indorse both the first and second. The second amendment is a modified form of a bill which has been pending for a long while. That bill as originally framed provided that this commission should have a certain amount of money, $50,000,000 is proposed, and should expend it as they pleased. I am not ready to approve such a proposition. But amendment No. 78 does not go that far; it provides only for investigation, and investigation by the different departments and bureaus of the Government.

Mr. PERCY. The amendment No. 78 has never, so far as the personnel of the commission is concerned, been embodied in any bill on any amendment, I think, heretofore offered by the Senator from Nevada. As the Senator from Ohio has studied the personnel of the commission, does he prefer the personnel of the commission contained in the amendment as offered in this bill to that heretofore contained in the amendment offered by the Senator from Nevada? One provides for a commission of 8; the other, which is one that has been heretofore designated by the Senator from Nevada, provides for a commission of 12. No one of the commission of 8 is embraced in the commission of 12. In other words, the commission as contained in this amendment is one never heretofore offered nor heretofore discussed by the Senator from Nevada.

Mr. BURTON. I regard the question of the personnel of the commission as largely one of detail. I am inclined to think, however, the designation of the different Cabinet officers—the Secretaries of War, Interior, Agriculture, and Commerce and Labor—with two Members of the Senate and two Members of the House as an effective method, as good a selection as can be made. The fact that these Cabinet officers are named is significant; it means that we wish to have this work undertaken by those of very high authority.

Mr. NEWLANDS. Mr. President, there have been no differences between the Senator from Ohio and myself regarding the general policy which should be pursued with reference to these rivers. We were together on the Inland Waterways Commission, which made its report about six years ago, and we agreed in our views that there should be cooperation of the scientific services that relate to water; that there should be cooperation of the Nation with the States. We agreed regarding that report, and agreed that this work should be conducted in cooperation with the various scientific services, including the Engineer Corps of the Army, and in cooperation with the Nation and the States under a system involving a large fund and continuous work.

I differed with the Senator only in a supplemental statement which I made in the report of the Inland Waterways Commission, in which I insisted that we should provide specifically a large fund of at least $50,000,000 annually for 10 years, so that our engineers and constructors could plan their works with reference to a definite appropriation lasting over a long period of time and that they should be given a comparatively free hand, both in plans and works.

In shaping the pending amendment I have adapted myself to the limitations imposed by the judgment of the Senator from Ohio, as expressed in that report, and I expected nothing but his cordial indorsement of this amendment.

It is true that some of the bills which I have offered have proposed to create a commission out of the various chiefs of the services that relate to the use of water, with the Corps of Engineers at the head, but in this amendment I have sought to substitute for that commission of service chiefs a commission of department chiefs, including also two Senators and two Representatives. But, Mr. President, it will be perceived that the heads of departments whom I have enumerated are the superiors of the various service chiefs who were designated to serve in the former commission provided for in my bill. I thought it better that we should put the department chiefs in as the commission rather than these service chiefs, thus permitting the department chiefs to bring their service chiefs into coordination and cooperation.

I thought also that it was advisable to bring into active cooperation with these plans and investigations Members of the Senate and of the other House, who by their familiarity with

all the proceedings would keep both the Senate and the House well informed regarding the progress of the work of the commission.

It will be observed that the amendment does something more than simply prepare for an investigation and plans. It actually accomplishes the coordination and cooperation of the services that relate to water, and thus takes an important step forward in the great policy of teamwork upon the part of the governmental agencies in this important constructive policy.

Mr. President, I have briefly outlined the first amendment; but we have drifted into a discussion of the second one contained in amendment No. 78. What does that provide? A commission consisting of four department chiefs, in whose departments exist all of the various services that relate in any way to the use of water or the development of water or the study of water—the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce and Labor. Then there are added to the commission two Members of the Senate and two Members of the House of Representatives, to be selected by the President of the Senate and the Speaker of the House of Representatives, respectively.

The commission is authorized to bring into coordination and cooperation with the Engineer Corps of the Army the other scientific constructive services of the United States that relate to the study, control, and development of waterways, water resources, and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating the questions relating to the improvement, development, regulation, and control of navigation as a part of interstate and foreign commerce, including therein all the related questions referred to in this amendment, and providing for plans that will involve the cooperation of the States, municipalities, and corporations with a proper adjustment of cost and benefit.

There is also a provision authorizing the commission to appoint and secure the assistance of engineers, transportation experts, experts in water development, and constructors of eminence in connection with such plans.

I ask what is there prejudicial to the interests of the United States in that amendment? Why should that amendment be quarantined as if it contained the germs of disease? Why should not that amendment go to the House for consideration in an orderly way as indicated in the action of the House itself? Why should it be quarantined by the servants of the House—the House conferees—as if they were fearful to trust the wisdom and judgment of the House itself?

I repeat, Mr. President, that I do not desire the defeat of this bill, although I regard the system under which this bill and other similar bills have been framed as an unwise and injudicious and unscientific system. All that I ask is that in this very bill we should consult the Engineer Corps of the Army and the scientific services of the Government through their consolidation and teamwork with reference to the development of waterways in the future with a view to making these unrelated projects not simply useful to existing communities, either in the way of the expenditure of money or in the way of benefiting private property, but for the purpose of making this great work useful to the Nation itself under the constitutional power granted to it by the States regarding the regulation of interstate commerce and navigation as a part of that interstate commerce. I wish to see this whole work founded impregnably upon the only basis upon which it can constitutionally stand; so that hereafter there can be no question concerning the legitimate exercise of our powers. I wish to see that work accomplished so liberally that every section of the country will derive benefit from it, and so liberally that, under the inspiration of the national policy, all the related uses of water under the jurisdiction of the various States will be developed in their highest degree.

This amendment presents nothing prejudicial to the interests of any section, though our friends who represent the lower Mississippi seem to think that it has in it the germ of evil to them. On the contrary, this policy will prove the salvation of the entire delta of the Mississippi, with its 25,000,000 acres, and it will found the vast works of the future upon such a constitutional basis that no one can object.

As it is, Mr. President, the States materially affected have entirely lost sight of that constitutional power under which alone the Nation can act, and the works in the lower Mississippi, commenced as a legitimate exercise of the interstate-commerce power, are now prosecuted without any regard to the exercise of that power and mainly for the protection and development of private property. I want to see that private property protected and developed; I want to see that vast domain reclaimed. I regret that it ever drifted out of the hands of the Nation, which, as the original proprietor, could have reclaimed it all, prepared it for settlement, and then turned it over under a gradual process of settlement to home seekers, and I will be glad to see the original error remedied, so far as the Nation can constitutionally remedy it; but it must be remembered that the Nation has now lost the power to reclaim that land as proprietor, and that it has no power to reclaim it as sovereign, unless the work which it prosecutes is done under the interstate-commerce power of the Constitution and presents a legitimate instance of the development of the Mississippi River for purposes of navigation. We can not pursue the sham system which we have hitherto pursued, looking out, by cooperation with the levee organizations of the South, for the protection of the lands without in any way developing navigation, facing all the time a diminishing navigation and permitting the one public servant, the railway carrier, to drive out of existence the water carrier, the other public servant. We must bring about, by a system of law and operations, not only the perfection of the waterways with all their incidents—wharves and terminals, stations, and transfer facilities for the conduct of transportation—just as a perfected railway is, but we must also bring one public servant, the water carrier, into cooperation with the other public servant, the rail carrier, through laws that will prevent the rail carrier from driving the waterway carrier, by disastrous competition, out of existence.

Unless we can promote navigation and transportation we have no constitutional basis for national action at all, and the purpose of my amendments and of my bills is to exercise to the full the national power of the development of transportation between the States.

Mr. President, I wish to say that these two amendments, covering simply an organization for effective work, covering simply investigation and plans, and not finally committing the National Government to any particular scheme of work, have their place, according to tradition, in a river and harbor bill, as a legitimate part of it. As the Senator from Ohio [Mr. BURTON] says, it is utterly impossible to frame a river and harbor bill without providing for the adminstrative machinery. That is all these amendments do; and all that I ask regarding this measure is, not its defeat, but that the Senate insist on its going back to conference, so that the House conferees can consult the House itself, the source of their power, as to these amendments, and not hang up these amendments in quarantine, as the Senator from Minnesota suggests they have done.

Mr. President, we have had of late many disastrous floods in the South; we had one last year; and so, under the sad lesson of that flood, we increased our appropriation for the lower Mississippi for bank protection and levee building from $3,000,000 to $6,000,000. I proposed, if my recollection is right, an amendment increasing that amount to $10,000,000. No representative of the lower Mississippi can contend that I have ever been unfriendly to the development of that river. On the contrary, in the face of that great disaster I insisted that the Nation should take more liberal action and should practically by a large expenditure now prevent or mitigate these annual losses. I proposed that without making any condition as to the adoption of the policy which I have been so long urging—for I felt the exigency of the moment, and I did not wish to make the exigency of the South the basis of a propaganda which might result in the loss of time in so important a work.

No Senator from that region can claim that for one moment my action has been prejudicial to its interests. On the contrary, I have always proclaimed that the very purpose of the national action which I sought was to enlist to the fullest extent the national powers in cooperation with the States affected, with a view to perfecting the economic system of that area of extraordinary richness and fertility, divided up by an imaginary line between the different States, existing at the same time under the several sovereignties of the States and under the sovereignty of the Nation, and my idea was to combine the powers and the functions of all these sovereigns in such a way as to reach every economic want of that region, not only in navigation and transportation, but in the development of water power, in the reclamation of swamp lands, and in the perfection of a canal system that would in time make it as perfect as Holland is in its distribution of the railway and waterway services.

I am glad to know, whilst on the one hand the levee commissioners and others organized under the laws of the States have developed into political organizations the perfection of whose administration is somewhat affected by politics, that the sentiment of the South itself, outside of the sentiment controlled by the levee commissioners, has been gradually drifting into the support of this great policy.

The New Orleans Item, a prominent paper of that city, is conspicuously for this policy in every detail. So, I am told, is

the Picayune. The Progressive Union, a commercial organization of great power and influence in New Orleans, has declared itself for it. The State Legislature of Louisiana has declared itself for it. A reclamation association has been organized in that State, which has been taking up a propaganda for the development of this policy.

I wish, in support of this statement, to have the Secretary read from the New Orleans Item an article headed "Newlands bill versus the 'levees only' policy," and also an editorial in the same paper, entitled "Levees only a narrow policy."

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the New Orleans Item, Feb. 23, 1913.]

NEWLANDS BILL VERSUS THE "LEVEES ONLY" POLICY—THE PART THE RAILROADS TAKE—WALTER PARKER TAKES ISSUE WITH JOHN A. FOX—URGES BROAD POLICY THAT WOULD TREAT VALLEY PROBLEM AS A WHOLE FROM SOURCE TO MOUTH AND ENLIST NATIONAL SUPPORT.

That something is radically wrong with the levee system as a means of protecting the fertile lowland farms from floods and inundation is clearly evident, and the Nation can not do better than turn its attention to the solution of the problems involved in the interest of all the people of all the States. The slogan of the Nation should be "after Panama the Mississippi River."

During 200 years the dogma of levees only has reigned supreme. Levee advocates, engineers, and contractors have had the field all to themselves. An enormous system, made up of many levee boards and a huge aggregate tax income, has been built up. The Federal Government has contributed tens of millions, and the State of Louisiana alone has contributed some $50,000,000 for the building of levees alone.

Yet so imperfect is the protection against floods which the expenditure of all these millions produced that in the year 1912 fully $200,000,000 in damage was done as a result of broken levees and overflowed farms and towns, and the same disaster has, to a lesser extent, been repeated in the same way in the early part of 1913.

TWO SCHOOLS OF THOUGHT.

Two schools of thought and two sets of men are now engaged in an effort to induce the Federal Government to solve the problem.

One set—the old school thinkers—are domiciled at Memphis under an organization entitled "the Mississippi Valley Levee Association."

The other set—the new school thinkers—are domiciled at New Orleans under an organization entitled "the National Reclamation Association," which was formed as the National Irrigation Association in 1899.

According to Mr. John Fox, secretary-manager of the Mississippi Levee Association, which is advocating a continuation of the "levees only" policy, his organization has secured "the enthusiastic support of all the railroads interested in flood protection; in fact, the railroads, the telephone and telegraph companies, and the great corporations with property subject to flood have contributed heavily to the income of the association."

According to Mr. George H. Maxwell, executive director of the National Reclamation Association, which is advocating the nationalizing of the river by the Federal Government and the control of its floods by the Federal Government through the building of levees and the revetment of caving banks, supplemented by the control of the source streams in order that levee-breaking floods will no longer be permitted to form—business men, manufacturers, and taxpayers to the extent of more than 1,000 have been enlisted in the support of the National Reclamation Association's campaign, but no railroad is helping in any way.

CAUSE AND EFFECT.

In Egypt the British Government has harnessed the Nile by constructing the Assuan Dam, and the waters of that river no longer flood the farms when moisture is not needed, but instead, are conserved and used to irrigate them when moisture is needed.

In the Salt River Valley of Arizona, the Federal Government has constructed the great Roosevelt Dam, which gathers the freshet waters of the Salt River, conserves them, and uses them to irrigate the dry lands of a large territory. Below the dam the Salt River is now always peaceful and quiet.

THE NEWLANDS BILL.

The advocates of the Newlands bill say that the supplementing of well-built levees by such practical source stream control in the Mississippi River watershed as the building of dams similar to the Roosevelt and Assuan Dams, and the use of the impounded waters for the irrigation of arid lands, for the creation of power, and for the feeding of stream flow in the dry season, augmented by a practical national policy of reforestation will at one time put an end to levee-breaking floods and overflows in the low country, make the rivers navigable all the year round and create an enormous asset of power, of timber, and of soil.

These people wisely say that the problem of the rivers is national, not local, and that no practical solution can come except through treating the rivers as units from sources to mouths. And they explain the opposition to such a policy as due to the fact that under it the water-power sites would become a profit-paying asset of the taxpayers rather than the property of speculators and great private interests; that source stream control will mean plenty of water in the streams on which to float boats which will compete with the railroads in the transportation of commerce. They add that it will put an end to the political pork-barrel method of appropriating Federal money for river improvement; that it will coordinate the endeavors of the Government to promote the welfare of all the people in the interest of lasting national prosperity.

RAILROAD'S PART.

For these reasons, the managers of the National Reclamation Association's campaign of education say, the railroads and great vested interests of the country are opposing, not aiding them.

On the other hand, the "levees only" people, who have announced that their chief support is supplied by the railroads, in an interview with Mr. John A. Fox, published by the New Orleans Item, of February 21, "in effect" says: "The levees—levees, and nothing but the levees and revetment to protect them—for the Mississippi and for the Mississippi alone. Cut out the chimerical schemes. Don't get tangled up with navigation and reservoirs and conservation. Combine on something practical that can be put through now, when the country is aroused and ready to act."

The people of the Ohio Valley who suffer, according to the best authorities, from flood damage averaging $50,000,000 a year, will hardly back up the levees-only policy, advocated by Mr. Fox, which asks for protection for the Mississippi Valley alone.

Nor will the people of Nebraska, who were flooded last year, and the people of the entire Missouri River watershed, whose prosperity will be greatly promoted by a policy that provides a way to use the freshet waters at home for irrigation, power, and navigation, and at the same time aid in preventing destructive floods lower down, approve a levees-only policy.

In the North and East there are many manufacturers who will gladly urge their Senators and Congressmen to vote for a measure that will promote the general prosperity through river regulation, but will urge them not to vote for the appropriation under a political pork-barrel method of Federal money for the continuation of a levees-only policy.

There are the people of other great river valleys. They also have problems in their own sections. Their rivers often flood the lowlands, and an abundance of water, needed by the dry-land farmer, annually goes to waste. They also need navigable river all the year around, not floods at one season and dry beds at another. True, their problems are not nearly so acute as is that of the people of the Mississippi Valley, but will they view with pleasure any move that purports to solve Mississippi Valley problems, but which does not even establish a principle or hold out a hope of at some time in the future solving their own problems? And there are people in the valleys of the Colorado, the Sacramento, the San Joaquin, and other great rivers.

All these elements are interested in the broad policy, not in the narrow policy. All have influence; all have votes in Congress.

For these reasons the new-school thinkers advocate legislation that, while providing for a complete and adequate levee system, with revetted banks where needed, to be built and controlled by the Federal Government, will also provide for the prevention of flood formation in a way that will permit the people of the up-country to turn now wasted flood water, which menaces the low country, into an upcountry asset out of which the up-country people may make money while the low-country people enjoy immunity from floods and overflows and make their crops in peace.

WALTER PARKER.

[First editorial in the New Orleans Item, Feb. 23, 1913.]

"LEVEES ONLY" A NARROW POLICY.

Quite naturally, when John A. Fox, secretary-manager of the Mississippi Levee Association, belittles the Newlands bill and objects to "getting levees tangled up with chimerical schemes for reservoirs, or with any navigation program"—Walker Parker, proponent of the National Reclamation Association, which seeks to treat the "problem of the valley" as a whole, from the watersheds to the jetties, rises to object.

The dispute between the two associations, the division of sentiment among those most vitally interested, which that dispute has created, is an unhappy phase of the whole great situation involving the Mississippi Valley.

It has a precedent in recent history: The bitter quarrel between the advocates of the Nicaraguan route for an interoceanic canal and the friends of the Panama route. That quarrel postponed for 15 years the construction of the waterway between the Caribbean and the Pacific. And that quarrel was kept alive largely by the sinister activities of the transcontinental railroads. Only when Theodore Roosevelt smashed precedent and proprieties in grabbing the Canal Zone did the quarrel end and the Fabian fight of the railroads suffer final defeat.

It is not unfair in this connection to mention that the railroads of the valley are enlisted with the "levees only" association, and that most railroad men belittle and decry, as does Mr. Fox, any broader plan which includes insistence on headwater conservation and navigation maintenance with the plea for levees.

The construction of an interoceanic canal threatened the monopoly which the railroads held on commerce east and west across the United States. The railroads skillfully delayed when they could no longer openly fight the plan.

The "watersheds to jetties" program for handling the valley problem threatens the monopoly which the railroads now possess on the north and south commerce of the central United States—because it includes maintenance of year-round navigable water wherever possible on the Mississippi and its tributaries. And the railroads of the valley are identified with the rival movement which insists on "levees only."

In blunt truth, the railroads centering in New Orleans or running through the valley would seem to have many men powerful in their councils who would much prefer to see their roads stopped by water once or twice a decade than to see the rivers from Kansas City, Pittsburgh, Minneapolis, and St. Louis bearing traffic to the Gulf through 12 months of every year.

When such conditions rule, it is well and wise for those whose primary and immediate interests lies in quick betterment of the southern levees and a lightening of the levee border on southern-flood districts to watch with care how far they commit themselves to the "levees only" program.

True, in the lower valley, we want "levees first," because we have vital need, but if we say "levees only" we assume an attitude not to be best defended. Our people, our levee boards do well to help all that helps levees—but all is not helpful that avows friendly aid, and that is frequently to be doubted which protests too much of exclusive friendship.

The Newlands bill, as originally drawn, may not be perfect. Doubtless the urgency of the situation, disclosed by the flood of 1912, preaches the need for an amendment to it which will provide for immediate levee construction through the lower valley by Federal means.

But the Newlands bill, amended to that end, or legislation along kindred lines, which looks to one coherent, synthesized solution of the tremendous, interrelated, complex group of questions that have come to be known as the "Problem of the valley," offers the widest, the broadest, and the best program for those in the lower valley to support.

Such a program binds together in unity of interest every element—barring the railroads—of 31 States, from the watersheds to the Gulf. A lesser program—a "levees-only" program—must inevitably suffer the charge of sectionalism, no matter how strong the plea for justice based on the fact that the lower valley has to bear the brunt of waters from a vast and distant region.

Common sense teaches, if engineers disagree, that the problem is a unit problem, no matter how widely separate on the surface its various phases seem. And if it is a unit problem—the best solution is that one which treats it as such.

To seek to handle Mississippi River floods in this day, by restricting activity to levee building on the lower reaches, rather than by storing, guarding, using, regulating the waters from the sources to the mouths would seem in the light of world-wide history to be the apotheosis of narrowness and short sightedness.

It would be treating a loathsome disease by disinfecting its sores instead of by cleansing the blood.

Mr. NEWLANDS. It will be seen, Mr. President, from these newspaper extracts, right in the region represented by the Senators on this floor who have been most contentious against the amendment which I have offered, there is growing up a strong organization for the support of the bill. An organization has been effected in the region referred to in this newspaper article, strongly backed by public sentiment and inimical to the narrow policy which has been hitherto and which is now being pursued by the Levee Association of the South, represented by Mr. Fox, namely, that the southern representatives should confine themselves to the perfection of the levees alone and should not be diverted into dreams, so characterized, relating to the promotion of the only purpose which Congress can constitutionally serve, the promotion of transportation by a perfected navigation.

Reference is made in these articles to the sources of the opposition to the policy which I am now advocating, namely, that the railway systems of the valley are unwilling to see any part of their patronage turned over to the water carriers, and a historical reference is made in this article to the well-known fact that for 15 years or more the transcontinental railroads of the country, through a mistaken sense of their own interest, opposed the adjustment of the Isthmian Canal question. It is a matter well known as a part of our legislative history that the deterrent influence throughout that entire agitation was mainly that of the transcontinental railways, which complicated us in our purpose, not only by dividing the friends of an Isthmian canal, but by creating complications with Central American countries in such a way as to long deter the final solution of this important question.

We find ourselves confronted by the same difficulty with reference to our waterway development. We have now the long-sought-for link between the Pacific and the Atlantic and the Gulf coast, the Panama Canal, approaching completion. One of the great purposes of the perfection of that link was to tie together the water-transportation systems of the Pacific and the Atlantic coasts. It will never serve this high purpose until those waterway systems upon both coasts are perfected. The railway systems can deter as much the ultimate accomplishment of the purpose which we had in view when we started to construct the Panama Canal by delaying the development of the waterway systems of the Atlantic and Pacific and Gulf coasts as they could by delaying the construction of the canal itself.

Prominent railway men to-day already agree that in the end the Panama Canal will be a great blessing to them, that through it the great Pacific coast will become greatly populated and enriched, and that the local carriers there connected with the great transcontinental systems will reap a rich harvest out of the substituted and enlarged local traffic in the place of the transcontinental traffic they have hitherto enjoyed.

But the policy of a railway system is always present advantage rather than the long view that gives advantage in the future, and to-day the railway systems of the Mississippi Valley are opposed to the development of the waterway policy, unwisely, so I believe, because the waterways will simply be the carriers of the bulky and cheap products, and the costly products that will pay high rates of freight will be so vastly increased through the general production as to give those railways a larger increased profit by reason of the substituted traffic. But the vision is necessarily contracted. The managers of to-day wish to reap the harvest of the day. They are not content to pursue a policy by which other managers will reap the harvests of the future.

So we find this levee organization perfected in the South charged by this newspaper with being supported by the railways themselves, urging the narrow and contracted policy of levee building only and warning the people of the Mississippi Valley against the acceptance of so-called chimerical ideas that involve the treatment of the river as a unit and its perfection, among other things, as an instrumentality of transportation.

So we are to witness now right in the Mississippi Valley the distracting contentions regarding the development of this policy that prevailed so long with reference to the completion of the Panama Canal, a great national policy antagonized by special interests, not taking the long view of their interest in the future but taking only the contracted and narrow view of immediate advantage and profit.

There are some men engaged in the transportation system who have a sufficiently broad vision to realize the benefit that will come to the railroads themselves in that region from the development of the Mississippi delta, from the vast population that will flock there, and the great wealth that will be produced there. Some of these great transportation managers have spoken, and have spoken vigorously, upon the subject, and I shall seek to put some of their utterances in the RECORD. But as a rule they favor the development of the rivers that will protect the land; they oppose the development of the rivers that will accomplish the only constitutional purpose which a national government can carry out, their development as national instrumentalities for interstate transportation.

Mr. President, the best evidence of this hostility is the history of river development. Suppose the railroads had taken the long view, that population and wealth would be so developed as to give them a plethora of the higher and more costly traffic compensatory of the loss of the cheap and bulky traffic—suppose they had taken that view and given this great waterway movement the aid of their cooperation, with the intelligence of their engineers and constructors applied to the solution of this great problem, do you think the waterway development of the Mississippi would have been such as it has been during the last 40 years? Would you have seen the successful completion of the bank protection of the Missouri River for 35 miles under a Missouri River commission, and then the abandonment of it by the National Government? Would you have witnessed the expenditure of hundreds of millions of dollars upon the Mississippi River without the increase of transportation? Would you have seen a waterway system developed without transfer facilities, without terminal facilities, without cooperation with the rail and with the ocean carrier?

Oh, no; the great railway managers of the country, the great railway engineers and the great railway constructors of the country, had they been really in favor of the development of water carriers, would have acted in such a way as to produce the result that has been produced in Germany, where under the patronage of the Imperial Government itself all three classes of transportation, rail, water, and ocean transportation, have reached the highest development and cooperate with each other for the common good.

The very fact that this great enterprise of the development of the Mississippi River and its tributaries has not been successful in promoting transportation is an evidence of the deadly hostility of the railway carriers to the development of that transportation. It is unnecessary that anyone should smile at the suggestion that the railway carriers are strong in their opposition and effective in their antagonism to the development of the perfection of our water carriers.

Mr. President, these railway carriers are exceedingly potential in politics. They are not so potential now, I am glad to say, as they used to be. I do not mean to say that they control legislators, but a legislator will hesitate long before he arouses the deadly antagonism of the railway carrier in his vicinity. Let him make himself active in a propaganda which is either directed against their interest or inferentially affects it and he finds secret opposition springing up to him everywhere. He finds a candidate against him at the primaries; he finds strong candidates against him in the conventions, unconsciously moved by this great controlling force; and the man who really wishes to accomplish his aims and serve the public and to make his life a sacrifice to public duty feels that if he runs up against this powerful antagonism he will lose all opportunity for usefulness by being deprived of the position which alone makes him useful. So, many honorable and conscientious men feel unwilling to take upon themselves the burden of a propaganda, knowing that they will be opposed by a great and powerful interest which can raise antagonism to them personally by distracting the councils of the party, and which can direct against them popular candidates with a view to embarrassing their elections.

I have no hostility whatever to the railroads of the country. I believe in doing everything that is necessary to develop railway transportation. I have been opposed to their participation in politics, but I have realized that conditions were such oftentimes as to force them into politics. Between the power of taxation on the one hand and regulation on the other many of them have doubtless felt that they might be ground to destruction. They have doubtless thought it necessary to influence and direct and sometimes control public movements that threaten them with destruction.

So far as my public career is concerned, all my efforts in the way of regulation have been with a view to protecting the railroads themselves as much as the public, to protect them from public spoliation as well as the public from extortion and op-

pression. I believe that the time is now rapidly approaching, through the wise exercise of the taxing power and of the regulating power by the States and of the Nation, when the railroads will practically be out of politics, and they will be much more prosperous under those conditions than they have been under conditions of constant political antagonism. I do not blame them for pursuing policies that affect their interests; I do not blame them for opposing public policies which may be prejudicial to their interests; I simply point out the fact that their interest in the future is one thing and the interest of to-day is another, and that in pursuing the interests of to-day they may be antagonizing the interests of the future. The interests of to-day would lead them to destroy and hamstring the water carrier, but the interests of the future would lead them to the highest development of the water carrier, whether on the river or on the ocean.

I simply refer to the policies pursued by the railroads, not with a view to denunciation but simply with a view to calling their attention to what I would regard as a wise policy upon their part, and that is to take the long-distance view of this question and to unite with every community and with every State and with the Nation in the development of policies that will increase their population and their wealth, and thus contribute to the success of their activities, instead of antagonizing a great public policy with a view merely to present advantage and obstructing and impeding the progress of great policies intended for the development of the entire country.

Mr. President, I said that this policy of river regulation from source to mouth, including the tributaries and including the development of all the related uses of water, was a policy that received public approval, and I wish to have read some utterances upon this subject. First, I will refer to the utterances of the gentleman who on the 4th of March will take his seat in the presidential chair, Hon. Woodrow Wilson. In the following telegram he declared his views upon this important question:

SEA GIRT, N. J., *September 30, 1912.*

Hon. FRANCIS G. NEWLANDS,
President National Irrigation Congress, Salt Lake, Utah:

Please express to the National Irrigation Congress my hearty approval of the policy it is met to promote, and especially of the policy of supplementing bank and levee protection by storage of flood waters above for irrigation and water power, turning floods from a menace into a blessing and at the same time abundantly feeding navigable waters.

WOODROW WILSON.

How admirable this expression; in a few words condensing everything that can be said upon the subject, everything that has been said in the party declarations, in the resolutions of chambers of commerce and boards of trade and waterway associations. He refers to supplementing bank and levee protection. The President elect has no fear, as some of our Senators from the lower Mississippi seem to have, that bank and levee protection will be abandoned if this enlarged policy is entered upon. The President elect does not speak of diminishing bank and levee protection; he speaks of supplementing it, and supplementing it by holding back floods that vex its banks and threaten its levees with destruction above, and turning them, as he so aptly terms, from a menace into a blessing by application to the irrigation of the great arid area of the country and by the development of water power.

I ask the timid men of the South and of the Mississippi Valley, representing conscientiously as they do the interests of their constituency, to take courage from the utterances of the President-elect that there is a guarantee of the continuance of the present system of bank and levee protection. Nay, more, it is an assurance that it will be prosecuted, so that it will accomplish what they so much want, and the President elect will pursue this policy, backed by the declaration of his party and by the unanimous support of his party in both Houses. We are simply preparing the way now by such action as this on this bill in harmony with his words for the greater and larger fulfillment of the future.

Mr. President, what were those declarations of the Democratic Party? And what were the declarations of the other parties—the Republican Party and the Progressive Party—the feebiest utterance of all being that of the Republican Party, and yet a decisive utterance; the strongest utterance of all being that of the Progressive Party in the last campaign, or at all events equaling in strength the declaration of the Democratic Party; and those two parties represented almost the unanimous vote of the people of the United States. What were their declarations? What was the declaration of the Democratic Party in its platform of 1908?

Mr. President, I will ask the Secretary to read the declarations on this subject of the platforms of the Democratic Party, the Republican Party, and the Progressive Party in 1908.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested. Does the Senator desire the platform declarations read of 1908 or of 1912?

Mr. NEWLANDS. The declaration in 1908 is the specific one of the Democratic Party. I should like that read, and also the planks of the platform in 1912.

The PRESIDENT pro tempore. Of both parties?

Mr. NEWLANDS. Of the three parties.

Mr. SMOOT. Will the Senator be satisfied with having them printed in the RECORD, without reading, in connection with his remarks?

Mr. NEWLANDS. I prefer to have them read.

The PRESIDENT pro tempore. The reading will be proceeded with.

The Secretary read as follows from the Democratic platform of 1908:

WATERWAYS.

Water furnishes the cheaper means of transportations——

Mr. ASHURST. Is that the portion of the Democratic platform relative to waterways?

Mr. BORAH. That is the Prohibition platform. [Laughter.]

The PRESIDENT pro tempore. It is the Democratic platform of 1908. The reading will proceed.

The SECRETARY. The extract is as follows:

DEMOCRATIC PLATFORM 1908—WATERWAYS.

Water furnishes the cheaper means of transportations, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every watercourse in the Union which is justified by the needs of commerce; and to secure that end we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River, and the navigable rivers with each other, by artificial canals, with a view of perfecting a system of inland waterways to be navigated by vessels of standard draft.

We favor the coordination of the various services of the Government connected with waterways in one service, for the purpose of aiding in the completion of such a system of inland waterways; and we favor the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts to be authorized by law.

The Democratic platform of 1912 reads:

DEMOCRATIC PLATFORM.

We renew the declaration of our last platform relating to the conservation of our national resources and the development of our waterways. The present devastation of the lower Mississippi Valley accentuates the movement for the regulation of river flow by additional levee and bank protection below, and the diversion, storage, and control of the flood waters above, and their utilization for beneficial purposes in the reclamation of arid and swamp lands and the development of water power, instead of permitting the floods to continue, as heretofore, agents of destruction. We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel and the prevention of the overflow of the land, and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the General Government.

To maintain an adequate depth of water the entire year and thereby encourage water transportation is a consummation worthy of legislative attention and presents an issue national in its character. It calls for prompt action on the part of Congress, and the Democratic Party pledges itself to the enactment of legislation leading to that end.

We favor the cooperation of the United States and the respective States in plans for the comprehensive treatment of all waterways with a view of coordinating plans for channel improvement with plans for drainage of swamp and overflowed lands, and to this end we favor the appropriation by the Federal Government of sufficient funds to make surveys of such lands, to develop plans for draining the same, and to supervise the work of construction.

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

The Republican platform of 1912 reads:

REPUBLICAN PLATFORM.

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope, and the disasters they produce seriously affect the general welfare. The States unaided can not cope with this giant problem; hence we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

* * * * * * *

We favor a liberal and systematic policy for the improvement of our rivers and harbors. Such improvement has been made upon expert information and after a careful comparison of cost and prospective benefits.

The Progressive Party platform of 1912 reads:

PROGRESSIVE PARTY PLATFORM.

The rivers of the United States are the natural arteries of this continent. We demand that they shall be opened to traffic as indispensable parts of a great nation-wide system of transportation in which the Panama Canal will be the central link, thus enabling the whole interior of the United States to share with the Atlantic and Pacific seaboards in the benefit derived from the canals. It is a national obligation to develop our rivers, and especially the Mississippi

and its tributaries, without delay under a comprehensive general plan covering each river system from its source to its mouth, designed to secure its highest usefulness for navigation, irrigation, domestic supply, water power, and the prevention of floods. We pledge our party to the immediate preparation of such a plan, which should be made and carried out in close and friendly cooperation between the Nation, the States, and the cities affected. Under such a plan the destructive floods of the Mississippi and other streams which represent a vast and needless loss to the Nation would be controlled by forest conservation and water storage at the headwaters and by levees below, land sufficient to support millions of people will be reclaimed from the deserts and the swamps, water power enough to transform the industrial standings of whole States would be developed, adequate water terminals would be provided, transportation by river would revive, and the railroads would be compelled to cooperate as freely with the boat lines as with each other. The equipment, organization, and experience acquired in constructing the Panama Canal soon will be available for the Lakes-to-the-Gulf deep waterways and other portions of this great work, and should be utilized by the Nation in cooperation with the various States at the lowest net cost to the people.

Mr. NEWLANDS. Mr. President, this closes the action of the parties upon this subject. I wish to add that, in addition to party action upon this subject, the administration actively took up this question during Mr. Roosevelt's and Mr. Taft's incumbency. Mr. Roosevelt organized an Inland Waterway Commission. That commission, after a thorough investigation, made a report. That commission was composed of two Senators, two Representatives, the Chief of Engineers of the Army, the Chief of the Reclamation Service, the Chief of the Forestry Service, and the Chief of the Bureau of Corporations, which bureau had made a very extensive inquiry into all the conditions relating to waterway transportation, and the chief of which bureau was a valuable member of this commission.

On that commission served the now Senator, then the Representative from Ohio, Mr. BURTON; the then Representative and now Senator from Alabama, Mr. BANKHEAD; former Senator Warner, of Missouri, and myself.

The result of our long investigation and inquiry was a unanimous report, with some modifications suggested by the Chief of Engineers of the Army. That report called for the policy which I have endeavored to outline, of cooperation between the services, cooperation between the various sovereigns affected, cooperation with municipalities, corporations, and individuals, with a view to a broad and comprehensive plan that would involve all the waterways of the country. It involved a large fund and continuous work, with the aid of this fund, for a period of 10 years.

As I have already stated, the only difference between myself and the Senator from Ohio with reference to the conclusions arrived at by the commission was that I insisted that the whole policy had been so far developed as to have received practically popular indorsement, and that its successful execution involved the creation of a very large fund and giving practically a free hand, within the general range of the plans adopted, to the Engineer Corps and to the related services in their execution, with a view to preventing the exasperating halts that have thus far been made in waterway development through changes of view, through deficient appropriations, and other obstructions, my contention being that we should take hold of the matter vigorously, just as we took hold of the Panama Canal and just as we took hold of the reclamation work in the West, providing that the board charged with the execution should make no contract unless the money for payment was in the fund and within that limitation, giving them large freedom both in developing plans and in execution.

Whilst I think the view which I entertained was the correct one, and I still think so, and feel assured that ultimately Congress will come to a similar conclusion, yet the action which I now seek does not involve any such large powers to the River Regulation Board. Whilst the Waterways Commission was engaged in this inquiry and before it had concluded its labors I prepared a bill, which I presented simply as a tentative proposal, with a view to preparing the public mind for what I thought would be the final conclusion of the Waterways Commission. That bill was similar in its terms to bills which I have since introduced, though I think the bills introduced later are improvements upon the original. That bill was referred to the then Secretary of War, Mr. Taft, and was approved in all substantial details by Mr. Taft in a very comprehensive communication to the Committee on Commerce. I have not that communication available just now, but later on I shall ask to have it read.

Recently the Committee on Commerce called for the views of the chiefs of the various departments under which the services that relate in any way to water are organized—the Department of War, the Department of the Interior, the Department of Commerce and Labor, and the Department of Agriculture. I should like the Secretary to read the communications from the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War, which are upon the desk.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Without objection, the Secretary will read as requested.

Mr. PERCY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. Yes.

Mr. PERCY. Mr. President, without desiring in any way to be discourteous to the Senator from Nevada, and without wishing to inconvenience or to incommode him in any way, I shall object to the reading by the Secretary. It is being painfully forced upon the judgment of the Senate that, notwithstanding the protestations of the Senator from Nevada that he does not wish to defeat this bill, he is engaged in pursuing, through what I may call a more or less organized filibuster, a course which must result, if successful, in the defeat of the bill. If the bill is sent back to conference, according to the opinion of those in the best position to judge, it means its defeat, just as surely as if the Senate should defeat it by a vote; and the course the Senator is pursuing would seem to be a little more than a desire fairly to explain his views to the Senate on this question, upon which he has so frequently addressed it. Therefore, as I have said, without desiring to inconvenience the Senator at all, I shall object to the reading by the Secretary.

The PRESIDING OFFICER. Objection is made to the request.

Mr. NEWLANDS. Mr. President, what was the statement of the Chair?

The PRESIDING OFFICER. The Senator from Mississippi objected to the reading of the paper requested to be read by the Senator from Nevada.

Mr. NEWLANDS. May I ask the Chair, is that subject to objection?

The PRESIDING OFFICER. The Senator may read it himself or the question may be submitted to the Senate whether the Secretary shall read it. Is it the wish of the Senator that the Chair shall submit the question to the Senate?

Mr. NEWLANDS. No; I will read it myself. In reply, however——

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Nevada to Rule XI, which provides:

RULE XI.

OBJECTION TO READING A PAPER.

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

It is mandatory that the question shall be determined by the Senate; but the Senator can withdraw his request or read the paper himself, if he prefers.

Mr. NEWLANDS. I do. I shall proceed to state the substance of the various reports; but before taking up the reports I wish, in reply to the Senator from Mississippi [Mr. PERCY], to repeat what I have already said, that I have no desire to defeat this bill. I do not regard it as a very perfect scheme of legislation, but I do not desire——

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. I am very much delighted to hear the Senator say that he has no desire to defeat this bill, and, in view of that statement, I would inquire of the Senator if he would be willing to agree that at some hour this afternoon we shall vote upon the question of recommitting the bill to the conference committee?

Mr. NEWLANDS. I am not prepared to state a time now, but I will take the matter under consideration and will communicate with the Senator later on.

Mr. SIMMONS. Will the Senator indicate whether he would be willing to fix any time during this calendar day for a vote on the question of the recommittal of the bill to the conference committee?

Mr. NEWLANDS. I am not prepared to say now. I want to see the subject thoroughly discussed. I have reason to believe that there are a number of Senators who want to discuss it, who firmly believe in this policy, and who think that it is only fair that the House of Representatives should have a chance to vote upon it. According to the statement of the Senator from Minnesota [Mr. NELSON], the House conferees put these amendments in quarantine and prevented them from being considered by a separate vote addressed to them in the House of Representatives, although the expression in the House at the time the conference was ordered was that before any final action was taken upon these amendments the matter should be referred to a vote in the House. I am simply urging a course that will result in the fair consideration of these amendments by the House under a rule, which I presume will limit debate

and which will secure final action before the adjournment of Congress.

Mr. SIMMONS. Mr. President, I simply want to understand the position of the Senator. I understand the Senator to state that he wants this matter to go back to conference in order that it may be reopened and reconsidered with a view to sending it back to the House, so that there may be a vote upon his amendment. Is that the position of the Senator?

Mr. NEWLANDS. Yes; after a full discussion here.

Mr. SIMMONS. Then, Mr. President, that can not happen unless we do vote upon the question of sending it back to conference. If the Senator wants to accomplish that purpose, it seems to me that he ought to agree to a time certain for a vote, so that it may go back to conference and be submitted to the House if the conferees shall so decide.

Mr. NEWLANDS. I want to be assured, in the first place, that there is a full discussion in this body, so as to insure, if possible, a disagreement to this conference report. I do not want to have too early a vote upon this subject. A number of Senators have indicated to me that they wish to address the Senate upon it, and I do not want to foreclose them the opportunity.

Mr. SIMMONS. It must be manifest to the Senator that if he prolongs this discussion he will defeat the very object which he says he has in view.

Mr. NEWLANDS. I do not propose, Mr. President, to take any action that will prevent a consideration of these two amendments by the House after a reasonable debate there upon the merits; but I do not propose, at a time when the whole subject is of the highest importance as an educational matter, to lose the opportunity of impressing upon Congress and the American people that a policy which for years has been determined upon by the American people, as evidenced by the explicit declarations of party platforms, by public expressions of boards of trade and chambers of commerce, by the unanimous declaration of the congress of governors, and by the action of numerous waterway associations throughout the country, that that policy is to be put in quarantine by three conferees from the House of Representatives, and that the representatives of the people in the House are not to have the opportunity to consider or to discuss this question.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. I do.

Mr. SHIVELY. I am very much impressed with what the Senator has just said; but it occurs to me that the conferees being the organ of the two Houses of Congress, it is our duty to leave to the House of Representatives the control over its own conferees. It seems to me it is within the function of the House to determine what its conferees shall do—to reject their reports or not to reject—and by its own affirmative action, if it desires to do so, to bring this matter back before the House. I never understood that it was the function of the Senate to determine by its procedure what the House shall or shall not consider.

Mr. NEWLANDS. Mr. President, it is the right of the Senate to insist upon legislation which it favors, and it is the right of the Senate to insist upon the consideration of legislation which it presents to the Congress of the United States, and it is the right of the Senate to insist upon it until that fair consideration is given. I am aware that this bill contains appropriations for a great number of projects in which Senators are interested—and when I say "interested" I mean, of course, a very proper interest—relating to the development of the regions they represent. But owing to the fact that so many Senators and so many Representatives have in this bill interests affecting their particular constituencies, interests evidenced by substantial appropriations to be expended within their States or districts, the whole tendency is to disregard all questions that relate to general policies and to urge the passage of the bill with a view to securing to each Senator or Representative that which he individually desires. In this way we have a composite bill that represents no continuous or scientific policy.

The country has been intent for years upon putting the river projects upon the merit basis and taking them out of the patronage system.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. STONE. I should like to ask my friend if he is still addressing himself in advocacy of his amendments?

Mr. NEWLANDS. Yes.

Mr. STONE. The Senator has presented the matter very exhaustively. I should like to know, because the Senator from Nevada is so entirely frank, whether he thinks he is about ready to submit it to a vote?

Mr. NEWLANDS. I have already stated, Mr. President—probably the Senator was not present at the time—my views with reference to that matter. There are a number of Senators who wish to speak upon this subject.

Mr. STONE. Then will the Senator answer me frankly whether this number of Senators, cooperating with him, have determined to prevent the passage of this bill? If so, perhaps we had as well put it to the test in some way and abandon it and go on with something else instead of wasting what is left of this session in a filibustering experiment. Is that what the Senator and his associates are engaged upon, to prevent the passage of this bill unless certain things are done—unless his amendments, and perhaps the amendments of some other Senators, are agreed to? That is a straight question to the Senator.

Mr. NEWLANDS. It is a very straight question.

Mr. STONE. The Senator is always so brave and fair that I think he, if any Senator, would make a direct answer to a direct question of that kind, so that the Senate may be informed as to the situation.

Mr. NEWLANDS. Mr. President, the question is a direct one, and perhaps goes a good deal further than the Senator should expect an answer for; but I have no hesitation in stating my position.

There is no concert of action, to my knowledge, of purpose, regarding the final disposition of this bill. I have heard several say that the bill ought to be killed. I have not shared in that view. I have hoped that as the result of the discussion on this floor the Senate will disagree, with a view to compelling the House conferees to take a vote in the House regarding these amendments, after a fair discussion. So far, that is the length of my purpose, and I state it without, however, committing myself at all as to the future.

Mr. STONE. If the Senator will allow me, I express no decided opinion as to whether this is a wise bill or an unwise bill, whether it is good or bad, whether it ought to be defeated or not.

Mr. NEWLANDS. I am trying to convince the Senator that it is a wise one.

Mr. STONE. But the Senator is too experienced in legislative procedure to doubt that the bill will pass substantially in the form in which it has been reported by the conferees or not pass at all.

There are on the calendar other things of a good deal of importance that we want to take up. Everyone recognizes that the Senator from Nevada, almost alone, and certainly with the cooperation of two or three others, can continue a debate indefinitely, and defeat the passage of the bill. I think it is due to us to know what the situation is and what the purpose of the Senator is, so that the Senate, being advised, may govern itself accordingly, recognizing the power of the Senator and his associates to defeat the passage of the bill.

It may be that they would be doing a wise public service. I am not entering upon that question. I am simply desirous to know whether or not that is the purpose. If it is the purpose, then announce it, so that the Senate may be advised; and it may be that the matter can be in some way disposed of more promptly and laid aside, or something done with it, so that the entire business of the Senate may not be arrested in a contest of this character, the ultimate result of which is known to all.

I think we ought to deal frankly with each other here. The Senator from Nevada has been reasonably frank. He says he is not engaged in a filibuster. He says there is no agreement for concert of action. But it has been whispered around that other Senators—I have no authority to give their names—are prepared to follow with prolonged orations, which may be pertinent or impertinent to the subject in hand, as soon as the Senator from Nevada has exhausted his energy—and that would require a good while. We know what the Senator from Nevada can do if he makes up his mind. He can continue here for a good, long while yet.

If this is to be followed by other like speeches, I think we ought to know it, so that we may lay aside the bill or do something else with reference to it, so that other important business of the Senate may be proceeded with.

I submit to the Senator if that is not fair.

Mr. NEWLANDS. Mr. President, the Senator uses the term "frankly" too often. I am always frank. I am frank now. My only purpose is to get consideration by the House of Representatives of these two amendments, and to take them out of

the quarantine in which the Senator from Minnesota [Mr. NELSON] says the House conferees have put them.

Mr. SIMMONS. Mr. President——

Mr. NEWLANDS. If the Senator will permit me, that is my purpose. I do not know what any other man's purpose is. I will state to the Senator that I do know of quite a lengthy speech that will be made in this connection, on this and related subjects, because the Senator wants frankness, and I give him my full knowledge.

There are some Senators on this floor who think it would be a good thing to have the bill beaten. The Democratic Party is coming into power on the 4th of March. It is fully committed to the policy for which I am contending, by party declarations and by the expressed convictions of its chief, which I have read. That is not my view. I would prefer to have this bill go through, as I do not want to embarrass Senators regarding appropriations in the bill in which their States and their districts are interested, and which, so far as I know, are unobjectionable. What I object to is the system. These two amendments look to the elaboration of a perfect system, and not at all to defeating the bill.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Yes.

Mr. SIMMONS. Mr. President, if the Senator from Nevada will pardon me, of course the Senator knows that it is necessary for the Senate to act first in sending this matter back to conference. After that is done, it is necessary for the House to act, in order that it may get back into conference.

I want to state to the Senator that I have been over to the House this morning and have held a conference with the conferees on the part of the House with reference to their ability to get this matter back into conference to-day, so as to have action by the two bodies upon the result of that conference. I will say to the Senator that they have advised me—all of them have stated the same thing—that in the present condition of the business of the House it would be a little difficult to get the matter up at all with a view to sending it back to conference, but that unless the matter goes back to the House during this afternoon it will be utterly impossible to secure any action on the part of the House in the way of sending it back to the conference.

So the Senator will see that if these gentlemen are advised correctly in the assurances and statements they have made to me, if the bill is to be gotten into conference again—and the Senator says that is his purpose—it is necessary that we shall act here in the Senate at some time during this afternoon. I appeal to the Senator, in view of that situation, to put some limitation upon this discussion, so that we may get a vote and the House may have an opportunity, at least, of letting the bill go back where the Senator says he wants it to go.

Mr. NEWLANDS. Mr. President, I will ask the Senator whether the conferees on the part of the Senate will consent to a disagreement and a reference of this matter again to the conferees?

Mr. SIMMONS. I suppose that is a matter for the Senate, Mr. President. The Senate would have to vote upon the question of whether or not they would send it back. We have no right to make an agreement in advance for the Senate. It is not a matter that will be submitted to the conferees but one that will have to be submitted to the Senate. All I was suggesting to the Senator was that he let the Senate vote, so that the matter may get before the House, because it must be acted upon by both bodies before it can get back into conference.

Mr. NEWLANDS. Mr. President, if the Senate conferees will give their consent to a disagreement, with a view to having this matter go back to the conferees, in order that they may submit these amendments to the House, that is one thing; but as long as they do not consent to that, and the matter has to be determined by the Senate, it is exceedingly material that there should be a discussion here, in order that we may be able to convince the Senate that it is wise that it should disagree.

Recollect that we are not endeavoring here by these amendments to interfere with a single appropriation, either to increase or to diminish it. All we are asking is that the policies of the Democratic, the Republican, and the Progressive Parties, as declared in their platforms, shall be carried out in the organization of a system through these amendments. That is all we are asking. So far as I am concerned, if a method can be devised by which these amendments will be submitted to the House I shall be content. If they should decide against them, the responsibility would rest upon them.

They are all members of the Democratic or the Republican or the Progressive Parties, and if they see fit to abandon the party declarations upon the subject and refuse their assent to these amendments which simply put in this bill the declared policies of all these three parties the responsibility will rest upon them and not upon me. But I think I am entitled, I think the Senate is entitled, and I think the American people are entitled to some expression of opinion on this subject from the House of Representatives; and they are above all things entitled to take this policy out of the quarantine that has been imposed upon it by the conferees of the House.

I stand for democratic government, for democratic expression, for the expression of the will of the people through their representatives, and I stand opposed to every system that proposes to impede and clog the efforts either of the people or of their representatives. The method here pursued smacks too much of the methods that have been pursued for a generation in Congress—methods which have been repudiated by the people; methods against which the people have raised their protest; methods which have created a storm of revolution throughout the entire country, so much so that every party organization is endangered.

A great policy, declared equally by the Democratic, the Republican, and the Progressive Parties, is outlined in the amendments which I have presented—the demands of the American people, indicated in every form of expression, from party declarations down to the declarations of legislatures, of boards of trade, of chambers of commerce, of waterway associations, of every form of organization that expresses public opinion; and yet we are told that three men, the servants of the House, can put this policy in quarantine, can put it in cold storage, and prevent it from being considered by the great House that they represent.

So long as that method is maintained I shall raise my protest against it, and I wish to continue my endeavor to convince the Senate of the United States that good government demands that this policy shall be taken out of cold storage and submitted to the judgment of the representatives of the people. Unless the Senate conferees agree to a disagreement and a reference back to the conferees, I am compelled, so long as I remain true to my convictions, to exhaust everything I have to say by way of argument and persuasion with the Senate itself.

I was endeavoring to point out that the individual interests of numerous Senators, like the individual interests of numerous Representatives, lead them, of course, to view with apprehension the defeat of this measure, which contains appropriations intended for the benefit of their States and their districts. It is, therefore, all the more necessary for the advocates of a great national policy, represented in these amendments, to bring to the attention of the Senate convincing reasons why they should not allow their individual interests and the individual interests of their States or districts to overpower them in the consideration of a great question of national policy, concerning which public sentiment is made up unanimously and only Congress remains unconvinced.

Mr. President, I quoted the utterance of Woodrow Wilson. I referred to the report of Mr. Taft as Secretary of War, indorsing in every way, in the fullest details, this policy. I now refer to the report of the Secretary of Agriculture, Mr. James Wilson. I shall not read his entire report. It is under date of April 4, 1912. He says:

> I believe it will be necessary, eventually, for the Federal Government, or the Federal Government and the States, or in some cases each State individually, to work out a comprehensive system of saving flood waters—the surplus waters that run away in spring and winter and during flood times in summer. This can be done, as it has been done in other countries, by arranging for a system of reservoirs beginning near the head of streams and continuing the reservoirs down the streams until all the advantage is secured that can be had from confining the waters for use on the land in dry times. I think the entry upon the subject is timely and wise, and any cooperation this department can extend will be cheerfully given.

What services in the Department of Agriculture relate to this question? First, there is the Weather Bureau, which is engaged all the time in the study of the question of precipitation. What is the origin of all these destructive floods in the lower Mississippi and the lower Sacramento and the San Joaquin? Why, the water that falls from the heavens. That is the source of all the difficulty. That water falls, so far as the Mississippi is concerned, over 30 States.

If it falls in immense volumes within a short period of time it creates a flood, and that flood makes its way to the small-source streams, to the tributaries, and through the tributaries to the main river, and through the main river to the Gulf, a cause of anxiety, a cause of destruction everywhere. The amount of water which would naturally fall in a period of six weeks may do no harm at all, and yet, if its fall is concentrated within one week, it may prove an agency of the largest destruction.

We can not control the clouds in their output, or at all events, science has not yet discovered the method. The waters fall at their will as the result of a mysterious control which as yet we do not understand, and which our scientific men are studying every day. We can not control the fall, but the question is whether we can not control or mitigate the run-off. If the entire area of the Mississippi Valley were put in concrete one can imagine the rapidity of the run-off, and one can imagine how destructive that run-off would be to the entire Mississippi delta and to every State upon the banks of the Mississippi River.

I can imagine what the effect would be if the rapid run-off of the falling waters in the entire Mississippi Valley were concreted. Yet we have been steadily for years pursuing a course that provides increasing rapidity of the run-off. Nature itself has slowed down the floods through numerous intervening obstacles, forests, with the forest protection of leaf and moss and trees and porous soil absorbing the rain as it falls from the heavens and holding it in suspense, letting it out gradually into the tributaries, so that there is no violent flood. We have been destroying our forests. The great swamp-land areas constitute natural reservoirs in which the accumulated flood waters rest, making their way gradually to the main stream. In the upper reaches of these rivers we have been reclaiming these swamp lands, and we have been reclaiming them by increasing the rapidity of the run-off from them, thus increasing the momentum of the floods below.

Now, what does science propose to do under this system which the various parties have declared for and which is represented in this bill? Science will look to the protection of the forests.

We have already done it in a detached and unrelated way. We have determined to hold off the forest areas of the Appalachian and Allegheny Mountains and of the White Mountains, and we created a commission for their acquisition, a commission that is working in an entirely detached way from the Corps of Engineers of the Army and all the other services that relate to water. We quarantine these lands, making no study of the other scientific services of the country as to how they can best be utilized, not only for the development of timber but also for the protection of the channels of navigable rivers. This measure provides that that National Forest Commission shall enter into coordination with the Board of River Regulation, and shall do team work with the other related services.

The Forestry Service is in the Agricultural Department just as the other bureau is. Then we have another service in that department called the Bureau of Soils. It has problems that relate to our navigable rivers. One of the great objects of the Bureau of Soils is to conserve the soils themselves and prevent them from being washed into the rivers and thence into the bays and gulfs and oceans. We all know what erosion of soil means. The richest part of the soil is always the most friable, the most easily disturbed, and the most easily moved. That is characteristic of alluvial soil. The least beneficial portions of the soil are the portions that are hard, that resist the impact of the water, stone, clay, and so forth. So the Bureau of Soils has been engaged in the study of the effect of rapid run-off upon soils and soil erosion and the destruction of cultivable areas.

One thing that the bureau has pursued which has been of vast benefit has been the introduction of topographical plowing. Instead of permitting fields to be plowed, as they used to be plowed, in furrows oftentimes stretching up and down the hill, each furrow in itself a conduit for the carriage of alluvial soil into the tributaries of great rivers or the rivers themselves, they have introduced a system of topographical plowing, so that each furrow, instead of running up and down the hill, runs upon the same level around the hill. Each furrow in this way becomes an obstruction to soil erosion instead of a facilitation of the soil erosion, and not only as an obstruction of soil erosion, but, as the Senator from Oklahoma [Mr. OWEN] says to me, an obstruction of the floods themselves, for each furrow in that case becomes not a conduit for the waters that fall from the heavens but a reservoir of the waters that fall from the heavens.

That bureau is engaged in a study of all the questions which relate to plants and the amount of water they require. There are some plants that absorb a little water; there are some plants that absorb vast quantities of water; but all plants that absorb water can be so developed in their cultivation as to absorb large quantities of these flood waters and carry them through their arteries and veins and yield them again to the influence of the sun, by which agency they are dissipated. Thus they constitute an obstructive force in this constant flow of the floods from the hills and the farms into these great navigable areas below, where they become agencies of destruction.

Is not the cooperation of the Agricultural Department of value, then, in this great work, when it has three bureaus devoted in varying degree to the conservation of water and the development of water?

The scientific services that are under the control of the Department of Agriculture, whose specialties relate to the use of water, we propose shall cooperate in this policy, which has received the approval of all the parties of the country and which has the indorsement of public sentiment almost without an expression to the contrary, Congress alone voluntarily remaining unconvinced, or rather that portion of Congress constituting the House of Representatives, for the Senate has expressed itself by a unanimous vote.

Now, what does the Department of the Interior say, headed by Secretary Fisher? I will not read his entire report to the Committee on Commerce, but, referring to a bill introduced by myself known as Senate bill 122, he says:

> This bill is based upon two principles which have not been hitherto generally recognized in the construction of public works for river improvement. These principles are, first, that a river from its source to mouth, with all of its tributaries, is a unit in all its most important physical and functional characteristics.

I continue reading from the report of Secretary Fisher upon this bill. Relating to the river, he says:

> It should therefore be dealt with as a whole and not piecemeal, and in dealing with it for any single use, such as navigation, we should not lose sight of the other uses to which it can be put, such as water supply, irrigation, power, drainage, etc. River improvement should harmonize these uses, treating the river system as a unit for this purpose, and should provide for the cooperation of the Nation, States, and individuals to that end. The same principle applies, only in less degree, to the unification of all river systems into one comprehensive whole.

That is what they do in Germany and France. They not only treat the river streams in the most comprehensive way, but they connect them with each other by artificial canals, so that you can, through a system of connected waterways, go from one part of the country to almost every other part of the country.

The second principle—

Secretary Fisher says—

> The second principle is that this work of waterway improvement in its details should be guided and determined as an administrative and not as a legislative matter, and therefore that a large fund should be provided and replenished from time to time as may be necessary, this fund to be expended at the discretion of a competent administrative commission of experts without specific appropriations or limitations, except of a broad general character, by Congress. The proposed commission is to consist of the chiefs of the Federal bureaus whose duties are now concerned with specific phases of the problem, together with specially qualified experts to be appointed by the President.

He says:

> I am heartily in accord with these principles and believe that legislation embodying them should be enacted. I have not attempted, however, to criticize the bill in detail.

It will be observed that Secretary Fisher takes up the cudgels for the contention which I originally made in my additional report as a principle of the Inland Waterway Commission. He says that, in order to carry out this system adequately, it will be necessary to regard it as an administrative and not a legislative matter.

Secretary Fisher, in reporting upon the river regulation bill which I introduced in the Senate, indorses most emphatically the prosecution of teamwork on the part of the scientific services and teamwork on the part of the sovereignties affected; and he insists that all the details should be guided and determined as an administrative and not as a legislative matter, except as to the general details and authorization. He takes the view which I originally took in my report as a member of the Inland Waterways Commission, that in order to make this great work effective it must be consecutive, that it must be prosecuted with energy for at least 10 years, that a large fund of at least $50,000,000 annually must be provided, and that large and extensive powers should be given to a board of experts, both in plans and in works; in other words, that we should pursue the methods which we have pursued in the only two successful public works that ever have been conducted by the Government—the Panama Canal and the work of the Reclamation Service.

The next indorsement comes from the Secretary of War, Mr. Stimson, who, in a letter of January 27, 1913, gives his views, practically indorsing in all its details the policy to which I have referred. I shall not attempt to read the entire report, for it runs at some length, but will simply quote detached portions.

He says:

> Our conception, therefore, of what constitutes a navigable river and our appreciation of the various elements which enter into its development have been greatly widening. We see now that the problem of developing and preserving its navigability is no longer necessarily confined to removing obstructions in that part of the river in which navigation exists, but may extend to countless remote branches and sources

of supply. We also see how the improvement of the river may be intimately connected with and dependent upon another development—that of water power—which formerly we may have regarded as a thing quite separate and apart.

He takes up the various uses to which the river can be put and shows that the development of all will diminish the proportionate cost of each, and that it is only by uniting the development of these various uses that we can secure the cheapest and most efficient promotion of navigation.

Mr. President, what bureaus have these two departments, the Interior Department and the War Department, that relate to water? The War Department has a Corps of Engineers of the United States Army, whose work thus far has been confined to channel improvement, bank protection, and levee building. In the Interior Department we have the Reclamation Service, whose work has been confined to the upper parts of our navigable rivers and branch streams, their work being in connection with the reclamation of arid lands. Then we have the question of water-power development, which, in a measure, has fallen under the jurisdiction of both these departments—the Interior and the War Department—the jurisdiction over water-power development in connection with irrigation having fallen under the control of the Reclamation Service and the jurisdiction over water-power development in connection with channel regulation having come within the jurisdiction of the War Department. Then we have in the Interior Department the great Geological Survey, which for years has been making a study of the waters of the country with a view not only to their development but to their conservation. The Geological Survey was the source and the origin of the Reclamation Service. It is still, under large appropriations given by the Government, conducting these studies. Yet we find that these various services which relate to the use of water, either the navigable rivers or their tributaries, have never been brought into relations of cooperation with each other, but, on the contrary, they view each other askance and oftentimes with jealousy, each guarding its jurisdiction against the invasion of the other.

What possible objection can there be to the union of all these services under a river-regulation board, with a view to the effective regulation of the river?

Mr. President, the Senator from Oklahoma [Mr. OWEN] desires the floor for the purpose of considering one branch of this question, and I will yield the floor to him for the time being.

PUBLIC BUILDINGS BILL.

During the delivery of Mr. NEWLANDS's speech,

Mr. SUTHERLAND. Will the Senator from Nevada yield to me to submit a conference report?

Mr. NEWLANDS. Certainly.

Mr. SUTHERLAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, having met and conferred, have been unable to agree.

GEORGE SUTHERLAND,
C. A. CULBERSON,
F. E. WARREN,
Managers on the part of the Senate.

JOHN L. BURNETT,
FRANK CLARK,
J. G. ANDRUS,
Managers on the part of the House.

Mr. SUTHERLAND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Lea	Sheppard
Bacon	Culberson	Lodge	Shively
Bankhead	Cullom	McCumber	Simmons
Brandegee	Cummins	McLean	Smith, Ariz.
Briggs	Dillingham	Nelson	Smith, Ga.
Bristow	du Pont	Newlands	Smith, S. C.
Bryan	Fall	O'Gorman	Smoot
Burton	Fletcher	Owen	Stone
Catron	Gallinger	Page	Sutherland
Chamberlain	Gardner	Penrose	Swanson
Chilton	Grouna	Percy	Thornton
Clark, Wyo.	Guggenheim	Perkins	Townsend
Clarke, Ark.	Johnson, Me.	Richardson	Webb
Crane	Johnston, Ala.	Root	Works

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. SUTHERLAND. I should like to make a very brief statement with reference to the report of the conferees on the public buildings bill, which has just been read by the Secretary.

Mr. NEWLANDS. Does the Senator desire to bring up the report now?

Mr. SUTHERLAND. I wish to make a statement about it. The report does not explain itself.

Mr. NEWLANDS. I have no objection provided it does not disturb my status as having the floor.

Mr. SUTHERLAND. I will say to the Senator from Nevada that the matter which I presented to the Senate is a report from the conferees upon the public buildings bill; that they are unable to agree, and the whole matter is at a standstill until there shall be some further action on the part of the Senate and upon the part of the House. I desire to make a brief statement as to the condition. I shall be as brief as possible.

Mr. NEWLANDS. I have no objection, Mr. President, provided it does not disturb my status.

The PRESIDENT pro tempore. It does not interfere with the Senator's status at all.

Mr. SUTHERLAND. The conferees have been endeavoring to reach an agreement upon this bill since they were appointed yesterday morning. We have reached an agreement upon several of the items of the bill. A very large portion of the bill has not yet been considered, because we found that there were certain vital differences between the conferees on the part of the Senate and the House which it seemed to be impossible to reconcile.

After discussing the disputed items for the length of time I have indicated, the House conferees have practically served us with an ultimatum to the effect that under no circumstances will they agree to the five items in the bill which I will mention, and that, so far as those items are concerned, it is useless to attempt to confer further. I asked whether or not it would be possible to agree upon any one of them if the others were abandoned. The reply was that they would not agree to a single one of those five items. Those items are No. 217, which is the item for the building of the armory in the District of Columbia, making an authorization of $1,750,000; another is the memorial bridge, carrying an authorization of $1,500,000; another is the Rock Creek Park addition, carrying an authorization of $2,300,000. The fourth is the New York item carrying an authorization of $3,000,000 for a courthouse in the city of New York, and the remaining item is the provision for the erection of the Red Cross building. The proposition with reference to the Red Cross building is somewhat different from the other four. Upon the other four we are told emphatically that no modification of any one of those items can be agreed to. With reference to the Red Cross building, we are told that unless we agree to modify it substantially in accordance with the motion of the Senator from Mississippi [Mr. WILLIAMS] that that item will be considered out of question. If these five items should be abandoned, then there would be a probability of the conferees agreeing upon the remainder of the bill, although, as I said, it has not been agreed upon.

There are several other items in the bill which are in serious dispute. For example, there are two items for Oklahoma—Oklahoma City and Tulsa—quite large items, that are in rather serious dispute. An item for Newport, R. I., is in serious dispute; an item for Huntington, W. Va., is in dispute; an item for Brooklyn, N. Y., is in serious dispute, and there are some others. The item for the Portland post office is in dispute. The Senator from Kansas [Mr. BRISTOW] asks me about the Kern amendment. The Kern amendment has not been very seriously discussed as yet, but it is my impression that it will be insisted that the Kern amendment shall be modified—just to what extent I am not able at this moment to state, but that has not been discussed to any great extent.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Utah about the amendment which I offered and which was placed upon the bill, providing for a commission to present to Congress a connected scheme of buildings with the aid of the Commission of Fine Arts and the Supervising Architect of the Treasury.

Mr. SUTHERLAND. That item has not been discussed, except very briefly; and I think that we may be able to agree upon it, or the substance of it, although I would not like to say positively, because there has been no definite expression of views upon it. As to the five items that I have described that are in serious dispute——

Mr. NEWLANDS. I say to the Senator from Utah that I hope the Senate conferees will press that amendment, for upon it, I think, will largely depend the perfection of our system of building in the future. It will not affect any pending appro-

priation, of course, but it simply looks to a proper systematizing of the building operations of the country in the future.

Mr. SUTHERLAND. Mr. President, I am quite in sympathy with the amendment which was proposed by the Senator from Nevada, and, so far as I am concerned, I shall do whatever is possible to retain it in the bill, if the bill shall go back for further conference.

Mr. SMITH of Arizona. Mr. President, will the Senator from Utah yield for a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SUTHERLAND. I do.

Mr. SMITH of Arizona. I want to know whether it is customary to put provisions for the construction of bridges and the location of parks in a public-buildings bill; whether or not the Senate conferees can not recede from such items as are entirely out of the contemplation of public buildings which the committee on that particular subject has usually under its consideration? It seems to me, in a word, inasmuch as these items are out of the purview of this bill, and they are the real bone of contention, that the remainder of the bill might be agreed upon by consenting to leave those items out. I presume the Senator from Utah is submitting the matter to the Senate so that the Senate may assume the responsibility. For myself, as one Senator, I should be very glad to eliminate from this bill items not clearly within the provisions of a public-buildings bill in order to secure an agreement by the conferees.

Mr. SUTHERLAND. Mr. President, the committee to which the Senator refers is a Committee on Public Buildings and Grounds, and I think there is not the slightest doubt that these various matters are within the jurisdiction of that committee. They have heretofore been treated as being within its jurisdiction, and the various bills which were incorporated in the omnibus buildings bill were all referred to that committee. Therefore we are well within our jurisdiction in dealing with them.

Personally I regard some of the disputed items as the most important items in the bill. For example, the park item I think is of vital necessity. I think if we do not provide for the purchase of that land at this time it will finally cost us a vastly increased sum of money. I think it is the part of economy and wisdom to provide for the purchase of the necessary land for that park. I regard that as the most important of the five items. We can, of course, hereafter build a bridge or erect a building, but this ground can not be obtained somewhere else. It must be this particular ground, and it is going to continue to advance in value. It is false economy, in my judgment, to undertake to put that matter over until some future time.

I have, however, brought the matter up because the conferees on the part of the Senate did not want to take the responsibility of having the bill fail without an expression from the Senate. If the Senate desires that these five items shall be eliminated and the conference proceed, the Senate conferees will act in accordance with that desire. If the Senate, however, feels that we have done all that we can and that we ought to insist on these items or let the bill fail, then I should like to have an expression to that effect.

Mr. McCUMBER. Will the Senator repeat the five items? Some of us were not in when he made the statement in reference to them.

Mr. SUTHERLAND. The five items are the District armory, the memorial bridge, the Rock Creek Park, the New York customhouse site, $3,000,000, and the Red Cross item. With reference to the Red Cross item I stated that the conferees on the part of the House insist that that item shall be amended in accordance with the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS], and that unless it is amended substantially in accordance with that amendment all conference upon that item is at an end, and they put to us emphatically, so that the Senate may act understandingly, that they will no longer confer about any one of those five items. So there is no use of sending those back to conference.

Mr. President, I should like, if possible, to have some expression from the Senate upon this situation as to what ought to be done.

The PRESIDENT pro tempore. The question is on agreeing to the conference report, unless some motion shall be made.

Mr. LODGE. I was out when the report was submitted. What is the conference report?

The PRESIDENT pro tempore. The conferees report a disagreement.

Mr. LODGE. And we can accept the report and appoint new conferees?

The PRESIDENT pro tempore. That would be the orderly procedure.

Mr. KENYON. Mr. President, I want to ask the Senator from Utah—I came in just at the close of his remarks—in reference to the amendment offered by the Senator from Indiana [Mr. KERN].

Mr. SUTHERLAND. I stated that that amendment has not been very seriously discussed. It has been talked about, and, if I am able to judge of the situation, the House conferees will probably accept it with a modification; but I do not know. We might be able to keep it as it is; but I rather think that, if we go back to conference, we shall be obliged to agree to a modification of it.

Mr. KENYON. I understood that the Senator had stated a number of propositions. I did not understand whether or not that was included among them.

Mr. SUTHERLAND. That was not included; but I spoke about that in answer to a question of the Senator from Kansas [Mr. BRISTOW].

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. I do.

Mr. SHEPPARD. Would a motion be in order to recede from the position taken by the Senate?

Mr. SUTHERLAND. That is a parliamentary inquiry which I suppose should be addressed to the Chair.

The PRESIDENT pro tempore. The motion undoubtedly would be in order to recede from any items in the bill.

Mr. SHEPPARD. As I understood, the Senator from Utah has asked that some action be taken in this matter. To get the matter before the Senate, I move that the Senate recede from those five items. I think the Senate might well recede from those items, because it has never been customary heretofore for the Senate to add more than five or six million dollars to a public buildings bill as it came from the other House. This time, however, the Senate broke all precedents by adding $19,000,000 to the bill; and it would be in accord with the precedents of the Senate, and the practice adopted heretofore, if the Senate should recede from those large items and let the bill go through providing for the erection of public buildings throughout the country.

Mr. SUTHERLAND. The Senator from Texas is not quite accurate in his figures. The bill as reported by the Senate committee carried items amounting to more than $19,000,000—a little less than $20,000,000—but $3,500,000 was eliminated upon the floor of the Senate. So the bill as it passed carried an addition of about $16,500,000.

Mr. SHEPPARD. Admitting that only $16,000,000 was added, the amount is still far beyond what has heretofore been added by the Senate. It is not customary for the Senate almost to double the amounts carried by the other appropriation bills which come over from the House.

Mr. SUTHERLAND. It is customary for the Senate to do what it thinks is right to be done, whether or not it adds largely to the appropriations in a bill, and the Senate committee reported these items because it believed that appropriations in those cases were justified.

Mr. SHEPPARD. I understand that.

Mr. SUTHERLAND. And when the bill comes into the Senate it is as much within the province of the Senate to amend it materially as it is within the province of the House to originate it.

Mr. SHEPPARD. I understand that fully, and I do not mean to make any reflection upon the Senate committee for the action it took. I am merely referring to the practice that has been heretofore followed in such matters.

Mr. LODGE. Mr. President, I have no objection to the acceptance of the report and to the Senate insisting further upon its amendments and asking for a further conference; but I think perhaps it will save time if I say, for myself, that I think by all odds the most important item in that bill is the item for the park, which I consider of the utmost importance to the city of Washington, a great public matter, and if that is to be thrown from the bill we might as well understand now, as at any time, that the bill will not pass.

Mr. BRANDEGEE. Mr. President, I was not on the floor when the Senator from Utah [Mr. SUTHERLAND] made the first part of his statement, and so I desire to inquire of him whether he has been informed, in substance, by the members of the conference committee on the part of the House that in no event will they agree to any one of the five items which he has enumerated?

Mr. SUTHERLAND. The House conferees informed us, with the utmost politeness, but with the utmost positiveness, that they would under no circumstances agree to either one of these five items—the Red Cross item in the way in which I have de-

scribed it and the others under no possible modification of language.

Mr. O'GORMAN. Mr. President, when the public buildings bill was up for consideration in this body, I made some observations respecting its various objectionable features. One of its redeeming provisions was the authorization of an appropriation of $3,000,000 for procuring a site for a much-needed Federal court building in the city of New York. If that provision be eliminated from the present bill, I have not sufficient appreciation of any of the remaining provisions to justify me in giving it either countenance or support, and I think if it is the desire of the House to prevent the passage of a public buildings bill, the course most likely to lead to that result would be the one embodied in the motion just made by the Senator from Texas [Mr. SHEPPARD]. In other words, if the most commendable features of this bill are to be stricken out in conference, some other session of this body will be devoted to the consideration of a public buildings bill. I would not be very confident of any such bill passing during the remaining hours of this session.

Mr. SWANSON. Mr. President, it seems to me the wise course to pursue, in view of this difference between the Senate and the House, is to send this bill back to the conference committee. The five items referred to by the Senator from Utah need not be acted upon at this time, but let those items continue the subject of conference, and let the conferees agree to all the other items upon which they can agree. After they reach an agreement on everything except these four or five items, then they can report on what they have agreed to and the House and the Senate can very properly vote on the items that may remain in difference. It seems to me the proper thing to do would be to send the bill back to conference and request, not by any resolution, that the conferees agree on every item between the House and the Senate so far as they can, and then, if they can not agree on any of the five items with a modification, report back such partial agreement as they may have been able to reach.

Mr. SUTHERLAND. The Senator from Virginia may not have been in the Chamber when I made my statement.

Mr. SWANSON. I was not.

Mr. SUTHERLAND. I stated, and I repeat, that with reference to these five items we are notified emphatically by the House conferees that they will not confer further; that we must yield every one of those five items or the conference might as well be closed now. That is the situation.

Mr. SWANSON. My suggestion was——

Mr. SUTHERLAND. Let me say further that, in addition to that, we discussed with the House conferees the advisability of going over the bill with a view to finding what we could agree upon; but they thought it was a waste of time to do that, unless it were known that those five items were to be abandoned, and that if those five items were not to be abandoned, any effort to agree upon the other items would be useless, because a failure to agree upon those would put an end to the bill. I said that if those five items were eliminated from the bill there was a probability that we would agree upon the other items. I put it in that way because it is not certain that even then we would agree, but I think it is strongly probable that we would reach an agreement.

Mr. SWANSON. My suggestion was to let the conference continue and ascertain if the conferees can not agree on everything else but these five items. If they agree on everything but these five items, then a report could be made to the House, and the Senate and the House or the Senate, as the case might be, could recede from its action on these five items.

Mr. McCUMBER. Mr. President, will the Senator from Virginia yield to me?

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. SWANSON. Certainly.

Mr. McCUMBER. If I understood the statement of the Senator from Utah correctly, the conferees on the part of the House have adopted a rather novel method of arriving at a determination of what to do with this bill, namely, that they will not consider any of the other items until these five items have first been stricken out. That seems to be the position. I do not know that the Senator from Utah put it quite so strong as that, but that seems to be the only conclusion I can reach from his words. I should like to have him explain if that is what he meant.

Mr. SWANSON. I understood the Senator from Utah to say it was useless to proceed to the other items unless the five items he named were abandoned.

Mr. SUTHERLAND. The House conferees thought it would be a waste of time to undertake to agree upon the remaining part of the bill so long as the Senate conferees would not agree to the elimination of those five items.

Mr. SWANSON. Mr. President, I believe we would facilitate an agreement and finally get a public buildings bill if we would send this matter back to conference and insist on our amendments, with the suggestion to the conferees to reach an agreement on every possible item of the bill upon which they can agree, and if it is found to be utterly impossible for these five items to be agreed upon, then, when everything else is agreed upon, to submit their partial report to the Senate and the House for action.

Mr. ROOT. Mr. President, I consider that some of the items which were put into the public buildings bill by the Senate constitute the chief reason for the passage of the bill. They are items in which all the people of the United States are interested, and I am not willing to have them jettisoned and the bill passed with nothing in it but items in which particular individuals are interested. It seems to me that the Senate should insist upon its amendments; and I think it is safe to say that, unless a sufficient number of the items included in the ultimatum remain in the bill to make it legislation of general public interest, there is no reasonable possibility of the bill becoming a law at this session of Congress. Upon that basis it will not become a law, if it is within my power, acting in accordance with the rules and proprieties of the Senate, to prevent it.

Mr. BRISTOW. Mr. President, I want to concur in what the Senator from New York [Mr. ROOT] has just said. I would feel it a duty to do everything that I could to prevent the passage of a public buildings bill that was simply a kind of a grab game on the part of a certain number of Representatives and Senators to get public buildings in their home towns or in towns scattered throughout their own States or districts, and, in many cases, buildings which are not needed and which we are not justified in expending the public money to erect. To divest this bill of all of the important national projects which are under consideration and make it purely a bill for lending provender would be putting it in such shape that I believe every Senator ought to do what he could to prevent its passage.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Texas [Mr. SHEPPARD] to recede from certain amendments covering a number of items of the bill.

Mr. BRANDEGEE. Mr. President, I suppose the motion of the Senator from Texas takes precedence of a motion to insist on the amendments and ask for a further conference, which I was about to make. I had forgotten that the Senator from Texas had made his motion. It seems to me, in a matter of this importance, inasmuch as the body of the bill has not been considered at all, apparently, but only the five items mentioned by the Senator from Utah, which are in dispute, that it would be well to have some further conference with the conferees on the part of the House before the Senate abandons everything that it has put on the bill.

Mr. SHEPPARD. Mr. President, I understand that the House conferees will not confer further unless we recede from those five items.

Mr. BRANDEGEE. I hardly understood that. I should doubt if the House conferees would decline to confer with the members of the conference committee on the part of the Senate unless their condition precedent were complied with. I really think there may be some ground for a compromise in the matter. At least I think we ought to try to bring about some adjustment. I had intended to make the motion that the Senate insist upon its amendments, ask for a further conference, and that the Chair appoint the conferees; but, of course, I realize that the motion of the Senator from Texas will have to be put first.

The PRESIDENT pro tempore. The Senator is wrong about that.

Mr. BRANDEGEE. I am glad that I am.

The PRESIDENT pro tempore. According to Jefferson's Manual the Senator's motion takes precedence over a motion to recede.

Mr. BRANDEGEE. Very well; then I make that motion.

Mr. SHEPPARD. I withdraw my motion for the present.

The PRESIDENT pro tempore. The Senator from Texas withdraws his motion. Before the motion of the Senator from Connecticut can be put the conference report will first have to be agreed to. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BRANDEGEE. I now renew my motion.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate insist upon its amendments in dis-

agreement, ask for a further conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. SUTHERLAND, Mr. WARREN, and Mr. CULBERSON were appointed conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. DU PONT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 14, 16, 19, 35, 36, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 9, 11, 12, 13, 15, 17, 18, 20, 21, 22, 24, 25, 27, 28, 32, 33, and 34, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "and the actual and necessary traveling expenses incurred by military attachés abroad under orders from the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out by said amendment amended as follows: In line 4, after the word "increased," strike out the word "fifty" and in lieu thereof insert "thirty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert insert the following: ": *Provided*, That hereafter, in determining the eligibility, under the provisions of the act of Congress approved August 24, 1912, of troop, battery, or company officers for detail as officers of the various staff corps and departments of the Army, except the General Staff Corps, service actually performed by any such officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop: *Provided further*, That regimental, battalion, and squadron quartermasters and commissaries shall hereafter be required to perform the duties of officers of the Quartermaster Corps, including the receipting for any money or property pertaining to said corps, when no officer of the Quartermaster Corps is present for such duties, and nothing contained in the Army appropriation act approved August 24, 1912, shall hereafter be held or construed so as to prevent competent authority from requiring any officers of the Army to act temporarily as quartermasters wherever there shall be no officers of the Quartermaster Corps and no regimental, battalion, or squadron quartermasters or commissaries present for such duty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "seven," insert the following: ": *Provided*, That this shall not be so construed as to increase the total number of officers now in the Regular Army"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$7,652,648"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: After the amount proposed in said amendment insert: ": *Provided*, That of this appropriation the sum of $150,000 shall be spent for the construction of the necessary officers' quarters and other buildings required at the remount depot, Front Royal, Va."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$1,534,412"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In line 2 of the matter proposed to be inserted by said amendment, after the word "used," insert: "by the Board of Road Commissioners for Alaska"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In line 3 of the matter proposed to be inserted by said amendment, before the word "years," strike out the word "ten" and in lieu thereof insert the word "six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"Automatic machine rifles: Authority is hereby conferred upon the Secretary of War, if in his opinion it be for the best interests of the service, to contract for the construction of automatic machine rifles and their appurtenances to the extent of not exceeding $150,000, prior to June 30, 1914."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "passed," insert: ": *Provided*, That prior to July 1, 1913, the President may, when deemed by him necessary, empower any officer competent under the terms of this act to appoint the general courts-martial which it authorizes, to appoint general courts-martial authorized by existing law"; and the Senate agree to the same.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.
JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE.
Managers on the part of the House.

The report was agreed to.

LOAN OF TENTS.

Mr. DU PONT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 143) authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by the amendment, and, in lines 3 and 4 of the amendment, strike out the words "Confederate Veterans Association" and in lieu thereof insert "United Confederate Veterans"; and the House agree to the same.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.
JAMES L. SLAYDEN,
J. T. WATKINS,
JULIUS KAHN.
Managers on the part of the House.

The report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28690) making appropriation for the Military Academy for the fiscal year ending June 30, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. DIXON, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 28632. An act to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La., was read twice by its title and referred to the Committee on Commerce.

RIVER AND HARBOR BILL.

After the conclusion of Mr. NEWLANDS's speech,

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. OWEN. Mr. President, this bill appropriates a very large sum, of which the citizens in Oklahoma will contribute nearly——

Mr. LEA. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Tennessee suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dixon	Nelson	Simmons
Bacon	du Pont	Newlands	Smith, Ga.
Brandegee	Foster	O'Gorman	Smith, S. C.
Bryan	Gallinger	Oliver	Smoot
Burton	Gardner	Owen	Sutherland
Catron	Hitchcock	Page	Swanson
Chamberlain	Johnson, Me.	Percy	Thomas
Clapp	Johnston, Ala.	Perkins	Thornton
Clark, Wyo.	Jones	Pittman	Tillman
Clarke, Ark.	Kavanaugh	Pomerene	Townsend
Crane	La Follette	Richardson	Works
Cullom	Lea	Root	
Cummins	Lodge	Sheppard	
Dillingham	Martine, N. J.	Shively	

The PRESIDENT pro tempore. On the call of the roll 53 Senators have answered to their names. A quorum of the Senate is present.

Mr. OWEN. Mr. President, for five or six years the Senator from Nevada [Mr. NEWLANDS] has been trying to have taken the preliminary steps by which expenditures for river and harbor improvements might be judiciously made, under some system of government that would have an intelligent direction to it. He has received a poor recognition for the work he has done in bringing this matter to the attention of the Senate. He has explained it time and again. The proposal has great merit. When these two items were presented they were placed upon this bill by a vote of the Senate that was unanimous, so far as the RECORD shows, and, I believe, were acceptable to a large majority of the Senate; but when the matter went into conference the conferees of the Senate do not appear to have been able to get even a partial recognition for the submission of these two proposals to the House of Representatives, where, if they had been presented, they ought to have received the majority vote of the House and have become a part of the law of the land.

I do not intend to be put in the attitude of consuming the time of the Senate unduly with regard to this matter. My remarks upon it will be very brief, so that the Senate, as far as I am concerned, may proceed, if it desires to do so, to vote upon this conference report. But I wish to put in the RECORD, without reading them, the declarations of the Democratic platform, of the Republican platform, and of the Progressive Party platform, showing that all three parties in this Nation have committed themselves to an orderly, systematic development of the waterways. Yet the conferees on the part of the Senate have not insisted on the only proposal in this bill by which the public pledges of the Republican Party, of the Progressive Party, and of the Democratic Party might be made effective.

I do not wonder that the Senator from Nevada feels that he has not been justly treated or fairly considered. He has a right to object, I think, to this method of brushing aside a serious proposal made by him in accordance with the Democratic platform, in accordance with the Progressive platform, and in accordance with the meaning of the Republican platform. Why is it that Senators apparently pay no attention to these pledges of party platforms?

Oklahoma contributes about a million dollars to this bill. The taxpayers of Oklahoma will pay about a million dollars of the money carried by it. The Committee on Commerce and the committees of the House have ignored the fact that Oklahoma has any navigable streams. That, of course, is a small matter. The real complaint which a representative from Oklahoma may properly make is not the local neglect; and I must not be understood as objecting to this bill on that ground, although the State has a stream that could easily provide 6 feet of water from Oklahoma into tidewater. That stream is not considered. It has not been considered, but has been ignored year after year, and will be ignored until a new policy prevails in the United States, by which the general welfare shall control these enormous expenditures carried by the rivers and harbors bill.

As it is, the general welfare is considered in some cases. In some cases it is the local welfare exclusively. The people who comprise the tax-paying masses of the United States have a right to complain when money is taken out of their hard labor and is diverted by this bill to local purposes, which have no national interest, no national concern.

I think the proposal made by the Senator from Nevada is one of great merit. I think it ought to be considered. I think it ought to be made a part of the law. I do not mean to pass upon the details of it with any precision, but I am talking of the spirit of it. I think we should have a system by which there would be an intelligent direction, for national purposes and for the general welfare, of the expenditure of the millions of dollars which are carried by this bill.

Mr. President, I know the time is very short, and I do not desire to be put in the attitude of attempting to defeat this bill by making any comments upon it. There were other observations I had intended to make; but I will undertake to postpone what I was going to say until a more convenient season, when it will not appear, at least, to be an obstruction to the consideration of the conference report by the Senate. Therefore I will yield the floor.

As previously stated, I ask to have printed as part of my remarks the declarations on this subject of the Republican platform, the Democratic platform, and the Progressive Party platform.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Declarations of the platforms of the Democratic, Republican, and Progressive Parties in 1912 relative to the improvement of the waterways.]

DEMOCRATIC PLATFORM.

We renew the declaration of our last platform relating to the conservation of our national resources and the development of our waterways. The present devastation of the lower Mississippi Valley accentuates the movement for the regulation of river flow by additional levee and bank protection below, and the diversion, storage, and control of the flood waters above, and their utilization for beneficial purposes in the reclamation of arid and swamp lands and the development of water power, instead of permitting the floods to continue, as heretofore, agents of destruction. We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel and the prevention of the overflow of the land, and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the General Government.

To maintain an adequate depth of water the entire year and thereby encourage water transportation is a consummation worthy of legislative attention and presents an issue national in its character. It calls for prompt action on the part of Congress, and the Democratic Party pledges itself to the enactment of legislation leading to that end.

We favor the cooperation of the United States and the respective States in plans for the comprehensive treatment of all waterways with a view of coordinating plans for channel improvement with plans for drainage of swamp and overflowed lands, and to this end we favor the appropriation by the Federal Government of sufficient funds to make surveys of such lands, to develop plans for draining the same, and to supervise the work of construction.

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

REPUBLICAN PLATFORM.

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope, and the disasters they produce seriously affect the general welfare. The States unaided can not cope with this giant problem; hence we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

* * * * * * *

We favor a liberal and systematic policy for the improvement of our rivers and harbors. Such improvement has been made upon expert information and after a careful comparison of cost and prospective benefits.

PROGRESSIVE PARTY PLATFORM.

The rivers of the United States are the natural arteries of this continent. We demand that they shall be opened to traffic as indispensable parts of a great nation-wide system of transportation in which the Panama Canal will be the central link, thus enabling the whole interior of the United States to share with the Atlantic and Pacific seaboards in the benefit derived from the canals. It is a national obligation to develop our rivers, and especially the Mississippi and its tributaries, without delay under a comprehensive general plan covering each river system from its source to its mouth, designed to secure its highest usefulness for navigation, irrigation, domestic supply, water power, and the prevention of floods. We pledge our party to the immediate preparation of such a plan, which should be made and carried out in close and friendly cooperation between the Nation, the States, and the cities affected. Under such a plan the destructive floods of the Mississippi and other streams which represent a vast and needless loss to the Nation would be controlled by forest conservation and water storage at the headwaters and by levees below, land sufficient to support millions of people will be reclaimed from the deserts and the swamps, water power enough to transform the industrial standings of whole States

would be developed, adequate water terminals would be provided, transportation by river would revive, and the railroads would be compelled to cooperate as freely with the boat lines as with each other. The equipment, organization, and experience acquired in constructing the Panama Canal soon will be available for the Lakes-to-the-Gulf deep waterways and other portions of this great work, and should be utilized by the Nation in cooperation with the various States at the lowest net cost to the people.

Mr. BRISTOW. Mr. President, the river and harbor bill, as presented by the conferees, has had omitted from it the items in which I was most interested, and I do not think it should pass.

I do not think the item relating to the dam at St. Paul and Minneapolis should have been eliminated. I appreciate that the Senator from Minnesota [Mr. NELSON] made a personal sacrifice when he eliminated that item. I am very sorry he did it, because I believe it embodies a principle of legislation which the Nation should recognize. The amendment of the Senator from Nevada [Mr. NEWLANDS] that was taken out was, in my judgment, the most important provision in the bill.

The river and harbor bill as reported by the conferees is a good deal like a public buildings bill. It seems to be a series of appropriations organized for the purpose of passing a bill.

The section of the country that is most interested in this legislation is the lower valley of the Mississippi River, and very earnest appeals are made in behalf of appropriations for that river. The appropriations are made under the guise of appropriations for the improvement of its navigation, when the navigation of the Mississippi River under the present system will not benefit the country so much in dollars and cents as the appropriations amount to. The real purpose of the appropriation is to protect from floods the people living along the river. It is a flood-prevention appropriation in the main.

I do not believe the Federal Government has any more right or authority to appropriate money for building levees on the Mississippi River to prevent its overflow than it has to make an appropriation for the purpose of putting water on the land of the semiarid regions The people living upon the vast plains east of the Rocky Mountains, in the semiarid region, have just as much right to ask the Federal Government to appropriate money directly out of the Treasury for the purpose of putting water on that land as the people of the Mississippi Valley have to ask the Federal Government to appropriate money to keep the water off of their land.

The amendment offered by the Senator from Nevada seeks to unite these two interests and to put the supervision of these waters under a commission that will consider, in the main, three things: First, the prevention of floods by the holding back of the flood waters; second, to use the waters held back in the region where water is needed to make the soil productive; and third, to use the water that is conserved for the purpose of making the rivers more navigable.

The amendment of the Senator from Nevada, covering these three features of the question, is, by all odds, to my mind, the most important part of this bill.

PENSION APPROPRIATION BILL.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
B. F. SHIVELY,
HENRY E. BURNHAM,
Managers on the part of the Senate.

C. L. BARTLETT,
W. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 15 minutes spent in executive session the doors were reopened.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, and I submit a report (No. 1336) thereon. I give notice that I will ask the Senate to take up the bill for consideration this evening.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

EXTRA COMPENSATION FOR SENATE EMPLOYEES.

Mr. WARREN. Mr. President, the matter on which I am about to report affects 15 or 20 Senators, and I hope I may have attention.

The Committee on Appropriations herewith report back certain amendments, providing for certain extra payments to certain employees, and recommend that these twenty-odd amendments and the subject matter be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

I wish to say, in this connection, that I hope the committee will act promptly. So much of the payments as they may authorize will come out of the contingent fund of the Senate.

The PRESIDENT pro tempore. The amendments will be referred to the Committee on Contingent Expenses.

MEMORIAL ADDRESSES ON THE LATE SENATOR WELDON B. HEYBURN.

Mr. BORAH. Mr. President, I offer the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Senator from Idaho offers resolutions, which the Secretary will read.

The resolutions (S. Res. 489) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. BORAH. Mr. President, the time during which we are permitted to detain the Senate will not allow even a brief outline of the active and crowded career of our late colleague. We can do no more than pay the brief but sincere tribute of friends and pass on to the duties which crowd upon us in the closing hours of the session. In less hurried hours some one will render a full and true estimate of his work and seek to give adequate honor and praise for his public services. When time shall have revealed more fully the value of his efforts here and disclosed with finer perspective the sturdy outlines of his strong and dominant character, a more dispassionate yet truer measure will be taken and he will assume the place to which he is justly entitled among the virile and forceful figures of the Senate.

We are most impressed now with the thought that he was stricken while yet in the zenith of his intellectual powers and at a time when his lips still held the language of conflict, when his hopes were still high and his ambitions aroused for greater work. While those who watched him here day after day marked his physical decline, he proudly ignored the insidious encroachment of the persistent malady and fell at a time when he was merely waiting to take up again his work and when his whole intellectual being was tense and ready for the obligations resting upon all who serve here. While the unannounced messenger was waiting about to call him he was planning and thinking of work far ahead and anxiously surveying the future for duties yet to be met and faithfully discharged. While eager and braced for the things which ought to be done, and which we are fitted to do, the summons comes. "Behold, He taketh away, who can hinder Him."

Born in comparatively humble station, surrounded from birth by the influences and environments of a devout and cultured home, reared amid the plainness and excellence of that old Quaker family life, the sanctity and simplicity of which no language can unduly praise, he started upon his career dowered with the most valuable of all estates—a character open, candid, and sturdy, a mind original and independent, and, above all, a broad, wholesome conception of the true relations and responsibilities of life, inculcated nowhere so well as in that school over which presides a devoted and God-fearing mother. No one had a more beautiful conception of home life, a truer, kindlier, broader view of all things which make for its happiness and worth. These views and ideals were among the noble inheritances from his boyhood days.

He had an individuality peculiar and surprising. His mental traits were exceptional. The dominant features of his charac-

ter were energy, industry, and courage. He was one of the hard-working men of this body, strong in debate, faithful and efficient in the less attractive but more effective work of the committee. We shall seldom witness a more complete sacrifice of comfort and health, a more pointed and direct sacrifice of life to public duties than we witnessed upon his part for the last several years of his service. All understood this, but if the thought ever occurred to him that he was making such a sacrifice he made no mention of it to his colleagues or his friends. Faithfully, untiringly, efficiently he did his full duty and met every demand of this arduous service, even until the last hour.

I can not review here the vast work of Senator HEYBURN as a legislator. There was no measure in which he did not take an interest. His activities covered the whole field of legislation. His knowledge of details, the status, terms, and provisions of all measures was tremendous. But it is probable that the one legislative measure with which his name will be most conspicuously associated is that of the pure-food law. It was a most difficult measure to bring into effective form and it was an extraordinary task to secure its passage through Congress. There was and there had been for years a strong opposition to it. But with tireless effort and exceptional determination he whipped a great principle into a practicable, workable measure, and finally secured its enactment into law. It is a monumental piece of work. Its benefit and general good can hardly be overestimated. It is a lasting tribute to his efficiency, energy, and courage as a legislator. It has already been of incalculable benefit to the country and will continue to be a widespreading and permanent blessing to mankind. It is that kind of a monument to public service which time will not destroy nor gratitude soon forget. The State of Idaho takes great pride in his work for this great and beneficent measure.

Mr. President, Addison, the essayist, tells us in his rich, rare old way that once, while visiting a famous art gallery, he observed while there an old man creeping up and down, here and there, from one painting to another, retouching one and all with inimitable skill. So slight was the touch that it seemed scarcely to leave an effect. Continuously and incessantly he labored until through ceaseless effort he wore off every disagreeable gloss, added to all a deeper, richer hue, an infinite mellowness and charm, until all the paintings seemed more beautiful than when they came from the hands of the masters. The old man was Father Time. Standing near to a life that is closed, there appears in spite of all some of that roughness and harshness born of severe and earnest battle. But time smooths off the rough edges, harmonizes and mellows until the tempestuous struggle becomes at last a splendid and heroic poem of passion and duty. The difference of view, the conflict of opinion, the harsh clash of convictions will fade and forever disappear, and our late colleague will be remembered by one and all as an earnest, loyal, gifted, heroic man.

Mr. LODGE. Mr. President, the seventeenth century among the English-speaking people was a period of profound unrest, both in politics and in religion. It brought in its train a great civil war, the Puritan migration to America, and a spirit of religious revolt which left no creed unexamined, no forms and ceremonies, however hallowed by time and association, unquestioned, and which engendered innumerable sects. England and Scotland had broken from Rome a century before at the time of the Reformation. They had escaped the wars of religion which had rent France asunder, and the Thirty Years' War which had devastated and ruined Germany. The religious movement in seventeenth-century England entered upon a new field; it set Protestant against Protestant; it struck at the ecclesiastical hierarchy, assailed the union of church and state, drove some men back to the ancient faith of their ancestors, and at the other extreme found expression in dangerous fighting fanatics like the Fifth Monarchy Men.

Among the sects which then sprang into life was one which at its birth was regarded by the members of the powerful and dominant churches as among the worst examples of uncurbed fanaticism. Its founder was a laboring man, so ignorant that he could not express himself clearly when he wrote his own language, so energetic and with such strength of conviction that as he wandered over England with his immovable hat and leather breeches he gathered followers in every town and hamlet. So strange, so violent, so effective was he that even Roger Williams, the apostle of freedom of conscience, could not abide the doctrines of George Fox. The Old World and the New World alike beheld with horror the disciples of this strange teacher rushing naked through the streets and into churches, breaking glass and crying out that it was done as a sign to a perverse generation. Under the guidance of Barclay and Penn the extravagances were softened and gradually a sect emerged which, by its numbers and character, played an important part both in England and in America. Stripped of the external and unessential peculiarities like the refusal to remove the hat, the misuse of the pronoun of the second person singular, and the like, it became perceptible even then, as it is very apparent now, that these people, called Friends among themselves and Quakers by a deriding world, stood for a great and noble principle and cherished a very simple and beautiful faith. They held that all men were equal in the sight of God, that every man was a priest and every woman a priestess when they approached the throne of the Most High, and that no ceremonies or titles conferred by human beings could invest anyone with the right to stand between man and his Maker. Their faith was very pure, very austere, very spiritual, possibly too bright and good for human nature's daily food. Perhaps it is for this reason that the sect has diminished in numbers; perhaps it is because their work, a very great work, has been done. But the conception of a free church in a free State, first established in Pennsylvania, now common to the United States, and at last making its way in Europe, is a monument to the doctrines of the Friends which will neither fade nor pass away. As the years went on the Quakers, as they were usually called, rose steadily in importance and in public estimation. The sobriety of their conduct and manners, their diligence and success in business, the purity and honesty of their daily lives, their love of peace, their steady opposition to slavery and to oppression, and their charity ever open armed to the poor and downtrodden, won the respect and admiraton of every community where their modest meetinghouses were seen.

But behind the fair and pleasant exterior, behind the place which they had won for themselves, lay the qualities of character upon which the whole structure rested. The very existence of the sect implied mental and moral qualities of unusual force. At the outset they had continually to face contumely, opprobrium, and a persecution reaching to scourgings, prison, and death. They were in opposition to the world and the world's ways, and became indifferent to the censure of a hostile public opinion. They were bound by their tenets to nonresistance and for them were necessary the fortitude and courage which meet the scorn of society, physical suffering, and even death, not with blood warmed by the heady currents of the fight, but cold, unstirred and chilled by the ridicule and the contempt too often felt for those who will not fight or return blow for blow.

They had only one guide, their own conscience; only one monitor, the inner voice, which told them what was right. Strong men and women these, and, like the strongly marked everywhere, they transmitted these qualities through succeeding generations to their descendants. The outward forms of dress and speech might disappear, but the fearlessness, the independence of thought, the readiness to defy the world for a belief, the unswerving loyalty to principle, were sure to remain. These characteristics all came out in their descendants. Those who laid aside the ancestral doctrine of nonresistance were among the hardest and bravest fighters in the armies of the United States during the Civil War, and, whether in peace or war, no people can be found who will battle more strenuously for what they believe to be right than the men and women of Quaker ancestry.

It may seem, sir, as if I were not speaking at all of the distinguished Senator whose death we lament to-day, and yet every word that I have uttered relates to him, for in trying to depict the qualities of the people whom William Penn led over here into the wilderness I have been explaining and describing Senator HEYBURN. He was of an old, long-established family in Pennsylvania. The blood of the men and women who 200 years before had unshrinkingly faced social ostracism, persecution, and death ran uncorrupted in his veins. He feared nothing, so far as I could see. You might question his opinion; you could never doubt his courage. His abilities were of a high order. He was a good lawyer, a vigorous debater, ready and apt in retort. He had a large command of language, and his sentences fell from his lips well framed, strong, and clear. His industry was untiring, and he strove, to his own injury, but from a high sense of duty, to follow every measure which came before the Senate.

Yet it is not of his abilities nor of his worth as a lawyer and Senator that I think first, as with sadness I try to recall him to-day. It is his character and his moral qualities which come most sharply to my mind, and which in his life made a deep impression upon me. I confess when I first met him here I was often exasperated by what seemed to me an almost perverse spirit of opposition, but as I came to know him better I learned to recognize his courage, his high principles, his loyalty to his beliefs, and his faithfulness to duty as he saw it, a fidelity

which never faltered or grew pale. I learned, too, that hard fighter as he was, no resentment ever lurked in his memory when the battle was over, and that underneath the combativeness was one of the kindest and most generous hearts that ever beat. As he cheerfully faced criticism and attack for what he believed to be right, so did he meet the coming of the end. The hand of fate knocked at the door. He did not complain; he did not flinch; he did not retreat. He had never turned his back on either friend or enemy, and with the same high spirit and unwavering courage he went about his work and stood his ground in the debates and in committee. As I watched him in those last days, often urging him to seek rest and give himself more care, all quite in vain to a man of that nature; as I saw him so calmly ready for the final summons, Browning's great lines kept recurring to my mind:

Fear death? To feel the fog in my throat,
The mist in my face,
When the snows begin, and the blasts denote
I am nearing the place,
The power of the night, the press of the storm,
The post of the foe;
Where he stands, the Arch Fear in a visible form,
Yet the strong man must go;
For the journey is done, and the summit attained,
And the barriers fall,
Though a battle's to fight ere the guerdon be gained,
The reward of it all.
I was ever a fighter, so—one fight more,
The best and the last!
I would hate that death bandaged my eyes, and forebore,
And bade me creep past.
No! let me taste the whole of it, fare like my peers
The heroes of old,
Bear the brunt, in a minute pay glad life's arrears
Of pain, darkness, and cold.
For sudden the worst turns the best to the brave,
The black minute's at end
The elements rage, the fiend voices that rave,
Shall dwindle, shall blend,
Shall change, shall become first a peace out of pain;
And with God be the rest.

Mr. CLARK of Wyoming. Mr. President, Senator HEYBURN was a man of affirmative and positive characteristics. Although of Quaker stock, his mind and inclinations were essentially aggressive—always tolerant of the views of others, he yet formed his own opinions and held to them with a consistent and unusual tenacity. One of the kindest and most lovable of men, he never thought of swerving upon any public question by reason of any friendly or personal motives. If one virtue above others was a part of his nature, it was that of an intense and militant patriotism. He had no sympathy with what he considered the assaults of these later times upon the established order of the Government. He believed that the system of government devised and put into operation by the fathers was the work of wise and patriotic men, and that it had been fully tested and proven by the hundred years and more of successful operation, withstanding all the shock and strain of war and the more insidious but even more dangerous attacks in times of peace. He believed in the efficiency of the Constitution to meet all the requirements of our governmental life, and as a safe, sure, and stable foundation of our republican system, and if he had any one fear about the future of his country, it was that demands for amendment to the Constitution to meet immediate popular wishes would so weaken that foundation as to endanger the whole superstructure. In his discussion of public questions he was always fearless, frank, and entirely independent; appreciating, as all men do, present approval, he never bent his views to meet that approval, but held his course direct and unwavering and with full confidence in the verdict of the future. While Senator HEYBURN was wholly American and gloried in our national growth and greatness, and believed in the full power and strength of the General Government, at the same time he was exceedingly jealous of what he considered the rights of his State, and year after year, in his place on this floor, he resisted to the end certain general policies which he believed retarded her development and which in their operation he thought bore oppressively upon the citizens of the public-land States; year after year he waged a losing fight, yet year by year began the fight anew. He was always direct, bold, and aggressive, and while his cause might be unsuccessful, it gathered both strength and respect by the vigor and honesty of his advocacy. All in all, Senator HEYBURN was a man of the highest type of American citizenship, faithful to his public and private duties and responsibilities, assuming and attempting the duties of each day as each day came and accepting with a calm philosophy the result of each day's work, whatever that result might be, his temper as unruffled under defeat as in success, and he was entirely without malice or ill will toward an opponent, no matter how earnest or fierce the struggle. In private life he was a delightful companion, and his public services were of inestimable value. He occupied a place on the floor of this Chamber that will not soon be filled, and we as his colleagues have, in his death, suffered a loss that is well-nigh irreparable. He died as he had lived, in the front of the fray, and as he himself desired, as often expressed to his friends, in the full measure of his mental strength. He will be ever held in loving remembrance by his colleagues here, and his work written upon our statute books will ever be a fitting memorial of his public service.

Mr. McCUMBER. Mr. President, in the closing hours of the second session of this Congress, and while in the shadow of death, Senator HEYBURN was cautioned concerning the great danger to his health if he persisted in his efforts on the floor of the Senate, and he was importuned to take at least a little rest. His answer was characteristic of the man. Though suffering greatly, with a smile of genial complacency he said: "Well, I do not know but that I am ready to die. I have seen much of life, have probably had my share of it, and I know of no better time to meet death than when one is in the performance of a duty which he owes to his country." These words were uttered in no spirit of bravado, for such spirit was most foreign to his nature. They were spoken in the very presence of the grim reaper by one who looked into the face of death with calm, level eyes that knew no fear. They were spoken while artificial stimulants were being administered to his laboring heart that he might finish that day's work; that he might give to the Senate words of great import; that he might sow the seeds of wise thoughts, trusting to Providence that they might fall on fertile soil and bring forth their harvest of good.

In listening to his words on this floor, always profound and ringing true to his convictions, we could not but be impressed with his seeming indifference to what many claimed to be public sentiment. But duty to him was to give the public the benefit of a judgment founded upon studious research, accurate reasoning, and calm deliberation. His political creed was that he who stands for right, according to his own conviction, uninfluenced by the effect of that stand on his own political destiny, will in the long run far better represent his people than he who caters to their every changing mood. He might sometimes be less popular, but he would always be much safer. With him duty and judgment went hand in hand, and neither individual interest nor popular clamor could ever disunite them. He knew that his every act and every utterance was dictated by his love of his fellow men. He was too candid to ever flatter and too honest to ever temporize with error. Without fear or favor, he conformed his vote and his efforts in debate to a judgment fortified by study and guided by devotion.

With a great, deep, and loyal heart Senator HEYBURN loved the people of his own State and the people of this Nation; loved them so well and sincerely that it never occurred to him that any one of them could ever doubt his fidelity, and this may account to some extent for a seeming indifference to public sentiment. No man was ever more devoted to their real welfare than he. To that interest he gave a mind of great penetration and powerful analysis. He was most studious and painstaking in his research, and was always master of the subject in hand. He was a great student, reading every night long past the midnight hour. Those who were ignorant of that habit might well wonder at his almost inexhaustible fund of information on every important occasion. The undermining of his physical health by these long hours of studious labor was his own loss and little reckoned by him—the benefit of that labor inured to his country's welfare, a cause of supremest moment to him. Those of us who were near him on the last evening of the session, when he was speaking so earnestly and prophetically for the people of the country, and knew that while his lips were uttering words of patriotic eloquence for his party and his country his heart was struggling with faltering and uneven throb, can never forget the sturdy grandeur of his nature—his faithfulness to the very end.

His virtues were many, but were I called upon to designate the one that seemed to glow with brighter luster than any other, I should speak the word patriotism. So deeply did he love his country, so devotedly did he love the men who had battled to save the Union, that many have thought he must have hated those who had battled to destroy it; with such depth of patriotism did he cherish the memory of those who had died to uphold the Union cause that many may have thought there was a lingering bitterness in his heart toward those who had laid down devoted lives on the altar of a lost cause; so jealous was he lest the flag of a reunited country might not receive the homage due from all the people, that many may have thought that he doubted the devotion of every section to that flag. But those who had the great privilege of his friendship, and with it the opportunity to know him

well, knew that no American citizen, north or south, was, or ever could be, without the portals of his great, generous heart.

Mr. President, we can know but little of each other even under conditions of greatest intimacy. In our world of social, business, and political relations, we mingle with men who can never know us and whom we can never know. Our real world is within ourselves, and that world is ever sacred in its secrecy. Across its portals none other may ever step. There is but one key that can unlock even the vestibule to this inner world of self, the key of confidential friendship, and even from this position of vantage, we can catch but the imperfect reflection of the true divinity of the soul; the twilight that but faintly heralds the glow of the real day. Sometimes I think it strange that the noblest impulses of the human heart, all that is purest and best, all that is truly sublime in our natures, persistently veils itself in secrecy and intuitively recoils from publicity. And so it required this close, intimate friendship to understand the real, noble, generous character of Senator HEYBURN. In the forum of debate he was firm and unyielding, a warrior to be feared, and yet a warrior always to be respected. But away from the line of battle, surrounded by friends and family, he was the very soul of gentleness, courtesy, graciousness, kindliness, and charity.

On the 19th day of October we laid his body in the tomb to return its substance to the earth that gave it, there forever to rest. To-day we enshrine his noble virtues in our hearts, there forever to live.

Touched by our grief and inspired by our affection we seek to build a monument to his memory, not at his tomb, but in our hearts, and for its structure we draw from the depths of our natures the noblest and best of our impulses. His eyes can never behold the beauty of that structure, but the eyes of our own souls shall see it and our characters shall be ennobled by it.

The qualities which we most regard in ourselves are those which we most cherish in others. Therefore, in paying our tribute to the noble dead we quicken into greater life the particular virtues which we praise. In these services we can not benefit the dead. He neither needs nor heeds our eulogies. But we can and do unconsciously benefit ourselves, and through ourselves, the world at large, by directing our thoughts toward those lofty heights of character which we extol in our friend, who has forever passed from our sight.

As the volume which contains this day's memorial services to Senator HEYBURN is closed, it will never be opened again except for a brief period by those who knew him and loved him. For to really know him was to truly love him. But the thoughts and impulses of this day, combined with the memory of his life, the impression he made upon the consciousness of all who knew him; of all who heard his words of wisdom and earnest eloquence, will be builded and cemented into a monument to his name and character that will endure with each of us so long as our own lives shall last; and as no force is ever lost to the world, so the subtle influence of a noble character, leaving its magnetic impress even on the stubborn law of heredity, and gently, but none the less surely, working a change in the course of its current, will be an undying influence that will be reflected and re-reflected down the ages. No lineal descendant will ever bear the name of Senator HEYBURN, but unnumbered hosts shall bear the impress of his character.

Mr. DILLINGHAM. Mr. President, during the period of my service in this body I recall no associate who at all times and under all circumstances manifested a higher conception of the duties and the obligations of a Senator of the United States than did WELDON B. HEYBURN. He never limited the application of his great powers to questions which were of special interest to the people of his own State or to those residing in that section of the country from which he came, but, from the day he entered the Senate until death claimed him, he lived in the consciousness of the fact that he was a Senator of the United States in the proudest and broadest sense, and that as such he was required to scrutinize every measure affecting the public interest; to advance those which would serve the public good and to stamp with condemnation those which appeared doubtful or that might be mischievous. In the discharge of these duties he exhibited an industry almost incredible, and a degree of application found rarely, and only in men of great power, of trained intellects, and those who are naturally masterful.

He was a tireless, intelligent worker. The statement would hardly seem believable, if the CONGRESSIONAL RECORD did not disclose the fact, that during the second session of the present Congress he engaged in debates on the floor of the Senate which involved a discussion of nearly 150 different subjects of legislation. All this he did in addition to the routine work of a Senator; in addition to the heavy demands upon his time and strength in the discharge of his duties as a member of important committees, and at a time, too, when he was suffering an impairment of health which would have driven an ordinary man into retirement.

His power and influence, as it seems to me, resulted from his convictions, which were those of a man whose judgment was based upon the eternal principle of the fatherhood of God and the brotherhood of man—principles which found expression in a lofty and intense type of patriotism, a profound love of liberty under law, and a respect and reverence for that system of law under which the liberties of the people of this country have been developed and maintained.

Grounded in these doctrines, it was natural that he should adopt the law as his profession, into the study and practice of which he carried not only the endowments of a talented intellect but an industrious application, coupled with a marvelous capacity for labor which recognized neither length of hours nor the limitations of physical endurance. The effect of this thorough preparation was evidenced always by his clear conception of the issues arising in every controversy, his ability to grasp facts relevant thereto, his knowledge of the law, and his keen sense of the moral as well as the legal principles involved.

Mr. HEYBURN entered this body in the fullness of all his powers. He was a ripe lawyer, a clear thinker, a skilled, forceful debater, ever ready and resourceful, and he never advanced a proposition without being well fortified to maintain it. He was a splendid advocate, a dangerous adversary, but an honorable foeman. He was fearless for the right as he understood it, and he early won and held to the last a secure place among those men depended upon as leaders.

Among all those with whom I have associated in this body no man has impressed me as possessing a more unflinching devotion to the principles he espoused or a finer courage in maintaining them. In the best and highest sense WELDON B. HEYBURN was a fighter who knew no fear. To him it mattered not whether he stood alone doing battle for his convictions or surrounded by hosts of friends and supporters; in either event he delivered himself in the full strength of vigorous speech. That he was facing a hostile press or antagonizing powerful elements in the political life of the Nation made no difference to him. He published to the world his unshaken belief and he sought only the approval of a good conscience as a reward.

As chairman of the Committee on Privileges and Elections, of which he was an able and an honored member, I became more intimately acquainted with him than might otherwise have been possible, and that acquaintance ripened into a friendship which to me was a great satisfaction. My admiration both for his ability and character grew with the months, and my affection for him as a man steadily increased as I more and more realized the kindness of his heart and the gentleness of his spirit.

During the last session of the Congress I felt anxious because of the disturbing condition of his health, and appreciating his critical situation, pleaded with him to abandon all public duties and seek a restoration through a long period of relaxation. His reply was characteristic of the man. He said he did not desire to live unless he could do a man's work; that he preferred to fight the battle to the end, whether the contest was long or short, and when his work was done to go hence. In this dauntless spirit he met all the issues of life, and so it was that week after week and month after month he strove mightily, although in constant pain and imminent danger, and when he had indeed performed a man's work to the very last he went hence, leaving a record of faithfulness and achievement well worthy the emulation of all.

Mr. SUTHERLAND. Mr. President, it is with something more than a feeling of perfunctory interest that I rise to add a brief tribute of respect to the memory of WELDON BRINTON HEYBURN, for he was not only an honored colleague, but a warm personal friend, for whom I entertained a very real affection.

During the eight years we served together in this Senate the work in which we were both engaged brought us into close relations and constant association. My respect for his many admirable qualities, for his rugged but exalted conception of public duty, for the simple dignity of his everyday bearing, increased as the years of our acquaintance lengthened.

He was of Quaker ancestry, and there was something very fine and inspiring in the staunch but never demonstrative affection in which he held the people of that faith. He was born in Delaware County, Pa., in the year 1852, and was, therefore, at the time of his death only 60 years of age, in the full possession of all his mental faculties, cultivated by habits of studious application and sharpened by the varied experiences of a busy life. With an unusually strong and massive body and a mind

keen, forceful, and untiring, intellectual work, however laborious or exacting, was with him always a delight and never a burden. Had it not been for the disease which so cruelly fastened itself upon him, but to which he never bowed in submission or ceased to regard other than in the light of an intrusive and impertinent interruption of his labors, to be treated with imperious contempt, he would have been spared for many years of useful public service.

If I were asked to name his most conspicuous characteristic, I should say it was courage—physical as well as moral. Many men, indeed most men, can upon occasion, by a conscious effort of the will, meet a great peril with no outward manifestation of fear, but those who habitually and as a matter of course face every problem, however grave or threatening, without a shrinking of the soul or of the flesh are rare indeed. Senator HEYBURN was one of these unusual individuals from whose mental and moral equipment the element of cowardice had been wholly omitted. He was, moreover, intensely in earnest and intensely sincere. There was never about anything he said or did the slightest suggestion of the hypocrite or the timeserver. During the 10 years of his service in this body he met every question in a spirit of perfect candor and of utter disregard for every consideration save the intrinsic merits of the proposition. I firmly believe that in all that time it never occurred to him to consider the effect which his words or his vote might have upon his own political fortunes. Opportunism was no part of his political creed. Convinced of the rightfulness of any position he assumed, he stood for it unswervingly, without the slightest concern for the strength of the opposition or the odds against which he contended. If others agreed with him, he pursued his way, it is true, with greater satisfaction, but if nobody agreed with him he pursued his way nevertheless. The fact that he stood quite alone disturbed him not in the least. He was unmoved by the fiercest opposition; the semblance of a threat only added to the intensity of his contention. The question of the popularity or unpopularity of his views never entered into his calculations.

When I search the gallery of my memory for its most familiar picture of him it is always to behold him standing in his place, militant and earnest, vigorously pressing some legislation which he believed to be necessary and wise or grimly opposing something which he believed to be wrong. Fearless and independent, with his strong, sturdy frame, his deep chest, his large, splendidly shaped head, he was always a picturesque and interesting figure in debate, facing its stormiest phases like some gallant, self-reliant sea captain, clear-eyed and unafraid, driving by the force of his strong will through the fury of a wind-swept sea.

It was in this same mood that he took up the gage of battle with his last unconquerable antagonist, with a perfect knowledge that he was unconquerable. About that he never for one moment deceived himself. He understood clearly the gravity of his own case. But never for a single instant did he cry out or beg for quarter. With his back to the wall, he fought doggedly, unflinchingly, albeit hopelessly, with the same unyielding spirit that he would have made a losing fight for a great principle in which he believed or as he would have contended, though himself naked, with an armor-clad adversary. Day by day the poor mortal body weakened, but the heroic soul never whined or faltered. One day, as he stood at his desk addressing the Senate, he distinctly felt the breaking of a small artery in the frontal lobe of the brain. There followed an inrush of overwhelming sickness; one of his eyes was filled with a quick suffusion of blood; there was a momentary hesitation in his speech—long enough for those who sat near him to realize that something was dreadfully amiss—and then, with a superb effort of his wonderful will, he lifted the fainting soul to its task and completed his remarks and then walked from the Chamber without a word to anyone. The next day I saw him, and observing the darkened eye and drooping lid, I said: "What is the matter, Senator?" Without a trace of apprehension in his voice, as though he had been speaking of another, he replied: "A small blood vessel has been ruptured, forming a clot on the brain in such a way as to render one of my eyes temporarily blind. The doctor says that sight will return as the clot is gradually absorbed." For more than a year, while the inexorable fingers of death slowly but surely tightened about his heart, he quietly continued to discharge the daily duties of his place with a courage whose pathos appealed to everyone but himself. But finally the flesh, having grown weary of the struggle, gave up the unequal fight, which the brave, unconquerable spirit refused to do until the very end.

By those who knew him here he will be sadly missed. In the busy hours of the closing days of the session we pause only long enough to pay him the simple and inadequate tribute of a few words of affection and appreciation, and then resume our efforts to solve the problems of the living, leaving the mystery of the dead—if, indeed, there be any—to be unraveled in the good time and the good way of Him whose mystery it is. And this, if he could speak to us, would be what our late colleague would have us do, for he who lived by the gospel of work least of all men would have the necessary work of the world halted for long sorrowing over one whose worldly tasks have ended forevermore.

Mr. BURTON. Mr. President, WELDON B. HEYBURN was a person of unique and powerful personality. A man's characteristics are derived in part from inheritance and in part from environment. Senator HEYBURN's will power, his strength, and independence were such that he must have come of a sturdy ancestry, but there were more clearly visible indications of the effect of his environment.

For very nearly 30 years he was a resident of one of the newer and more progressive States of the Union, and shared the hardships, struggles, and trials which belong to the settlers in a new country, where fertile valleys and great areas of desert fields and scattered rocks were strangely mingled.

He was always in sympathy with the pioneers; in fact, he was one of them; that army always advancing, never disbanding, shrinking from no obstacles, marching over mountains and valleys, making glad the waste places of the earth, digging treasures from the sides of the mountains, establishing new communities and Commonwealths, always building better than they knew and on a grander scale than they knew.

He was faithful to the people of his State. His sympathies went out for the struggling miner, for the prospector who went forth to seek new mines in the bowels of the earth.

He was at times seemingly lacking in tolerance toward those who took different views with relation to the settlement of that new country and the utilization of its resources, a disposition which may be readily explained by the fact that he realized the difficulties of his fellow citizens who were engaged in the development of that new area, and his feelings on their behalf were very much aroused. No one could know him without recognizing the strength of his will, his courage, his independence.

There has probably never been a manifestation in this Chamber of more resolution than that which he showed in the last few months of his life, when, with the death warrant already written, he was unwilling to turn aside for rest, but continued in the performance of his duties to the end. It has been said that his courage and his independence were his leading characteristics. He sought no favors. He did not desire that thrift which follows fawning. His opinions were never the echoes of the voice of any leader, however eloquent or logical that voice might be. He was no registering machine to write down the behests of others. He could not change his opinions to conform to the views of those who might furnish him with great support in the way of votes. He stood too erect ever to bend his ear to the ground and listen to the whispers which speak of popularity and popular support. So he stood among us as a splendid figure, one who sought to serve his country in accordance with his ideals of patriotism and of independence. He had his faults, but they were eclipsed by noble qualities.

I am painfully conscious, Mr. President, of my inability, certainly in a few brief minutes, to do justice to his memory, but of this we may all be sure, that though his life was cut short he left a noble heritage in his patriotism, which his State and the Nation will cherish in the years to come.

Mr. JONES. Mr. President, poets and orators have sung the praises of men who have bravely died in battle amid the booming of cannon, the thrilling strains of marshal music, and the trampling of armed hosts. Our blood has bounded through our veins and we have thrilled at the story of some mighty deadly conflict in which had been shown the courage and fortitude that leads to death and the grave. Poets' flame and orators' fire, however, can not portray the sublime courage that controls the man who, knowing that if he continues his work, the messenger may summon him at any moment to that undiscovered bourne whence there is no return, nevertheless, with calm fortitude and cheerful demeanor continues to discharge the duties which he feels he must perform. This is a courage beyond the power of tongue or pen to portray.

This was the courage displayed by WELDON BRINTON HEYBURN prior to his death. For a year or two his colleagues knew that the dreaded messenger was hovering near. He knew it, too, and was listening for the summons. He talked of it calmly and without fear. He accepted it as something that could not be avoided. He wanted to do as much as possible ere the message came, not realizing or not heeding that his labors were but beckonings to the end. The messenger came, the battle was

fought, the last earthly contest was over, and with his face to the foe before whom all must fall he went bravely beyond the veil.

In his death this Chamber lost one of its strongest characters. He was a man of powerful intellect and matchless moral courage. He was intellectually pugnacious and delighted in controversy. His wide learning, broad experience, long training at the bar, of which he was a leading member, and his ready command of language made him a most formidable antagonist in debates. He was calm, ready, and self-possessed, ever serious, oftentimes unconsciously witty, and always earnest and sincere.

He seemed to disregard utterly public opinion. He boldly, even defiantly, expressed views upon great questions which were against public sentiment. He assumed that he was better able with his study, investigation, and knowledge of the situation here to decide what should be done than anyone else, and he never shirked responsibility and boldly stated his position. Local opposition and local sentiment were overcome by the power of his intellect, dauntless courage, and overmastering spirit.

In the State convention of his party he boldly denounced what to him was heresy in its platform, and when the legislature met to select his successor, his presence dissipated the gathering storm of opposition as the rising sun dispels the scattered mists of the morning.

While he took his position upon all questions boldly and expressed his views with candor and positiveness, he conceded to his opponents the same honesty of purpose and liberty of conscience that he demanded for himself. He met all questions fearlessly and maintained his position openly. He could not veil his defense or conceal his attacks. His attacks were daring, his defense open. He could not be dislodged from a conclusion once reached, and it seemed sometimes as if he would not see the error of his position.

He was an intense partisan. His party loyalty was a part of his patriotism. When his party spoke through its majority he bowed to its decree, even if he did not agree with its judgment. An intense partisan himself, he respected partisanship in others. That parties are necessary to make representative government a success he strongly believed. If some declaration in his party platform did not meet with his approval he nevertheless remained with the party, believing that in unity there is success, in dissension defeat. He sought to work out differences within the party by reversing its decrees within itself rather than through defeat.

While not in harmony with the sentiment of the day, no man was more intensely patriotic, no man was more earnestly devoted to the welfare of the people and his Government than WELDON BRINTON HEYBURN. Denouncing mercilessly what he considered the heresies of the day, he was just as confident that what he advocated was for the people's welfare as the most ardent advocate of other policies and methods. If we did not approve his position we were forced to admire the courage, sincerity, and ability with which he maintained it. He was of incorruptible honesty, and the people's good was his sole aim. Better far a man like this in legislative halls, though mistaken, than the cowardly sycopant sometimes right.

With all his domineering, masterful, combative disposition there was a sweeter nature that "peeped out ever and anon," all the brighter because of the rough, rugged surroundings. Oftentimes have I seen him in committee apparently taking a determined stand against some measure in which a fellow member was interested, and, after expressing his views in his usual vigorous fashion, say "But I will not carry my opposition further; I simply wanted to make my position clear." Within his strong, rugged nature there was a heart as gentle and tender as a child's.

He did not depend upon his abilities alone while a Member of this body. He was a hard worker both in committee and on the floor of the Senate. He attended the meetings of the Senate very regularly and followed its proceedings with great care. He was always at committee meetings and took an active part in their deliberations, and the work of the committees and subcommittees of which he was chairman was looked after with the greatest fidelity and marked ability. An examination of the Congressional Index will show the amazing range of his activities and the tremendous labor he must have put forth.

The life of a Senator who conscientiously discharges the duties devolving upon him as the representative of his State and Nation is a most exacting one. It requires close study, long hours, and hard work. In addition to the general legislative work, Senators from the West have many matters of local concern that require much time, study, and preparation. And so it was that the burdens upon Mr. HEYBURN were very great; they were too much even for his great mental and physical strength, and his colleagues saw the end coming long before it came. He literally worked himself to death for his State and Nation.

What a brave fight he made! With the same dauntless courage with which he faced the problems of his legislative career he faced the grim reaper. By the very force of his indomitable will he seemed to stay death's hand. Face to face he yielded inch by inch, but was finally overcome by the foe that knows no defeat.

Mr. President, no knight in olden times ever faced death in defense of his lady love more calmly, no soldier ever marched more courageously to battle, no martyr ever faced the stake with greater heroism than did this man meet the summons of the grim reaper to the voyage whither all must go; whence none return. Brave in life's battles, bravely he died. Peace to his ashes, joy to his soul.

Mr. ROOT. Mr. President, no one could have sat in this Chamber as the colleague of Senator HEYBURN without receiving and retaining a deep impression of a very strong and distinctively individual character. He merited the description by which the Norse sagas so often carried a meaning of high praise when they declared one to be "not an everyday man." Even the traditional attitude and sentiment of formal eulogy can not make it natural or suitable to couple his memory with perfunctory expression.

He had a strong and active intelligence, well informed, thoroughly trained, utilized through enormous and untiring industry, and made effective through unusual facility of expression. His work as chairman of the Joint Committee on the Revision of the Laws was painstaking, accurate, and of permanent value. His attention to the business of the Senate was unremitting, and he was always watchful and alert to detect bad measures and prevent their passage, while his own advocacy of legislation was always upon the ground of what he believed to be the public advantage. The wide range of his interest in public affairs included every department of government, and in every direction he made valuable and effective contributions to our discussions. His great power was chiefly derived from his exceptional qualities of character. I think the underlying quality on which all the others rested was a capacity for loyal self-devotion to ideals. For whatever cause he espoused he was instinctively and unhesitatingly ready to fight à l'outrance, and to the partisanship of his cause he brought inflexible resolution and clear, high courage. His face once set he never turned to the right hand or to the left; he never wavered or hesitated or questioned or doubted. His conclusions were convictions. Throughout his arguments, always dignified and courteous and full of relevant and cogent matter, there sounded always the suggestion of a battle cry. He would have gone to the stake singing triumphal hymns. He would have led forlorn hopes. He would have sought death in battle with supreme joy. As became his character, he had a great capacity for wrath. His temper was sudden, easily moved, swift to expression. In conflict it would flare out at times like some great furnace, seen from afar, blazing for an instant on the night. But there never was a sweeter temper. He was gentle and kindly and considerate toward all the world. He had no shade of the morose or sullen, of spite or revengefulness. He harbored no resentments. He had ineradicable prejudices, but no hatreds. He had many conflicts, but no enmities, and I doubt if he had any real enemies. Certainly he had none here. His ingenuous sincerity, the whole-heartedness of his devotion to the truth as he felt it, the transparent unselfishness of his motives, the kindliness of his judgments, inspired us all with respect and admiration for his character. His very foibles endeared him to us. We had affection for him. We truly grieve for his untimely death, and it is a sad satisfaction to do honor to his memory.

Mr. THORNTON. Mr. President, I have been requested by the senior Senator from Idaho to say something on this occasion because he thought that I understood the late Senator HEYBURN somewhat better than did my brother Senators from the South, and I have accepted the trust and shall try to be just to his memory.

I came to this body prejudiced against him because of my preconceived idea that he was hostile in sentiment toward the people of my section of the Union; and some of his remarks and votes on certain questions shortly after my arrival here were calculated to make me believe that the general impression concerning his character in this respect was correct; but for more than a year before his death I had become satisfied that this view was based on a wrong conception of his feelings.

Senator HEYBURN was not a hater of the southern people, and no one here was more ready than he to vote for measures to relieve their necessities from the Government purse when an

emergency arose with which they were unable to cope unaided and which called for immediate relief.

True, he wished to be satisfied that the necessity existed, but it was his habit to always insist on a proper explanation for a demand for expenditures of public money for unusual purposes.

But when the reason for it was made clear to his mind he cheerfully and ungrudgingly voted for all that was asked for the relief of the southern people.

He always objected to the expenditure of public money for the purpose of commemorating in any way the valor of Confederate soldiers or sailors or to the return of captured Confederate flags, and even to the return of captured bonds that had been issued during the Civil War by any of the States composing the Southern Confederacy; and this was why he acquired the reputation of being hostile to the South, a reputation that has outlived his life.

But his course in these matters was not due to any dislike of the southern people as such, but to his intense conviction not only that the cause for which they fought was wrong but that he could not vote for such measures without seeming to condone to some extent the action of the South in seceding from the Federal Union.

In my opinion, his view of those questions was too narrow and his judgment warped by his feelings, and I think he could have well afforded to look at them from the standpoint of others who were just as decided in their convictions of the wrong of secession as himself, but who considered that the time had come when they could show this consideration to their southern brethren, now as loyal citizens of a common country as themselves, without in the slightest degree detracting from their own sense of loyalty to the cause of the Union during the Civil War.

But Senator HEYBURN thought otherwise as regarded himself, and it was his own conclusion that always controlled his individual action.

I have heard him declare on the floor of the Senate that his feeling was not in any sense personal, not dictated by dislike of southerners, but by dislike of the cause for which they fought, and that he fully recognized the sincerity of their position in that regard; and I am sure that he spoke his true sentiments, for he was too honest and courageous to speak otherwise.

I feel that on this question I have been just to Senator HEYBURN, and as a southerner and ex-Confederate soldier I wish to go on record as protesting against what I consider to be a general misconception of his character in this regard—a misconception shared by myself until I had opportunities for better understanding him.

And now that he is dead I am glad to be able to pay tribute to some characteristics of Senator HEYBURN that I unreservedly admired and for which I gave him unstinted credit while he was alive.

In my experience in this body I have not met a Member who, in my opinion, felt a stronger obligation resting on him to thoroughly inform himself on measures before he voted on them.

I became first impressed with his desire for investigation through my observation of him as a member of the Committee on Public Lands, in which we served together; but it seemed almost impossible for a measure to come before the Senate that his alert and inquiring mind did not prompt him to take part in its consideration.

I believe that in this he overtaxed himself, for I am convinced that no Senator can fully investigate all questions, even those of importance, without impairment of his physical health; but necessarily he must trust in some matters to the investigation of the committees having them directly in charge.

I believe that Senator HEYBURN'S habit in this regard hastened his end.

But he never spared himself while contending for what he thought was right or against what he thought was wrong.

I often watched him last year, continuing to debate while scarcely able to stand, fearing that he would fall and die in the midst of his argument, yet thinking it quite possible that he would prefer to meet death in that particular way.

I admired him because he was always true to his convictions—a quality possessed by him in as high a degree as by any Member of this body.

I well remember that in our last conversation, just before the close of the last session, when I made some allusion to this trait of his character, he answered with a look and emphasis that left no doubt in my mind of his sincerity:

Senator, when the time comes that I can't vote my convictions in the United States Senate, I am ready to quit it forever.

I admired him for his intense Americanism, his pride in the greatness of his country, and his zealous desire to maintain and increase her greatness.

These were the qualities of Senator HEYBURN that commanded my respect—honesty, industry, conscientiousness, courage, and patriotism—qualities which I trust that we who have survived him may always wish to emulate.

Mr. MYERS. Mr. President, it is a melancholy pleasure for me upon this sad occasion to say a few words of tribute and praise to the sturdy worth and many good qualities of our departed associate, Senator HEYBURN, and to lay a wreath of kindly remembrance at the shrine of his memory. I said many good words of him during my acquaintance with him in the course of his lifetime, and now it is with heartfelt reverence and genuine esteem that I pause in the busy course of life to revere his memory with some words of praise.

Although I live in a State adjoining the State of Senator HEYBURN'S last residence, I never knew him personally until I entered this body and here met him. When I met him here his greeting to me was most kindly and cordial, and instantly impressed me as coming from a good-hearted man of kindly instincts. My relations with him during the remainder of his life were most cordial and pleasant, and to me will ever be a pleasant memory. Beneath a rugged exterior he possessed a sublime devotion to duty, a heroic adherence to principle, a heart as warm as the gentle sunshine of spring, and a disposition as tender as the first blossoms of the flower garden.

During our entire acquaintance he was always most kindly and cordial to me. In many ways and upon a number of occasions he was helpful to me. I enjoyed courtesies at his hands that were beneficial to me and which I much appreciated. In all of our relations I found him ever of a helpful disposition. I never approached him in any matter but what he evinced a strong desire to be helpful to me. When he could not fully agree with me he was not disposed to be obstructive, but carefully explained his views and always suggested from his resourceful mind some course that would obviate his objections and at the same time answer my purposes. He ever extended a helping hand to assist me over the rocky obstacles of legislative life, and many beneficial ideas I owe to his helpful suggestions. To me all of these things betokened a lovable disposition.

Senator HEYBURN was as fearless a man as I ever knew. His fearlessness always elicited my unbounded admiration. I believe he was absolutely fearless—as much so as any man could be. He seemed to take no reckoning of consequences. He stood absolutely firm for what he believed to be right, utterly regardless of what the consequences might be to him politically or otherwise. I do not believe the history of this country has revealed in public life a more fearless character than he. He cared nothing for public opinion. He cared nothing for enmities, opposition, criticism, or stricture. Evidently he had but one guide, and that was the right. I do not believe it would be possible for any human being to adhere more strictly to his ideas of the right. In this I believe his career sets an opportune and a beneficial example to the public men of the day and to the youth of our land. He knew neither friend nor foe in his devotion to right. His adherence to the right as he saw it was as immovable as the everlasting mountains, as solid as the Rock of Ages. His frankness, too, was unusual. He never hesitated to express himself on any subject that concerned him, his constituents, or the people of this country. So prominent were these splendid qualities in his character that they stand in bold relief to the average make-up of mankind and tower above that average like the lofty mountain peak that pierces the skies towers above the hills.

Men of the character of Senator HEYBURN are needed in this world. They are the men who accomplish things. They are the men who stand for ideals. They are the men who defend to the last what they believe to be right and never know what it is to retreat. We shall miss him here. His constituents will miss him. The world will miss him.

Mr. POMERENE. Mr. President, I would be doing violence to my feelings if I were to sit in silence and fail to add a word to the tributes to our departed friend. It was a privilege to have known him. His character was as rugged as the mountains of his adopted State. The first six months I was a Member of the Senate my acquaintance with him was only casual. I had seen him upon the floor engaged in the debates and business of the Senate; I witnessed his combativeness, and I confess I did not then quite understand him; but it fell to my lot to be associated with him closely for a number of weeks in some important committee work, and I then, for the first time, learned to

know the real Senator HEYBURN as he was known to his family and his most intimate friends. During that time I saw him and labored with him every hour of the day.

He perhaps would impress one as being a man of strong biases, and he was; but beyond that, and more than that, it seemed to me that the ruling passion in his work was to seek and to know the truth. During that investigation in a distant city, if you had heard him examine the witnesses, who perhaps had taken one side or the other of the controversy, and you were to witness the force and directness of his questions, it would occur to you that he was there in a partisan capacity, rather than as a judge; but if this element seemed to appear upon the surface, and you followed him through the entire course of the examination, you would find that he was eager to know the truth and the truth only.

His was one of those peculiar minds that always hewed to the line and was willing to let the chips fall where they might.

Mr. President, I can not conceive of Senator HEYBURN bending to every breeze. He always stood foursquare to all the winds that blew. He thought his thoughts and spoke his own words, not other people's. He believed that he was here in this Chamber commissioned to do a certain work. He performed it according to the light that was given to him. It was not necessary that he get his ear to the ground in order that he might know what his own views were or how he should vote. No one who ever knew Senator HEYBURN would charge him with that characteristic.

Mr. President, in the time I was thus intimately associated with him I learned to love him. I know I was his friend, and I believe that he was mine. I remember after he was stricken I stepped up to him one day and tried to persuade him to leave the Chamber to go and seek the rest he needed; but no, he would not go. He felt that if his time had come there was no better place to pass away than at the post of duty.

Mr. President, he was a man of high ideals. He was an intellectual giant; he had the genius of industry; he was the peer of any man in the Senate. He was one of those men of whom Kipling wrote—

> He walked with kings, nor lost the common touch.

I shall always remember him with a deep feeling of affection, knowing that when he passed away we lost a truly patriotic citizen and Senator. Peace to his ashes.

Mr. BRADY. Mr. President, in the death of WELDON BRINTON HEYBURN the State of Idaho has lost a distinguished citizen and representative and the Nation a brilliant and useful legislator. I wish that it were in my power to speak of him on this occasion from the intimate knowledge which some of you possess by reason of your long association with him in this Chamber. It was my privilege, however, to know him well through years of pleasant association, incident to service in the ranks of the same political party, in the upbuilding of our State and through the record of his achievements in the United States Senate.

I knew him as a citizen, as a party leader, and as a representative of a sovereign State. He was a large virile figure in the political and governmental activities of his time, a man whose great talents were early appreciated by the party leaders and the people of Idaho.

From the time he became a resident of Idaho until his death he played an important part in the history of the State. The brilliant legal powers which he possessed gained for him an early recognition, and his attainments in his profession commanded admiration wherever he practiced, whether in the State and supreme courts of the Northwest, in the United States district and circuit courts, or in the Supreme Court of the United States.

When the Territory of Idaho was about to hold its constitutional convention Mr. HEYBURN was chosen a delegate, and his colleagues, recognizing his legal attainments, made him chairman of the committee on the judiciary.

It was, however, in the party campaigns and political struggles that I came to know him in a more intimate and personal way and to recognize his sterling worth in both private and public life.

During the early years of his first term I watched his growth with the keenest pleasure. It was a source of great satisfaction to note how his personality became the moving force in a great and brilliant senatorial career.

These memories of my pleasant association with him come back to me with such clearness that it is difficult for me to realize that he has passed away. Knowing him as I did, and being so familiar with the great record he made in this body, I appreciate the responsibility of being his successor. He set a standard of legislative workmanship which few have excelled, and I am glad to be privileged to pay tribute to his great accomplishments.

I could not agree with him upon all public questions, nor could many of you, yet, however keenly we may have felt his opposition, we recognized that his attitude was taken conscientiously. The calm certainty with which he followed his own ideas and the clear thought with which he reflected upon current problems made him a man of great force. Neither in this Chamber nor in the country at large was there ever any uncertainty as to his position upon great public questions. He stood for his political convictions even if he stood alone. A stanch supporter of government and a loyal party man withal, he did not hesitate to stand apart from the majority opinion.

He had an uncommon power to resist those persuasions which are purely personal or partisan and to hold his own opinions undaunted by the disagreements or the misunderstandings of those who oppose him. He fought hard, sometimes relentlessly hard, but he was as relentless in putting aside the possible effect of his course upon his own political fortunes as he was persistent in combating those who for the moment stood against him.

Yet it can be truly said that no bitterness bred of debate ever followed him to his home. Those who knew him out of the storm of debate or in the quiet of his own home knew that warm kindness and generous tolerance marked his every discussion. He was away from the battlefield, his armor was off, he was no longer the fighter, but merely the gentle, considerate man.

To-day, when political beliefs are numerous and party lines confused, when the functions and methods of government are uncertain and formative, it requires a large catholicity of mind to appreciate fully the service of all those who play a vigorous part. More difficult still is it to estimate fairly those whose function it has been to approach public questions from a special angle. The radical who stands for a new truth that other men do not see and the conservative who defends a time-honored belief from which other men have departed are rarely understood by the popular mind. Yet these two opposing minds, by their persistent, honest effort, form a balance which is essential to the deliberations of this legislative body, which is reflected in the thought of the American people. Only when all men can see the whole truth can we do without these men of extreme view, and that time does not seem destined to come.

For myself I may say that I am committed to progressive policies, but I can not and do not set aside my appreciation and respect for those men who have been and are striving to preserve the fundamental principles of our governmental structure. Among the stanchest defenders of conservative Republicanism was WELDON BRINTON HEYBURN. Who is there among those who have been his colleagues in the years of his membership here that can fail to comprehend his earnest interest in representative government and constitutional procedure?

Senator HEYBURN was not undemocratic in the true sense of the word. He was always concerned with the good of the people of the State and Nation. He stood upon the side of those hard-working men and women who are trying to build a great American Commonwealth, the State of Idaho. He was responsible for many laws touching the farming, mining, and business interests of the West. He stood for the true conservation of the people's interests and for the policies which conserve our natural resources and popular rights in the gifts of nature, and favored proper administration of all laws without imposing any undue burden upon those men of the pioneer spirit, who are responsible for the turning of the uninhabited places into homesteads for American man and women.

He has stood by the homesteader as against the speculative exploiter of lands; he has been with the irrigationist, eagerly seeking the opportunity of tilling the soil that only waits for water, as against the "sleeper" and the land speculator, who want water without effort, not that they may reap the farm products, but that they may reap from land values which they have not helped to create. As he served the people of the State conscientiously, so he served the Nation.

The democratic feeling of our leaders is known by the consideration they give to their fellow men in the bills they make into laws rather than by any words they may coin to gain political favor. After years of failure to legislate, his persistent energy and comprehensive mind gave the American people the first law, with administrative restrictions, to guarantee that sooner or later every person in the United States will be completely protected against adulterated foods and drugs. Only a few days ago Dr. Wiley, in a public address at Boise, declared that the State of Idaho should erect a monument to Senator HEYBURN for the great good he had done in giving the Nation such splendid pure-food legislation. No man can rear a greater

monument as an evidence of his desire to protect the masses than Senator HEYBURN has built for himself in his work as chairman of the Committee on Manufactures, which had charge of the pure-food legislation of the Senate.

That he was not in favor of the devices for popular participation in government which some of us advocate is not proof positive that he lacked faith in the rank and file of men. He believed in the right of men to govern themselves, but he was convinced that in the present circumstances of life conditions do not guarantee them sufficient knowledge and experience to enable them to participate successfully in the details of legislative, administrative, and judicial decision. The confidence that he had in his own sense of duty and the convictions of his own magnificent mind bred no distrust in delegated power, and he generously extended the same faith to other political leaders.

He failed to appreciate those great popular ideas of initiative government which the twentieth century has contributed to American political life. His feeling for other men and women was of the old-fashioned sort, which showed a courteous consideration by fighting impersonally for right and against wrong. A principle covered all humanity with him.

He was a man of massive mind. A constitutional lawyer of unusual ability, steeped in the spirit of the constitutional principles, his political beliefs were of the older school. He never at any time became a reactionary; he had always been a constitutional devotee.

No great and complicated question of legislation ever came up in this body but he had the mind to grasp its application, the tireless energy to pursue its details, and the endurance to watch it through every turn of debate. The history of legislative debate during the past 10 years in this Chamber can not be separated from the record of his participation in it. The principles he advocated were carried into effect in the bill dealing with pure foods and drugs. Twice his vote delivered the Territories of Arizona and New Mexico from the jeopardy of joint Statehood. He it was who guided the Philippine tariff laws throught the committee and on the floor. To him it was given to oppose the enactment of the reciprocity treaty with Canada. He was in active charge of the joint committee on the revision of the laws of the United States, completing as his special part the penal code and the first sixteen chapters of the judiciary, which was adopted by Congress.

He worked with the same tireless energy whether the problem was of great or minor importance, and strove always to a conscientious disposition of any question that came before him, regardless of its nature.

It is a privilege, indeed, to speak these personal views of a man in whom my State took such great pride. In the hush of sharp and incisive debate which death puts upon this Chamber, it is a privilege to pay just measure and tribute to a great man who has wrought among us so vigorously that we can not even now gain a full view of his character and works.

He was one great man who regarded his prerogatives as a public trust, a chosen man who used in full sense of duty the bestowal of power which came to his hand, a man of public spirit and great mental caliber, of inexhaustible energy, of austere conscience, of dauntless courage. Such a man was WELDON BRINTON HEYBURN.

MEMORIAL ADDRESSES ON THE LATE SENATOR JEFF DAVIS.

Mr. CLARKE of Arkansas. Mr. President, I ask unanimous consent for the present consideration of the resolutions which I send to the desk.

The PRESIDING OFFICER (Mr. PAGE in the chair). The resolutions submitted by the Senator from Arkansas will be read.

The resolutions (S. Res. 490) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. CLARKE of Arkansas. Mr. President, Senator JEFF DAVIS—and he delighted to call himself JEFF, and to have his intimate friends do the same—died suddenly at his home in Little Rock on January 2, 1913. As I said on another occasion, thus ended abruptly and prematurely the career of one of the most extraordinary men who made his appearance in the South in a generation. A simple recital of the events of his life, in sufficient detail to make his methods, his purposes, and his plans understood, would demonstrate this beyond reasonable dispute or cavil, but the proprieties of the present occasion will be satisfied with a less comprehensive treatment of the subject. Perhaps the time has not as yet come when this can be done impartially and fully. While the tongue of criticism and complaint is stilled by the shock caused by his death, and in the presence of his sorrowing family and friends, permanent impressions nevertheless exist which will inevitably find expression, when the sadness and sympathy of the hour shall have been forgotten, by those outside of the crushed and sorrowing circle of his family. This element may demand a hearing before a final and accepted judgment shall be entered against his name and fame.

Senator DAVIS was born in Little River County, Ark., on May 6, 1862. His father was Judge Lewis W. Davis, in early life a Baptist clergyman, and subsequently a practicing lawyer of respectable attainments and high character. His mother still survives, and is noted among those who know her as a woman of strong character, superior intelligence, and noble qualities as a wife, mother, and as a leader in the Christian and charitable work of the communities in which she has resided. While the dead Senator was yet a boy his father moved with his family to the county of Pope, where he resided until the time of his death, which occurred a few years since. There young DAVIS spent his boyhood until he entered the University of the State of Arkansas, where he remained for a period less than that required to cover the prescribed course for graduation. Shortly after he left the university he was chosen prosecuting attorney of one of the most important districts of the State. He discharged the duties of that office in a way that strikingly directed to him the attention of a section of the State which largely exceeded the boundaries of his district. At that time there was a well-organized and fierce conflict raging between what was then known as the People's Party and the dominant party of the State.

The young prosecuting attorney was frequently taken from his labors in his district and sent to distant parts of the State to maintain the principles and support of the candidates of the Democratic Party. His methods of debate were unique and forceful, and never failed to leave behind him an impression that caused the event to be recalled for a long time after his departure. About the time he was elected prosecuting attorney he was married to Miss Ina McKenzie, herself the daughter of a Methodist minister. It is worth while, in passing, to call attention to the remarkable contribution made to the effective working forces of society by the pioneer Christian preachers of our frontier civilization. The personal hardships of this ministry, and the rugged qualities of steadfastness to a high purpose which caused them to devote themselves to the salvation of a weak and fallen humanity, reproduced their honesty and masterful qualities of fidelity in an offspring that constitute many of the leaders of the race in the communities where they cast their lot. The history of nearly every community in the Southwest will disclose instances which furnish verification for this observation. The case of Senator DAVIS, and that of his beloved and devoted wife, bear as strong evidence of this as any incident within my personal observation. Senator DAVIS was the beneficiary of much good luck and many fortunate contingencies, but in my humble opinion none of them have so profoundly affected his career as the circumstances which directed his course across the pathway of Ina McKenzie and united his destiny with hers. I enjoyed abundant opportunities for knowing personally that she was a woman of a masterful mind, strong convictions, and of gentle and powerful personality. She was the only person I ever knew who could influence Senator DAVIS against what appeared to be his settled and fixed whims or purposes. With a woman's intuition she knew exactly what he ought to do, and where her judgment conflicted with his, she generally found means to cause her views and wishes to be respected. She was not an unsexed woman who ruled by force of command, but she employed in her conquest womanly qualities only. These she possessed without limit, and by the exertion of them was able to control in such a way as to be in fact the helpmate of her husband, and to become the head of a family of children whose habits, character, and demeanor testify to the fact that while she was familiar with the controversies and methods of affairs outside of the home circle, above all she was at her best in her home. A few years since she died, leaving behind her a mourning family of splendid children and a distressed host of friends, all only too sensible of the fact that they had lost a devoted mother and an inspired counselor. A short time before his death Senator DAVIS was married to Miss Lelia Carter, a member of one of the oldest and most respected families in western Arkansas. A host of devoted friends have tendered the inadequate and unavailing consolation of sympathy to her in the hour of her great bereavement.

Shortly after the termination of his service as prosecuting attorney Senator DAVIS became a candidate for attorney general, one of the most important offices in the State. In those days we did not have what is known as a general or blanket primary election for the selection of party candidates. Each county selected its delegates to the State convention, and the method of selection was determined by each county for itself. These were usually held on different days and by different methods. Some employed a county primary to express the preferences to be supported in the State convention, while some held what is known as township or precinct meetings to select delegates to a county convention, which in turn would express the preference of the county for the particular State offices. There were several candidates in opposition to DAVIS, but the principal one was Prof. Goar, the head of the Arkansas Law School. In nearly every county where a convention had been held the instructions had been given in favor of Prof. Goar, and his nomination was considered a foregone conclusion.

While addressing a meeting of voters in Madison County he suddenly fell dead, and by this sad and sudden event the political history of Arkansas for the intervening years has been cast on lines that could never before have been dreamed of as a possibility. After the death of Prof. Goar the tide of political favor began to turn to Senator DAVIS, so that when the convention assembled he had a majority of 1 vote over all of his competitors, and was nominated on the first ballot. It is part of the history of that struggle that when the tide of popular favor seemed to be running so strongly in the direction of Prof. Goar, Senator DAVIS, realizing his probable defeat, had begun to mature his plans to transfer his residence to the State of Oklahoma. But all this was changed by his election as attorney general. From that time forward began a long career as spectacular and turbulent as that of any man who ever sought public office and political control during a period of peace and in a civilized Commonwealth. Directly upon his entering the attorney general's office the legislature passed an act intended to suppress the depredations of the commercial trusts in so far as their conspiracies contemplated impositions upon the people of the State of Arkansas.

A conflict as to the proper interpretation of this act in its application to insurance companies immediately arose, and the new attorney general construed the statute to mean the absolute exclusion of all such companies from the right to do business in Arkansas if they were associated in any part of the world with any group of companies having a common purpose to control rates. This attitude was sharply antagonized by the friends of the insurance companies, and out of this difference of opinion came a pivotal opportunity which he had the ingenuity to seize and develop into a volume of protests against monopoly that proved sufficient to land him in the governor's office two years later. It is no disparagement to Senator DAVIS to say that two years before these events occurred no one would have ventured the prediction that such a selection was a political possibility. His election to the governorship literally wrecked all the organized political plans and systems that had grown up in the State for half a century. The resulting demoralization and revolution in the administration of public affairs was no surprise to those who knew the real extent of the wreck and ruin wrought upon the established order thereby. His stay of six years in the governor's office was from the very first day to the last a period of audacious activity and a constant warfare upon all the old arrangements and political traditions of the State. As governor he was called upon to make a great many appointments to important public offices. He invariably chose those who might not have expected promotion under the old régime. It is complimentary to the general intelligence and learning of the citizenship of the State that notwithstanding his appointees were chosen from among persons who would not in the regular course be mentioned in connection with the offices they were called upon by him to fill that they invariably "made good" and vindicated in nearly every instance the sound judgment which he exercised when he seemed to depart from the course marked out by the policy of political heredity.

Ingratitude is a very human quality, and it is so freely exercised in the ordinary affairs of men that whilst it is always hated it is never regarded as a stranger and rarely excites surprise. It is complimentary to the sense of appreciation and fidelity of the hosts that he called around him as volunteers serving the purposes of a carefully created, systematically organized, and specially favored "machine" that he was rarely the victim of ingratitude, and those of us who witnessed the 200 or more beneficiaries of his favor as they sorrowfully walked behind the hearse that bore his lifeless body to the grave felt that he had contrived according to a deeper philosophy and a sounder estimate of humanity than many of us suspected when he called around him that body of partisans whom he delighted to call the "Old Guard." The Tenth Legion never established its claim to unswerving fidelity and courage by more unmistakable evidence than did this band of loyal and honored citizens.

Shortly after Senator DAVIS entered upon the discharge of the duties of the governorship he developed a desire to extend his political career to the Senate, and he accordingly began to lay his plans and to develop issues with this end in view. He invited strife in certain quarters in order to furnish him with an issue that he could successfully attack and thereby intensify the partisanship of his friends and account for the expressed hatred of his enemies.

The essential facts evolved from even a casual study of his methods are that he never permitted anyone to become a half-hearted friend nor a concealed enemy. He early realized that half-offended friends might sooner or later find themselves in a position where they could do him more injury by encouraging the warfare of his enemies indirectly than they could as part of the open opposition. Therefore, he never "fell out" halfway with anyone. He knew that in politics the relationship between individuals is one for the advancement of mutual interests, and that such friendships too often endure only so long as mutual rewards bind the coalition. It is doubtless true that many real friendships grow out of the business of politics, but the general course is as he understood it. He frequently found, in making his calculations for future political contingencies, that it would better serve his purpose to force a realignment than be burdened with a possible mutiny of some vital part of his combination at a more critical stage of the conflict.

Thus it happened that at different periods of his political career the same persons were his enemies and friends alternately. When he once accepted a reconciliation with a former enemy he so dealt with him as to convince him that no resentment growing out of past differences remained, and when one of his friends or allies was forced to take up service on the other side he generally ridiculed him, less frequently denounced him, into a state of complete harmlessness. Of course this process could only last as long as he had physical strength and time to go among his fellows and by his personal presence keep them inspired with the sentiments and hostilities of the hour, and to thus communicate to them the fighting spirit of the occasion that only one with his magnetic qualities when aroused could impart. His chief political asset was his power as a stump speaker. In the exercise of this art he exhibited the qualities of a master to a degree that put him in a class to himself. He was not a widely learned man, nor did he desire to be. He was not willing to devote the time and self-denial involved in acquiring familiarity with the views and methods of those who had gone before. He absorbed enough out of the general intelligence of the country to be fairly familiar with many of the leading questions of the day and could discuss them before an audience with a sufficient show of knowledge to impart all the lesson that they seemed willing to absorb. He never concerned himself about mastering in full scope and detail great and absorbing questions, since he felt that he could only make use of such aspects of it as his auditors were willing and desirous of understanding, and that he was therefore engaged in a wholly unprofitable service when he talked over the heads of those who listened to him.

He knew humanity as few people know it. He did not deal largely with individuals. In fact, as the methods of practical politics are known and practiced he was not a great mixer. He did not have an accurate memory for names and faces, nor did he seek to make a distinct impression upon particular individuals. He stood fairly well with the whole crowd and said or did something on every occasion that might be recalled in connection with approving comment by nearly everyone who heard him. If any disagreed with him they were never in doubt as to the course they would pursue. He was essentially a fighter, and by pursuing tactics that aroused everyone else to the fighting mood he found it easy to enumerate his followers and to know his enemies.

Those who were not for him were against him. There was no noncommittal element in the State when we was up for election. Whether he studied to a finality the philosophy which committed him to this policy, I do not know, but he mastered it as supremely as if he had, and practiced it with a precision and uniformity that could not have been excelled, no matter how closely he might have considered it. To an ordinary campaigner this is a dangerous course, and all that was needed to make it a fatal course was sufficient time, because it is as true in politics as in other lines of effort that friends fall away from one's standard more rapidly than his enemies forgive him. Napoleon was never more successful in turning the assaults of

an enemy in war than he was in minimizing to nothingness the assaults of his enemies in politics, and mainly by the power of ridicule and denunciation. He never courted sympathy, because it was certain that his enemies would never extend it, and his friends were bound to him by more virile and enduring forces.

Probably much of his success as a popular leader was due to the fact that he came into political prominence at a time when there existed a widespread and deep-seated belief in the public mind that the powers of the Government were being exerted unfairly in favor of the few and against the interests of the many. The unequal distribution of the wealth and favors of the land were a monumental and simple object lesson that called for an explanation and invited an attempt to apply a remedy. He capitalized this spirit of unrest because he did not seem to understand the situation differently from the people generally. In fact, it was not necessary to understand the underlying philosophy of the cause of it. The fact itself was sufficient to demand a thorough investigation and the application of a remedy, even if fundamentals must be modified in order to prevent a continuance of these conditions. He therefore took as his text the actual inequalities of the situation, the existence of which all seemed to be aware, and from the effects of which nearly everyone was easily made to understand he was a victim. Many who heard him did not care so much for the feasibility of any suggested remedy as they did to have voice given to their conscious dissatisfaction. He supplied this, and in full measure, and was thus relieved from working out his political advancement by the slower process of less-gifted aspirants.

I happen to know that he was not satisfied with his career in the Senate. He accounted for that in many ways, and always promised himself that with more favorable conditions he would be able to place his services here upon a higher plane of achievement in the future. When he first appeared in the Senate he was smarting under the resentment of wholesale and unwarranted attacks that had been made upon him, and a sort of spirit of retaliation seemed to linger with him and to somewhat direct and control his actions and expressions. Long separation from his professional activities and a constant and large outlay incident to an almost constant necessity for campaigning had drawn heavily upon his none too large estate, so that after he entered the Senate he found it necessary to devote much of his time to the paramount obligations of his family. His attention was therefore largely withdrawn from his official duties, and his enforced absence from the Senate thus prevented him from becoming familiar with that routine which is so essential to effective work here. When taunted by his opponents because of the modest extent of his achievements here, he found no difficulty in parrying a thrust which must have proven dangerous to almost any other candidate. He replied that when he came to the Senate he found it governed by traditions and customs that prevented proper recognition of the voice of the people, because its deliberations were dominated by standpatters and reactionaries, Democrats and Republicans alike, and that at the outset of his career he conceived it to be his highest duty to aid in creating a public opinion that would cause the people to replace these customs with those which would make more largely for independence, and its membership a keener appreciation of what the people were entitled to, and a firmer determination to achieve it for them. He enlarged upon this idea extensively and presented it most attractively.

It was evident to those who were more intimately acquainted with his real opinion that he knew as well as anyone else could know that his frequent and long-continued absences were interfering with the efficiency of his service here. He readily admitted as much before the last State convention, which declared his nomination for a second term, when he said that he was most gratified to be able to say that his business affairs were now in such condition that he could promise a more constant service in Washington, but no more loyal or devoted one. He said it was his purpose to take upon himself the task of mastering some of the current problems of the day, and he hoped to make himself useful in evolving and applying remedies of a substantial character. His assurance was most gratifying to his friends and followers, who found more difficulty than he did in causing his first explanation to be accepted. In the latter days of his life I found him more disposed to diligently investigate affairs of larger import than in former days, and I noticed an increasing absence of that intemperate form of expression which usually characterized his comment on official matters. I was much impressed with the belief that it was his fixed purpose to achieve a name here that would be creditable to him, and he knew affairs of this life well enough to know that he could only do this by the severest toil and the closest application to his duties. This change of attitude toward the service here was most gratifying to me, and encouraged the belief that if he should marshal into a coherent force the great qualities of energy, magnetism, and sincerity which he possessed and devote this combination to the achievement of the substantial things in which his people were interested his task would be easily and creditably performed.

There are multitudes who believe that he died too soon to afford an opportunity for a proper estimate of his real capacity and real purposes. His enemies believed him to be a mere self-seeking demagogue, who would not scruple to take advantage of any want of information or misinformation of his followers to advance his own political fortunes, while a larger number of devoted friends reassured themselves with the conviction that he had a real capacity for statesmanship, and that after he had achieved a position where his own tenure was secure and his apprenticeship ended he would manifest the qualities of industry and constructive ability that would show him to be a real man among men in managing the affairs of the Nation. This question may now never be answered to the satisfaction and acceptance of all. I personally knew much of him, and I know that his intellectual qualities never were understood and appreciated to the extent that they deserved. While attracting one class he repelled another, and thus he submitted the question of his real ability and worth to a jury that may now never render a unanimous verdict. He was a greater lawyer than he ever got credit for being, and he was a more powerful intellectual force than casual observers ever believed to be the case. It is creditable to State pride to know that his death has now silenced every criticism and that there is real sorrow throughout the Commonwealth to-day because of the event which we so regretfully commemorate to-day.

Mr. BRYAN. Mr. President, Arkansas was generous to JEFF DAVIS in the honors she conferred upon him. He was elected by the people of that State prosecuting attorney for two terms, attorney general for one term, governor three times in succession, and United States Senator twice in succession. He was in public life 20 years, held the highest offices within the gift of the people of a great State, and died at the early age of 50 years. The bare recital of these achievements proclaim him a remarkable man.

It is not by accident that a public man wins and retains public confidence and respect for so long a time in the great offices of governor and United States Senator. The white light of publicity is thrown upon the record as it is written, and there will always be found those who are ready to take advantage of every opportunity to criticize adversely and to condemn.

Senator DAVIS did not attain his success by default. He met and overcame opposition, sometimes of the fiercest, at every stage of his career. He had to fight his way.

We all of us have our faults. JEFF DAVIS had his. I am sure he would not have us pretend otherwise for him. Moreover, men were not slow to call attention to these faults while he lived. He had his loyal friends and supporters, who would not believe anything except good of him, and he had also his bitter enemies. He reciprocated in kind the feelings of each, with all the fervor of a strong, dominant, uncompromising nature. He asked no quarter and he gave none. He never surrendered to any foe save death—the great conqueror of us all.

The sudden ending of his earthly career seemed to draw closer to him the friends of a lifetime, and also to eradicate altogether the small and unimportant differences that had existed between him and those who had opposed him.

It was my privilege to attend his funeral. I saw his loyal friends from every part of the State, and was impressed by the unusual circumstance that a large number of them marched in a body to his last resting place. I inquired of some of those whom I met, to ascertain the secret of the success of this interesting man, and from the information thus gathered, I attribute his success—

First, to his unselfish fight for his party in the days when both the great political parties were strong contenders in his State for public favor, and

Second, to the claim, which seems well founded, that he always remained loyal to his friends, who believed that in him they had not only an able but a courageous leader.

Mr. ASHURST. Mr. President, in obedience to a generous impulse of the human heart, the Senate of the United States, in the midst of its labors, at the closing hours of Congress, when every moment of time is precious, pauses to pay tribute to the memory of another of its deceased Members, and to contemplate what has always been regarded as the most profound of life's mysteries—the mystery of death and the grave. At the

grave Alexander left his worlds unconquered, and the rich man parted with his gold. At the grave Mozart apparently gave up his music, Lord Bacon forgot his learning, and Sir Isaac Newton abandoned philosophy and mathematics; at the grave friend is unlocked from the arm of friend and seemingly is thrust into everlasting and pulseless silence where ambition can no longer inspire nor glory thrill. During the Sixty-second Congress the greedy grave, whose ponderous jaws are never filled, removed from the Senate six Senators and its honored and beloved presiding officer, the Vice President of the United States. Indeed, Mr. President, it is startling to realize that such a large percentage of Senators die in service.

From that memorable day—Monday, April 6, 1789, when Richard Henry Lee, of Virginia, appeared and took his seat and thus formed a quorum of the whole Senators of the United States for the first meeting of the Senate—down to this date eleven hundred men have been elected to membership in this body, and out of this roster 149 of them, or $13\frac{6}{11}$ per cent of the whole number elected to membership, died while in service, Senator JEFF DAVIS, of Arkansas, being the hundred and forty-ninth Senator to die in service. This list of eleven hundred men elected to membership in this body contains the names of strong men and weak men; the names of philosophers, philanthropists, and constructive statesmen; contemplative thinkers whose classic features have been preserved to us by the sculptor and the portrait painter; men wearing the bloody gantlets of war; men wearing soft gloves of peace; men who opened and closed the purse of the Nation as they saw fit; men whose inelegant ostentation caused them to use their enormous wealth unwisely and unbecomingly; the names of sturdy farmers from New England's rock-bound coast; men fresh from the farms of the Middle States; planters from the Southern States; argonauts, ranchers, miners, cowboys, and Indian fighters from the Western States; orators who possessed, as was said of Mirabeau, "a tongue of fire steeped in honey"; the names of physicians who annihilate pain, who minister to the ills to which human flesh is subject, and who "charm ache with air and agony with ether"; historians, scholars, divines, and captains of industry; in fact, men of every creed, occupation, profession, and calling; men of valor, honor, and imperishable renown; men who, step after step, by honorable public service, raised themselves from the ground floor of log cabins to the highest eminence of human distinction, and a remarkably small percentage of men who, during or after service here, so misbehaved themselves that they blighted their greatness and fame.

Contemplating this long list of men, it is not excessive eulogy to say that history will record JEFF DAVIS, of Arkansas, as one of the strong and striking characters that have come to this body. He was a faithful friend and a faithful enemy; at times in his life scorn and contumely were heaped upon him, but he always returned war for war, blow for blow, and scorn for scorn. He was "lofty and sour to those who loved him not; but to those who sought him, sweet as summer." He had, or affected to have, a profound indifference as to whether other men liked him. To his opponents he always presented defiant belligerency or supercilious disdain, but through the cracks of the rough veneer of this man there was to be seen and felt a warm, honest, and loyal heart. He was an inveterate foe to what he conceived to be shams, frivolities, and frills.

I said a moment ago that he was a strong man. Mr. President, no person could have been victorious in so many conflicts as was JEFF DAVIS and have attached to himself so many ardent and loyal friends unless he were indeed a very strong man. His friends clung to him with a beautiful fidelity, and neither time, nor change, nor false report could alienate their affections. He understood and appreciated perfectly the wants and desires of poor people. He was familiar with the disappointments of their daily life; he knew their broken ambitions. He knew the high and too frequently the baffled hopes of those who moil and toil; he was the especial advocate and friend of those men who, uncomplainingly, from day to day, met danger upon the trains, in the mines, and in the workshops, and it is recorded that in every lawsuit in which he took part he was invariably on the side of those who most needed help and mercy and to whom life, like the shirt of Nessus, the longer worn the more deeply it chafed the raw flesh and naked nerve. The accomplishment of these things writes JEFF DAVIS down as a strong man.

On the night of the 2d of January of this year he was seized by the sudden return of a disorder which had clamped itself about his heart some months previously. He called for his son to send for a physician, but before the physician could arrive JEFF DAVIS took his seat in the parliament of the skies.

Mr. MARTINE of New Jersey. Mr. President, JEFF DAVIS was a great, splendid specimen of manhood. My acquaintance with him was of but short duration. We seemed, however, during the little time we knew each other to rub one another the right way from the very first we met, and hence each day with him to me was a day of delight and pleasantness. JEFF DAVIS, blessed with a splendid physique and strong personality, seemed to be a man who might reach a record of fourscore years and ten. We were congenial friends at once; his frankness and candor captivated me.

Twice during our acquaintance he said to me, however, when I mentioned his seemingly good health, "I am not altogether myself, MARTINE; I am not well. While I can not leave to my family great wealth I mean to leave them the history of an honest man"; and, as God knows, I believe he did.

I feel that the best gauge, Mr. President, of a man is the opinion of his fellow citizens. As one of a delegation appointed by the President of this body to attend his funeral, we went on our sad mission, and as we reached the beautiful city of Little Rock, Ark., his home, sadness seemed to pervade the people on all sides; flags were at half-mast, and gloom seemed everywhere apparent.

Does some one say that JEFF DAVIS was bluff and blunt, different from others? Yes; in a way he was, but has not the great God of the universe in His wisdom made different shades in the foliage of a forest, yet all blending in a harmonious hue, all most pleasing to the eye? And so, even though JEFF DAVIS God had molded and characterized in a different way, yet JEFF DAVIS, broad, generous, liberal-hearted, and kind, was a splendid specimen of his Maker, an honest man.

On all sides as we wandered around the streets of that beautiful city we would hear knots of men and see a gathering of tearful women all bewailing the loss of their splendid fellow citizen, JEFF DAVIS. Rich and poor, white and black, all gathered in the tearful cortege to do his memory honor.

I feel, my friends, that as the day went by and as the sun went down all humanity seemed to testify that there had been laid away a loyal friend, a true husband, a loving father, a patriot, and a statesman.

Mr. KAVANAUGH. Mr. President, it is not simply a perfunctory compliance with an established custom that I ask the indulgence of the Senate for a few minutes, but a desire upon my part to deliver in these Halls, where he served with distinction, a tribute to the memory of my friend the late Senator JEFF DAVIS.

He was my personal and political friend for a period of almost a quarter of a century. Our friendship began before he had been drawn into the maelstrom of political life, where he gained his greatest achievements, and before I had been chained to the treadmill of business. During all this time the bonds of friendship had grown stronger and stronger, and as time rolled on I learned to love and appreciate the many good qualities of my friend whose loss we mourn to-night.

Senator DAVIS was born in 1862 midst the strife of that fratricidal conflict which came so near wrecking this Nation. It has been suggested that the spirit of the times impressed itself upon his nature, which, after lying dormant through the period of childhood and boyhood, asserted itself as soon as he entered public life. The only offspring of indulgent parents, he was given every advantage which his surroundings and the circumstances would permit. We find him, while yet a youth, admitted to the bar and to membership in the law firm of which his honored father was the senior partner. He soon became interested in politics, and from the time he entered the arena until the moment of his untimely death he was the "stormy petrel" of Arkansas public life. During his political career he overturned time-honored precedents, ignored cherished and sacred traditions, and ruthlessly shattered the political alignments of a half century, and for what? His enemies said he did all of these things to gratify an inordinate and selfish ambition. He and his friends said he was actuated only by a desire to serve the great common people, whose champion he was, and to restore the affairs of government to the simplicity and democracy of the forefathers. As citizen, attorney, and statesman his every act and utterance was in behalf of those whom he termed "the under dogs in the battle of life."

In passing an eulogy upon his life at the grave a noted jurist of his native State said:

> He was not very well suited to try a cause for a rich citizen against a common citizen * * *. His feeling and sympathies were intensely human.

He held successively the offices of prosecuting attorney of his district, attorney general and governor of his State, and United States Senator. The secret of his great political success was that he never allowed himself to be placed on the defensive. He was so resourceful in maneuvering that he always found—

and if he could not find it he made it—an opening for attack upon his adversary, and once the attack was begun he pursued it aggressively, fearlessly, and, his enemies said, ruthlessly. As an illustration of his boldness in political matters, I have known him while engaged in a contest to advocate on the stump the cause of another who was a candidate for a different office, or, upon the other hand, to assail another who was a candidate for a different office, when he deemed the man unworthy or that he was advocating a cause which Senator DAVIS did not approve. It may well be imagined that this brought down upon his head the maledictions of many people who might otherwise have not enrolled themselves among his enemies. Despite such daring actions his onward march to success was never interrupted.

His friends fairly idolized him and with one accord indorsed his policies and actions. His enemies denounced him as a demagogue and a disturber, a destroyer of reputations. It has been said that he was the most beloved man, and, at the same time, the worst hated man in all Arkansas, but after all the denunciations have been summed up, his worst enemy has never accused him of dishonesty or corruption. In fact, his bitterest enemies, while railing at his successes and denouncing his methods, admitted the sincerity of his purpose and his devotion to principle. One of his most unrelenting critics was another friend of mine who succeeded by appointment to the vacancy caused by the death of Senator DAVIS. He is the editor of a great newspaper, the oldest, I believe, published west of the Mississippi River. In his newspaper, on the 31st of March of last year, he said:

> In his race for a second term in the United States Senate Senator JEFF DAVIS has again shown his consummate skill in the pleading of his political cause before the jury of the people. Former Congressman Stephen Brundidge has fought a great fight—and at this writing has not made admission of defeat—in contest with the man against whom no foeman has been able to prevail these years he has held one high office after another. JEFF DAVIS is, in fact, one of the most remarkable campaigners and one of the most successful popular advocates American politics has produced. He puts his hand in the public hand and gives it a grip that makes a firm and feeling bond between. Thousands of people, men and women, look on him as their champion, their guardian, their safety, and their hope. He makes his wounds and injuries theirs, and they would avenge them as they would their own.

Thus, you see, those who opposed him realized his elements of strength. He was wont to say: "My friends are always right to me." And he expected his friends to reciprocate that feeling to the extent of its complete acceptance. He despised hypocrisy, he eschewed formality, and democratic simplicity marked the entire conduct of his life. This was the side of the life of Senator DAVIS which was presented to the public, and in presenting it I have stated it candidly and correctly as I have seen it. As I have said before, we were friends and neighbors.

Our associations lay along widely divergent lines and our opinions of matters and men were often far apart, but each respected the opinion of the other and we were always able, after a thorough discussion, to reach an understanding which in no wise affected our friendship, and it is as such a friend I speak to-day.

But, Mr. President, there is another side of the life of Senator DAVIS I desire to present, and that is the best and the most beautiful—his home life. No man ever lived who enjoyed a more ideal home life than he. He was twice married. His first marriage was to Miss Ina McKenzie and to them were born 12 children, 8 of whom live to bless and honor the names of the parents who gave them birth. There was no service Senator DAVIS would not perform; there was no sacrifice that he could not make that would add to the pleasure or comfort of his family. He saw to it that his children were given every educational and social advantage that would enable them to make of themselves useful men and women, and to-day there are no brighter, sweeter, gentler young men or women, boys or girls, in the city of Little Rock than the children of Senator DAVIS. His first wife was one of the noblest women it has been my good fortune to know. Senator DAVIS fairly idolized her and was often heard to say he owed everything he was to her. His second marriage to Miss Leila Carter was no less happy. She entered into the spirit of his ambitions and assisted in his duties as only a devoted helpmate can do and to-day in their home in the city of Little Rock she, the bride of a year, and the children of her husband and the aged mother of our departed friend, mingle their tears and sorrows together while trying to fathom the mysteries of fate that has taken from them their protector at the hour when he was most needed, comforted only by the thoughts that He does all things for the best—will care for them and so guide their lives that there will be a happy reunion beyond.

And now, Mr. President, may we not unite in saying: A chieftain has fallen, peace to his ashes, all honor to his memory!

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SYLVESTER C. SMITH.

Mr. PERKINS. Mr. President, I ask the Chair to lay before the Senate resolutions from the House of Representatives on the death of the late Representative SYLVESTER C. SMITH.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 23, 1913.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. SYLVESTER CLARK SMITH, late a Member of this House from the State of California.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PERKINS. Mr. President, I offer the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER. The Senator from California offers resolutions, which will be read.

The resolutions (S. Res. 493) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of Hon. SYLVESTER CLARK SMITH, late a Member of the House of Representatives from the State of California.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PERKINS. Mr. President, in the death of SYLVESTER C. SMITH California has lost one of the ablest and most conscientious men who ever represented that State in Congress.

When just of age he went from Iowa to the Pacific coast, at about the time when the first signs of that rapid growth which has since characterized the Golden State began to manifest themselves.

He began life there by teaching in the interior valleys, and soon selected as his permanent abode Bakersfield, at the upper end of the San Joaquin Valley, which region was then sparsely settled and the inhabitants engaged in agriculture of a comparatively primitive character.

His energy and ambition were marked and were demonstrated in his study of law while pursuing the arduous calling of teaching. On admittance to the bar he at once identified himself with the efforts of the people to develop the vast resources of that part of the State.

Ordinarily the region was apparently barren, owing to lack of rainfall. The great need was water, and when the farmers began to agitate the subject of irrigation he threw himself into the movement with his whole heart, and to his intelligent and constant work is due in a very great measure the present surprising prosperity of the San Joaquin Valley.

In the prosecution of his public-spirited designs he became editor and later proprietor of the leading newspaper in that part of the State, and he retained his connection with it up to the time of his death.

In law, in journalism, and in politics he worked constantly for the public good, and he had the satisfaction of seeing that his efforts were appreciated and his influence sought in every movement for the advancement of the community in which he lived and of the entire State.

He was the active friend of irrigation everywhere, and early perceived the necessity for conserving the forests for the benefit of the dwellers in the valleys.

He came into contact with the hardy and adventurous cultivators of the soil in many ways, and studied their needs and resources.

He thus very early became aware of the general desire among farmers for a parcel post, and from the time he entered Congress he endeavored to secure official data to show the widespread demand for parcel-post service, particularly for those living in rural districts.

The establishment of the parcel post as it now exists is in no small degree due to his influence and belief in its power to benefit the farmer.

In connection with irrigation he came into personal contact with the great movement to develop the water resources of the mountains for power purposes.

In speaking in Congress on this subject he said:

> In the district which I have the honor to represent here many thousands of dry and sterile acres have been made fruitful—are now golden and purple with the orange and the grape—and thousands have found

happy homes because power from a mountain stream makes pumping for irrigation possible.

Development in this direction has just begun. Hundreds of thousands of acres yet await the advent of the home builder and the pump.

Villages and towns may have productive industries because of the presence of suitable power facilities, and modern lines of transportation are made possible in the same way.

This prediction has been fulfilled, and the development in manufacturing and in transportation facilities in California through the use of streams to develop electric power has been marvelous, and this source of power has as yet been only touched.

His knowledge of land laws and his intimate acquaintance with the public lands and questions growing out of them caused him to be selected as a member of the Public Lands Committee, on which he served throughout his congressional career, and of which he became one of the most useful and influential members.

He took a deep interest in educational subjects, and served also on the Committee on Education, where his early experience as a teacher made his service of great value.

Congressman SMITH was very zealous in his advocacy of the Panama-Pacific Exposition at San Francisco, realizing that the celebration of the opening of the canal would mark the beginning of a new era for his State.

He had seen the wonderful growth in population and in production during the time of his residence in California, and realized that the growth in the immediate future would far surpass that of the past.

He had seen the population increase threefold, and the rural population increase even in the past 10 years from 7.8 per square mile to 15.2.

And the increase was in the direction in which he had always labored—to build up interior counties, to settle the vast spaces left uncultivated, to diversify crops, and to add to the true wealth of the State by bringing every acre of land under cultivation.

He saw this object in a fair way of accomplishment, and to this his own efforts in no small degree contributed.

He was ambitious to show to the world through the exposition what California is and of what it is capable, and he was firm in the belief that the Panama Canal would eventually make the Pacific coast the most populous and the most prosperous portion of our great country.

He also did good work as member of the Committee on Pacific Railroads and the Committee on Labor, in which subjects he was unusually informed.

In the discussion of all questions before the House, in which he took an interest, Congressman SMITH displayed a clear and logical mind, and a grasp of subject which made him one of the strong men of that body, and commanded confidence in his judgment.

This was specially observable in all that related to land matters, to post-office affairs, to public utilities, and the development of the resources of the country.

Financial questions were debated by him with such clearness and manifest command of the subjects and wide knowledge of business methods that his advice was sought by the Monetary Commission, of which he was made a member and on which he served with conspicuous ability.

In everything that could need the welfare of the common people of the United States, as well as that of the mass of the people of California in particular, Congressman SMITH took a prominent part. Having to do, from the commencement of his career, with the hard-working, industrious, and ambitious tillers of the soil, he knew them intimately, sympathized with them, and entered heart and soul into their efforts to better conditions, with which he was perfectly familiar. To work of this kind he devoted his best talents, and in all the discussions in Congress in which he took part there is observable that kindly and helpful spirit in respect to persons of this class which endeared him to them and aroused in them implicit confidence in him as a public man.

In treating of questions involving the betterment of the conditions of the people in California as elsewhere, it is a notable characteristic that he dealt in simple fundamental facts, to which he applied his wide knowledge of law, and his arguments and advice were received with a respect which was full acknowledgment of his unselfishness, honesty, and ability.

During the last few years of his life his devotion to what he deemed his duty was as steadfast as when he was in the fullness of his strength.

He was ever engaged in work for the common good, even when his failing health was such as to alarm his friends.

His death itself is believed to have been very materially hastened by the work he did in behalf of temperance in his home city.

Up to the very end he was engaged with all the strength he could command in an effort to better conditions in relation to the liquor traffic.

He died, as he lived, fighting for what he believed to be right, and for the advancement of the interests of the public which he served with all the strength and ability that in him lay.

May we so live that when the last summons comes, as it must to us all sooner or later, our friends and relatives can say of us as we do of him, that he fearlessly did his duty and left a legacy of character and honor which is beyond price.

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell
When I embark.

For though from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crossed the bar.

Mr. HITCHCOCK. Mr. President, I deem it a melancholy privilege, in supporting the resolutions presented by the Senator from California [Mr. PERKINS] in memory of former Representative SMITH, from that State, to testify to his public service as a Member of the House of Representatives. It was my pleasure while serving in that House to know Mr. SMITH. I saw him come there from his far-distant constituency; I witnessed his advent as a new and inexperienced legislator; and I saw the earnestness and sincerity, as well as the ability and loyalty, with which he took hold of his public duties.

Almost from the very first Representative SMITH attracted attention even in that very large body of which he was a Member. His fidelity and his industry in his work upon the questions that particularly interested the people of California and the West generally, coupled with his natural eloquence as a public speaker, made him at once a leader among the western Members in the House of Representatives.

In debate his style was incisive, direct, and forceful; but there was in his voice something of the clarion call, which at once attracted attention and brought support. Had he lived to enjoy longer service, I have no doubt he would have attained a reputation far beyond the ordinary. As it was, among the Members of the House he had attained such a position when his service closed that he was properly regarded as a leader and as a faithful servant of the people, loyal to their interests and eloquent in defending them.

The West has perhaps been at a disadvantage, Mr. President, in sending its Representatives to the Capitol. It has not, as a rule, kept them here long enough to give them that experience which has marked the service of Representatives from other portions of the country, but Representative SMITH was a Member who in a short term of service, by the brilliant qualities of his mind and by his faithfulness and fidelity to duty, marked himself as a natural leader of men and an admirable public servant.

Mr. GRONNA. Mr. President, I shall not attempt to add anything of worth to what has been said concerning the life history of Mr. SYLVESTER CLARK SMITH, a late Representative from the State of California. That has been so beautifully pictured by Senators who have preceded me. But I can not allow this opportunity to pass without paying a last tribute of respect to his life and memory as a man and his worth as a legislator during the time we served together as Members of the House of Representatives.

I first became acquainted with Mr. SMITH at the beginning of the Fifty-ninth Congress. We both came to Congress at the same time and both were appointed on the Committee on Public Lands and served for a period of nearly six years, during which time this committee had before it many complicated questions which were difficult to solve.

Mr. SMITH was a strong factor in shaping the legislation that came before this committee. By his profound and logical reasoning he early demonstrated his ability as a legislator. His frank and consistent position won for him the admiration of not only those who agreed with him but also those who opposed him in the views which he held.

Mr. SMITH was a strong partisan, an ardent Republican of the old school. He believed in party organization and party responsibility. I did not always agree with him on the policies to be pursued in maintaining a party, nor did I always agree with him on legislation, but whether we agreed or disagreed on policies and certain principles I always admired him for

his frankness and the courageous stand he took upon public questions which vitally concerned the people. Mr. SMITH had an aptitude for legislative work, he was a profound student, a forceful speaker, and a ready debater. I was among those who early became his friend; he won the admiration of the entire membership of the House for the courage and the ability he possessed.

We often wonder why a person is taken away just at a time when his work has begun to show results and his usefulness to society is most sadly missed, but it is something beyond human power to fully comprehend the mysteries of life and death. We only know that life is uncertain; our days of earthly existence may be many or they may be few; and it is all under the control and guidance of the Omnipotent Ruler of the universe.

Mr. SHEPPARD. Mr. President, through several Congresses I was a Member of the House of Representatives with SYLVESTER CLARK SMITH. My acquaintance with him was not intimate, but I knew him sufficiently well to grasp his distinctive qualities. He was affiliated with the Republican Party, to which he gave a vigorous and unswerving devotion. Associated as I was with the Democratic side of the House, coming from a different section of the country, with different traditions and a different environment, connected with different committees and adopting a different line of congressional work, I did not have the opportunity to develop with Mr. SMITH more than the usual relations between Representatives thus situated.

Our nearest and dearest friends are rarely in position to judge our lives with true discrimination and impartiality. Affection frequently blinds them to our faults and leads them to magnify our virtues. It often happens that our antagonists in the various struggles of life are most capable of weighing the real significance of what we do and say. Our opponents, by compelling us to keep our weapons sharp and ready, bring out what is best and strongest in us while we live, and sometimes become our sincerest eulogists when we die.

From my place among the Democrats of the House of Representatives I came to recognize in SYLVESTER SMITH one of the most effective and interesting figures among the Republicans of that historic Chamber. His manner was always emphatic, his ideas original and unique, his language clear and forceful. His voice would penetrate the tumult of congressional debate as the note of a trumpet pierces the crash of battle. Firm in conviction, quick in action, convincing in argument, lucid in expression, he was on the threshold of a great national career when disease laid its pitiless hand upon him.

He was energy itself in the service of his constituents. In visiting the departments, in appearing before committees, in advocating measures on the floor of the House for the benefit of his district and his State he was as absolutely untiring and uniformly successful. Loyal as he was to local interests, true as he was to party principle, he was equally devoted to the welfare of the country as a whole, and a genuine patriotism illumined both his public and private life.

Mr. President, the impression SYLVESTER SMITH has left in my memory is that of a strong intellect, an honest heart, a virile personality, a statesman of unusual force, an advocate of unusual power, a great and pure American.

May all the peace immortals know be his; may more such men be ours.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LEGARE.

Mr. SMITH of South Carolina. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of Hon. GEORGE S. LEGARE, my late colleague in that body.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 23, 1913.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. GEORGE S. LEGARE, late a Member of this House from the State of South Carolina.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusions of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. SMITH of South Carolina. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from South Carolina will be read.

The resolutions (S. Res. 492) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. GEORGE S. LEGARE, late a Member of the House of Representatives from the State of South Carolina.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. SMITH of South Carolina. Mr. President, those not familiar with the conditions in the South during the first two decades subsequent to the war between the States can form no adequate conception of the struggle to maintain a scanty livelihood and the South's civilization. The war drained our resources, impoverished our people, and placed us in a position where the first and indispensable consideration was the means of obtaining food and clothing.

Schools were closed because the children were necessary to help supplement the efforts of their parents in this struggle. The father and mothers of the South appreciated then, as they do now, the necessity for education, but were unable materially to assist their children in obtaining it.

The marvelous advancement in the material wealth of this section is not the greatest commentary upon the spirit, resourcefulness, and character of the southern people. The most lasting and glorious monument to their indomitable courage and high ideals is in the fact that, in spite of conditions unparalleled in the history of a civilized people, in spite of poverty, in spite of the temporary domination of alien forces, they still maintained their ideals and kept burning on the altar of their institutions the fires of education and progress.

The inherited spirit of a long line of indomitable ancestors fired the hearts of the children; born in these adverse circumstances, from the ashes of disaster these arose to march undaunted to the ultimate goal of education, of refinement, and culture to the achievement of material, mental, and moral wealth.

There is perhaps no page of history which, if it was written in all its fullness, would become such a lesson of inspiration and hope as the history of the struggle of the youth of the South during these dark days.

The glory won on a thousand battle fields, the proof of heroism there given, the unconquerable nerve and courage there displayed do not surpass that displayed by the boys and girls of the South in their struggle to conquer the difficulties surrounding them and to maintain their birthright.

Congressman LEGARE, like many another, was a victim of these circumstances. But with a keen appreciation of the condition in which he found himself, and a desire to overcome these conditions, he set himself resolutely to the battle before him. His fight for success, though but the common history of many another, does not detract one jot or tittle from the measure of praise due him.

He was born on Wardemaylaw Island, near Charleston, in 1870.

In boyhood, he removed to Charleston and engaged in the dairy business. The money that he saved from this occupation he used in paying for his education. He was fortunate in being in a city where there were, perhaps, the best facilities for education then in the State. He took a course at the Porter Military Academy and then spent two years at the University of South Carolina.

Congressman George D. Tillman gave him a clerkship here in Washington. This gave him an opportunity of completing his legal education. He attended the law school of Georgetown University. At this time he had the opportunity of acquiring an insight into congressional life, of which he availed himself, as his subsequent life fully attested. He graduated from the Georgetown University in 1893 and was admitted to practice in the courts of South Carolina in the same year. He located in Charleston, and in the course of his successful practice he became associated with the firm of Murphy, Farrow & Legare, one of the best-known and most successful law firms in eastern South Carolina. After the death of Mr. Farrow, the firm name was continued as that of Murphy & Legare. During the latter years of his life, he practiced law by himself until the condition of his health forced him to retire from active practice. Mr. LEGARE was one of the strong jury lawyers of the Charleston bar. He was a man of remarkable personal magnetism. He had to a preeminent degree the personal characteristics that make for popularity and success—a clear thinker, a good storyteller, of a genial disposition. These characteristics enabled him to make friends wherever he went and served him in attaining success, both in private and public life.

He was elected corporation counsel of the city of Charleston and held this position until 1903, at which time he was elected to Congress.

The characteristics above referred to made him one of the best-loved and most popular Members of that great body. Members of both political parties loved him. And in his native State, both rich and poor, black and white, got close to the heart of GEORGE LEGARE.

Others will speak of his domestic and private life.

Mr. LEGARE died in the prime of his manhood. For years he was fully aware of the fate that awaited him. He was thoroughly conscious that the end must come to him soon. He displayed the same courage in face of this unconquerable foe as he had displayed in the presence of difficulties which he had overcome, and went to his doom with a splendid fortitude.

The perfection of a circle does not depend upon the length of its diameter. And the lesson of the short, bright, successful life of GEORGE LEGARE is as perfect as though it had spanned the circle of three score years and ten and had gone out in the mellow glow of the natural evening of life.

Mr. WILLIAMS. Mr. President, the Senate has just heard the story of the struggle of a broken family in the South to reestablish itself. I need not, therefore, dwell upon that, though I had thought I would. It is an old problem, very dear to my heart.

GEORGE S. LEGARE was of old Huguenot stock, of that superb breed of honest, sturdy, middle-class Frenchmen who in south and central France resisted religious and political oppression to the death point, welcoming cessation of life rather than lame surrender of conviction in life.

When Louis XIV rescinded the Edict of Nantes he prepared for struggle in many countries an army of French immigrants, against whom France, in great crisis, struggled in diplomacy and upon the battle field in vain for very many decades. They carried to other lands arts, industry, simple living, and high thinking, and to no other country was it carried by them more than to South Carolina. The Legare family afterwards became typical in American national thought of southern slave-holding aristocracy, so much so that the name, without any basis of fact, was taken as parcel of Mrs. Stowe's indictment of the South in Uncle Tom's Cabin.

It will be news to many that no better democrats ever lived than GEORGE LEGARE and his family preceding him. If they shared any feeling of aristocracy at all, it was one in favor of clean speech, wife-loving domesticity, and loyalty to superior intelligence, breeding, and character wherever it might exist. If this be aristocracy, I profess no animosity to it.

South Carolina's record as a State of courage and initiative has been chiefly due to its Huguenot and Scotch-Irish traditions and ideals, its passion for religious and individual liberty and self-government, its passion for emphasizing the man and God, the only two realities in a spiritual sense.

GEORGE LEGARE was a gentleman, every inch of him, physically, mentally, and morally. If to be a gentleman be to be an aristocrat, I again confess no animosity to aristocracy. Lovable, loving, manly in strength, womanly in sacrifice and in devotion to ideals and in tender-heartedness, I lay my wreath upon his bier. Suffering for many years with a known advertisement of death, apt to visit him at any moment, he never faltered, but carried a smile with superb courage to the grave.

May God soften a blow harder than most deaths would be to the wife who was like him and to the ancient lineage of which he was so worthy a representative. In his lifetime he never asked and never refused quarter. There, too, he was a gentleman. In eternity, what he meted out to others in courage and in kindliness of heart will be meted out to him, and no apology in the chancel of God will be necessary.

Mr. TOWNSEND. Mr. President, I have sometimes thought that Congressmen do not appreciate as fully as they ought to do the sacred duty which is imposed upon them by the setting apart of days upon which to memorialize their departed colleagues. The dead do not need our words of praise; they are not affected by our censure. If we have waited to express to them our feelings of regard, if we have withheld our act of kindness until they are dead, our opportunity to render these blessed services to them is gone, but we can in some measure extend the beneficence of their virtues by embalming them in records which will be read and appropriated by others. Furthermore, it is well for the Congress to pause for a sacred hour when one of our associates whom we have known and loved enters the great beyond. And this is so because of the benefit to the Congressmen themselves. They are made a little kinder, a little better, a little stronger by contemplating the virtues and the death of a good man.

To me this day affords a precious opportunity to speak of one whom most of you did not know, but whom I knew intimately and well, and loved dearly for his splendid qualities of heart and mind.

GEORGE S. LEGARE and I entered together the Fifty-eighth Congress, and at the very beginning of our freshman year we became acquainted, and the acquaintance grew and strengthened into the strongest bond of friendship and love. I knew him as a Congressman; I became acquainted with his social and political standing in his home district in Charleston, S. C.; I had intimate knowledge of his beautiful family relations. I was his sincere and admiring friend, as was everyone who knew him well. When he entered Congress he was but 33 years old and, with an unusually bright intellect, an unsullied character, a forceful yet kindly disposition, and a seemingly strong and robust body, his future seemed peculiarly bright and promising. Coming, as he did come, from South Carolina, he was a Democrat. He loved the traditions of his country and gloried in the heroism and bravery of her southern sons. His father was in the Confederate Army, and in the awful devastation of the Civil War lost everything of material value; but that father lived to see a redeemed and reunited Union and its mighty interests represented in the national House of Representatives by his devoted and well-beloved son.

Congressman LEGARE was a patriot, and in his geography there was no Mason and Dixon's line, not even a twilight zone between the North and the South. He was big enough and wise enough and good enough to represent not only South Carolina, but Maine and California and Michigan as well. Sectionalism was unfelt by him, and he believed in one country and one flag, unlimited by State boundaries, unstained by prejudice or passion.

Two times he went with me into Michigan to address Republican banquets there, and while he did not depart from his political faith, he uttered such sentiments of patriotism and brotherly love that those who heard him became his friends and admirers. In each of his Michigan audiences were scores of northern veterans of the Civil War, and I can yet see the tears course down their grizzled cheeks as he spoke so eloquently and so feelingly of conditions in the Southland after the war, of his respect and honor for those who fought against his people to maintain the Union, of his glorious ideals for the future. The death of this good man was a sad event in Charleston, but sorrow was not confined to that city. It touched hundreds of hearts in Michigan, and men and women there who had met and known him were sincere mourners.

I believed and have so expressed myself many times that GEORGE S. LEGARE was an evangel between the North and South. He preached not alone by words but by life and action the gospel of national fraternity and good will. Michigan came closer to the South because he spoke to and mingled with her people. South Carolina had a broader view of nationality, a kindlier feeling for the northerner because he lived among and taught them. I know this is true so far as my State is concerned, and I believe it is equally true in his State, for I went with him once to Charleston and addressed a great audience in that city composed in a large part of men who wore the gray, and I received a sympathetic and enthusiastic hearing. It seemed that all vied with each other to give me welcome and to make me feel at home. They were echoing the sentiments of their generous Congressman.

Some time, as I remember it now, in the Fifty-ninth Congress Representative LEGARE became aware of the awful fact that the "white plague" was upon him. He went to Fort Bayard, N. Mex., where he was treated at the Government tuberculosis hospital during something less than a year and then returned so improved in health that he and his friends believed that he had mastered the dread destroyer. He again entered upon his congressional duties and by spending his vacations at his mountain home in Pickens, S. C., and by using due care as to living conditions he seemed in fairly good health, and we again had high hopes for his future usefulness. His district was proud of him, and it so loved him that it would not think of sending another to Congress in his place. Not until last year did any member of his party enter the primaries against him, and his political campaigns put no additional burden upon him. Last year, however, a contestant appeared against him, and while the Congressman's nomination was assured yet he entered vigorously into the campaign and the work thus done hastened his mortal existence to its close. The smoldering embers of consumption were fanned into a consuming fire, and the life so dear to his family and friends and so useful to his State burned out. Thus went out from this Congress one of the brightest and most lovable men I have ever known.

He has left a loved and loving wife who is almost heartbroken over her lover's death. They were sweethearts always, as much so during every year of their wedded life as on the day when the minister joined their hands to consummate their prior union of hearts in holy wedlock. To this happy pair six children were born, four of whom survive. They are beautiful children and were the pride of their father, as they will be the joy and comfort of their mother. A devoted father and mother survive him. In their old age their principal joy and comfort centered in their distinguished son, and these bereaved parents have my sincere sympathy. That his going away has left his home desolate but feebly states the fact. His loved ones have, however, only precious memories of a loving husband, father, and son, but they have no regrets caused by any failure of gentle care and unfeigned devotion to their dead. Earth is not so bright as before he left, but Heaven is dearer and richer since he entered there.

It is difficult when the doctor gently lays the pulseless hand upon the death-stilled breast; when the casket is lowered into earth's narrow cell; when the funeral cortege returns from the cemetery; when the lights go out and memory is the only companion—it is difficult then to speak the word which comforts the heart bereft. To me, however, it is most comforting to know that I have had the friendship of a good man; that I have known him well and found him true and loyal, for having so known him I can not lose him, certainly not that part of him which is impressed upon my innermost life; and besides, if there be another and a better existence—and who can doubt there is?—then surely the good, the beautiful, and the true must be preserved, for of such is the Kingdom of Heaven.

I do not know what the afterlife is nor where, but I know it is. Else why the speculation as to it? Why this longing for immortality? On what other theory can we explain the broken plans, the unfinished work, the incomplete lives? Is mind, which is a concomitant of human life, an exception to the universal law which denies the destructibility of any force? Surely no greater, no more potent, no more evident force than mind is known. It is king of matter and subjugates other forces. If there be a God, then mind is His manifestation and therefore eternal.

I love to think that our departed friends are nearer than we know; and anyway it is but a few days, more or less, before we shall be with them, and then we may know and understand some of the things which now baffle our philosophy.

GEORGE LEGARE made the world better and brighter because he lived in it, and although his name may not be written large on its tablets of fame, he has fallen asleep with the sweet consciousness that he left no wrongs unrequited, no enemies to cherish hatred, no unhealed wounds caused by him, no duty unperformed. But he has left an example of heroic courage in the face of a relentless and unconquerable malady, of loving kindness which knew no limits save those of his ability to do and be, of a man whom to know was to love. What is earth's fame compared with such a glorious record as this?

All the petty distinctions of rich and poor, of great and small, of high and low disappear when the grim messenger knocks at palace and hut. There may be a more costly funeral equipage and a few more floral designs in one case than in the other, but for each the coffin only contains clay and the dead catch no fragrance from the flowers. Both spirits take their flight to their source of being, and there, stripped of all earthly decorations, that one will be most radiantly attired, most joyously welcomed which is clothed with the radiance of good deeds and an unblemished character.

If it were not for the good, upright, splendid men I have met and known, I should feel that my official career had not been a great personal satisfaction. The denial of financial opportunities, the destruction of the blessings of a real home, the heart burning of political contests, the worry and work over the many times perplexing questions of Government would hardly be compensated by the temporary prominence, the too frequent shoddy distinctions, the evanescent glamour of public place, but when you add to the credit side the real friendship which comes from contact and association with genuine men the balance is on the right side. To have known such men as Congressman LEGARE so well is to be compensated now and forever.

Mr. SHEPPARD. Mr. President, the words of the preacher, the son of David, King in Jerusalem:

Vanity of vanities, saith the preacher; vanity of vanities, all is vanity.

For thousands of years this brief expression has embodied one of the world's principal viewpoints of the philosophy of life. And I believe that it suggests another viewpoint which in the same form would read:

Tragedy of tragedies, all is tragedy.

In very truth the dominant note of human experience is a note of sorrow. The period of childhood, in which life seems eternal and death seems meaningless, is the only period free from earth's deeper woes. The visions and the dreams we knew as children fade rapidly with the disillusions of maturer years.

There was a time when meadow, grove, and stream,
The earth, and every common sight,
To me did seem
Apparelled in celestial light,
The glory and the freshness of a dream.
It is not now as it hath been of yore;—
Turn wheresoe'er I may,
By night or day,
The things which I have seen I now can see no more.

Thus spoke William Wordsworth in voicing the idea that in early childhood we retain impressions of an immortality which was ours before physical birth and to which we return when physical death has followed the trials, the toils, the miseries of human existence. Continuing, he says:

The rainbow comes and goes,
And lovely is the rose,
The moon doth with delight
Look round her when the heavens are bare,
Waters on a starry night
Are beautiful and fair;
The sunshine is a glorious birth;
But yet I know, where'er I go,
That there hath past away a glory from the earth.

The tragedies of humanity find no more somber and no more forcible illustration than in the death of GEORGE LEGARE. Ten years ago he came to Congress with every indication of a brilliant destiny. He impressed his colleagues with an immediate appreciation of his power and his poise. Attractive in presence as he was gifted in mind, his bearing was worthy of the illustrious family from which he came, of the best traditions of his State and country. His face reflected the chivalry of his nature, a heart so gentle and so generous that the South could point to him as one of the rarest flowers of her soul and soil.

It was natural that he should have won an instant popularity in the American House of Representatives. He was an aggressive Democrat, but Republicans admired and honored him as much as did his own party associates. May his example grow until personal hostility shall have disappeared from American politics forever.

It was a graceful tribute to him and to the South when he was invited to Michigan to deliver an address on Abraham Lincoln. He performed this honorable and patriotic labor so impressively and so eloquently that the memory of GEORGE LEGARE will be cherished with as much affection by the people of Michigan as by the people of his own State. This address on Lincoln was made in the district represented at that time by Mr. TOWNSEND, now a Senator from Michigan, between whom and LEGARE an attachment arose almost like that of brothers. This friendship between TOWNSEND and LEGARE—between Michigan and South Carolina, between the North and the South—was a most beautiful and touching evidence of a united country.

Another striking feature of LEGARE's career was the devotion of his constituents. Such was their loyalty that although the struggle with disease kept him away from Washington the greater part of his time, he was returned election after election without a sign of opposition.

Mr. President, there never passed from earth a nobler spirit than that of GEORGE LEGARE. The premature closing of a life that offered such a rich fruition illustrates the predominance of the tragic in the drama of mankind. The rose has perished in the bud, but in God's garden of the stars it will open with a fragrance that shall linger through eternity.

Mr. GRONNA. Mr. President, we meet to pay our respects to the life and memory of GEORGE S. LEGARE, late a Representative of South Carolina, with whom I had the privilege and pleasure of serving in the Fifty-ninth, Sixtieth, and the Sixty-first Congresses.

Mr. LEGARE was a favorite among the Members of the House of Representatives, Republicans as well as Democrats. Not only was he popular, but beloved by those who had learned to know him well. He possessed a cheerful disposition, which is one of the attributes that helps to make our lives more happy and also makes loyal and true friends. It was not a difficult matter to form the acquaintance of Mr. LEGARE, because he was as easily approached as he was ready to approach others whenever he could render services that would add to the welfare and happiness of others.

Mr. LEGARE possessed not only a sunny disposition, but a keen intellect, a high sense of honor, and an abiding faith in mankind. He was always hopeful and ready to sacrifice his own interests for the benefit of others and, if necessary, deny himself of pleasure if he thought it would bring more happiness

to his fellow men. Such men are valuable, and I might say rare in our days, and the world can ill afford to lose them. But when one's earthly life work is ended and the body is consigned to its last resting place, on such an occasion all good men are mourned and often pitied because they look upon the grave as a cold and gloomy place of rest, forgetting that it is only the end of an earthly journey and that it is the transition from a weary, troublesome, and uncertain life to a more hopeful, happy, and everlasting one. Mr. LEGARE's life was full of promise and hope; he was a true friend, a patriotic citizen, and possessed marked ability as a lawyer and statesman.

I was one of the committee who attended the funeral in his home city, Charleston, S. C. One familiar with the noble life of Mr. LEGARE could easily realize the cause of the profound and heartfelt sorrow which was manifested by his immediate family and large circle of friends over his untimely death. To these sorrowing friends we must add a word of comfort, but I believe it can not be done in a better or more fitting way than to ask them to review the history of his own life work, which is so inspiring and beautiful.

Mr. MARTINE of New Jersey. Mr. President, the world is richer and happier for the life of generous, kind-hearted, and true men; sadder and poorer for their death. I feel all will say these words well apply to the life and death of GEORGE LEGARE. I was not as well acquainted with him as some other Senators, but I was close enough to him to have learned the splendid traits of his character. As one looked into his deep, soulful eyes you were impressed with the love, sincerity, and loyalty that prompted his every thought and action. GEORGE LEGARE has gone to that bourne from whence no traveler returns, but he left with us, his family, and neighbors sweet and pleasant memories.

Mr. President, as one of the committee from this body to attend his funeral, I was much impressed and my heart deeply touched by the sad and tearful cortege of friends and neighbors in attendance at his funeral. Rich and poor, white and black, young and old, all crowded in a mournful procession of thousands to drop a tear at his bier and then to pass on to the beautiful cemetery, the home and resting place of many of South Carolina's illustrious dead.

Mr. President, oh, what a day of sadness that was for the city of Charleston. The morning was ushered in with fitful gusts of wind, the sky was overhung with dark and lowering clouds, all adding to the sadness and gloom of the day; but as the hour approached when the recital of "dust to dust, earth to earth" was to be pronounced by the clergyman the winds subsided, the clouds parted, and the warm glow of a southern sun shed its rays and blessings on all around.

We then laid away forever from the sight of his heartbroken widow, children, and fellow countrymen all that was mortal of a faithful husband, a loving father, and patriotic citizen—GEORGE LEGARE.

Mr. President, we laid away our brother in life's battles in a beautiful spot, amid the rich foliage and glorious bloom of the Sunny South. The chirp of the birds seemed an effort to drown the sobs of the stricken and bereaved ones on every side. All nature seemed to join in solemn effort to pronounce benediction over the well-spent life of an honest man.

GEORGE LEGARE has left to his family and to his country a heritage richer than gold, more enduring and impressive than shafts and tombs of stone; he has left the name of an honest man, the greatest work of the Eternal God. Mr. President, it is my prayer, and you will join me, that as Heaven tempers the winds to the shorn lamb so may the solace of God's comfort be ever with the stricken widow and children of GEORGE LEGARE.

Mr. TILLMAN. Mr. President, what I shall say on this occasion will be brief, for time presses and no amount of words can add anything to the sweetness of GEORGE LEGARE's memory or afford any consolation to his friends for his death. Words do not assuage grief. They only show the devotion and love of friends and relatives.

All who knew him loved GEORGE LEGARE too well to desecrate his memory with mere lip service. I first knew him when he was little more than a boy. He was bright and buoyant, and was so happy himself, bubbling over with vitality and fun, that he brought sunshine into every company he entered. This buoyancy and lightness of heart characterized him all his life, and was the main reason why so many men loved him. In all my experience I do not recall a single man who was his equal in this respect. I do not remember to have ever met a human being who enjoyed a joke more than he did. I smile frequently now to myself when I recall his recital of some of the practical jokes he perpetrated on his father, wife, and brother Congressmen. For him to do a thing of this kind was natural and like water running down hill. The beauty of it all was there was never any malice or intention to wound, and none of his jests ever did leave a wound or scar. In fact, such practical jokes were an absolute guaranty that the person on whom was the laugh was a good friend or loved one.

His associations with his family were ideal; always manly, loving, high minded, and thoughtful. Almost the last time he and I talked together he told me of an incident, showing the manner of man he was clearly to me, who am a father. He said he noticed his little son, a boy of 12, "Bill," as he called him, had a habit of going behind the barn. Being curious to see what he did there, he followed one day and found him smoking a cigarette. He said to him: "Bill, why do you hide such things from me? My boy, it is not manly to sneak around and smoke this way; if you want to smoke, come and smoke with me. I wish, though, you would not smoke, because it will make a runt of you by stopping your growth, and will ruin your health; but don't hide it. If you will smoke, use a pipe instead of a cigar or cigarette; that will be less harmful. I will get you a pipe if you want me to."

This openness with his own boy was characteristic of the man in dealing with men. I do not believe he could have played the hypocrite if he had tried. In all the years I knew him I do not remember to have ever seen the least cause for suspicion or hint of hypocrisy. Withal he was brave as a lion, illustrating the lines of the poet:

> The bravest are the tenderest,
> The loving are the daring.

GEORGE LEGARE was incapable of lying or trying to deceive anyone; and yet his popularity with his political antagonists was phenomenal, due entirely to his openness, frankness, and courage, as well as to other lovable qualities which draw men to each other in spite of themselves. He simply magnetized them.

We all recall Pope's illustration of human likes and dislikes:

> I do not like you, Dr. Fell;
> The reason why I can not tell,
> But this at least I know full well,
> I do not like you, Dr. Fell.

As Pope did not like Dr. Fell, so men could not help loving GEORGE LEGARE, and loved him in spite of themselves, simply because they were obliged to.

I remember a letter I wrote him when he first went to New Mexico to the Government sanitarium, in which I quoted a verse from a song I heard in Chicago some years ago:

> There is something in your manner,
> There is something in your smile,
> There is something in your handshake
> That is just my style.

So it was. I loved him as though he were my own son, and he reciprocated in kind. Our associations since I came to Washington have been the most intimate. When he had anything he wanted attended to in the Senate, he came to me naturally and instinctively. It was a pleasure to help him in his own work in the House of Representatives, and I shall miss him more than I like to think. His passing away at the early age of 43 is almost a calamity to the people of South Carolina, and to the people of Charleston in particular. Those people feel it, too. His work as a public man gave bright promise of a brilliant future, and had his life been spared, his abilities and happy knack of making friends and linking them to him with hooks of steel made everything possible that a public man can attain. Life in Washington is not the same now that GEORGE is gone, for he made frequent visits to my office, and all the clerks and others who came in contact with him loved him, because they could not help it.

That he was loved at his home almost universally was shown by the vast throng which filled the church to overflowing and the churchyard and street outside when his funeral was held.

I often think, and have thought more on the subject of late years than ever before, about death and the hereafter. We all know we have to die. That is a truism which makes very little impression on the mind and leaves practically no ideas behind it. To most people the words leave no impression at all, for, fortunately, human beings are so constituted that they can dismiss the idea of death in connection with themselves while realizing it to the fullest extent when thinking of other people. As some one has put it, "Old age, sickness, death, and hell are for others; not for us."

Cæsar when master of the world was stricken down by the daggers of assassins, and yet the world moved on just the same. To quote from Mark Antony's oration over his corpse:

> But yesterday the word of Cæsar might
> Have stood against the world; now lies he here,
> And none so poor to do him reverence.

Napoleon Bonaparte, who towered over Europe like a colossus and ruthlessly trampled the nations under his heel, was tempted by fate and driven by ambition to go too far. And when the Russian campaign had robbed him of his veterans, he became a prisoner after Waterloo, and died at St. Helena of a broken heart. His career was the tragedy of the last century. He died—

Leaving a name at which the world turns pale
To point a moral or adorn a tale.

His death caused not even a ripple, except that the world breathed more freely. The greatest and mightiest of earth go down to death, and it causes little or no disturbance or notice.

The paths of glory lead but to the grave.

This Congress in its brief life of two years has witnessed the departure of 7 men from the Senate and 18 from the House of Representatives. Verily—

We are no other than a moving row
Of magic shadow-shapes that come and go
Round with this sun-illumin'd lantern held
In midnight by the Master of the show.

Death and its terrors and the grave and its horrors have been prolific of thought to the poets. Some of them have drawn very gloomy pictures of the grave, while others have given us some very noble and sweet thoughts about it. Shakespeare says:

The weariest and most loathed worldly life
That age, ache, penury, imprisonment
Can lay on nature is a paradise
To what we fear of death.

Again, in Hamlet we have this graphic portrayal:

Ay, but to die, and go we know not where;
To lie in cold obstruction, and to rot;
This sensible warm motion to become
A kneaded clod; and the delighted spirit
To bathe in fiery floods or to reside
In thrilling region of thick-ribbed ice;
To be imprison'd in the viewless winds
And blown, with restless violence, round about
The pendent world.

Both pictures are horrible, and I much prefer to associate GEORGE LEGARE with another poem, which I clipped from a newspaper not long ago, credited to Robert Louis Stevenson, but I have failed to find it in his works:

Though he that ever kind and true
Kept stoutly step by step with you
Your whole long, gusty lifetime through,
Be gone a while before—
Be now a moment gone before,
Yet doubt not; anon the seasons will restore
Your friend to you.

He has but turned a corner—still
He pushes on with right good will
Through mire and marsh, by heugh and hill,
That selfsame arduous way—
That selfsame upland hopeful way
That you and he through many a doubtful day
Attempted still.

He is not dead, this friend—not dead,
But in the path we mortals tread
Got some few trifling steps ahead
And nearer to the end,
So that you, too, once past this bend,
Shall meet again, as face to face, this friend
You fancy dead.

Push gayly on, strong heart. The while
You travel forward mile by mile,
He loiters with a backward smile,
Till you can overtake,
And strains his eyes to search his wake,
Or, whistling, as he sees you through the brake,
Waits on a stile.

This is so much more in keeping with the man whose life and virtues we are commemorating to-day that I prefer to think of him in that way rather than in the other. I love to believe and feel that GEORGE LEGARE, although I saw his body put in the grave, is not dead, but is waiting for me "around the bend in the road." I believe if his spirit can have its way that he "waits on a stile" to greet those he loved here.

Of course, none of us can know until we ourselves die what death really is, and even then we will not know, because we will know nothing; but at least we will have the satisfaction, if we can feel and think at all—if our entity is not entirely destroyed and wiped out—of knowing that the mystery to us is only solved by dying. The spirit is simply released from its fleshly bonds, that is all.

We speak of the "great beyond" and "over the river" and other phrases of like character to symbolize our departure from among our friends here. It is a far more consoling thought to believe and feel that our loved ones around the "bend in the road" are waiting and looking backward over the shoulder for us to catch up than to feel that they are in the cold and clammy grave, with no light or air or anything else which we so enjoy here.

I have a mother, brothers, sisters, and two children who are around this "bend," and the greatest hope I have—and I believe it religiously, or I would be in despair—is that when I die I shall rejoin them.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE ELBERT H. HUBBARD.

Mr. CUMMINS. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative ELBERT HAMILTON HUBBARD.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 4, 1912.

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, for eight years a Representative from the eleventh district of the State of Iowa.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed by the Speaker to attend the funeral at Sioux City, Iowa, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. CUMMINS. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The resolutions (S. Res. 491) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, late a Member of the House of Representatives from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. CUMMINS. Mr. President, it may be that upon some other occasion I may find an opportunity to express in a more analytical and comprehensive way my high appreciation of the public service of the subject of these resolutions. At this moment, however, I must content myself with a tribute of sincere and sorrowing friendship.

ELBERT H. HUBBARD was born at Rushville, in the State of Indiana, August 19, 1849. He lived as became a scholar, a gentleman, and a patriot. He died at Sioux City, Iowa, on the 4th day of June, 1912. His youth was spent in taking on the education which in after years made him conspicuous among his fellow men and in developing a character so high in its standards and so noble in its ideals that he was an example of the best type of American manhood.

When the responsibilities of maturity fell upon him he was not only strong enough to bear his burdens with ease and dignity, but he bore them gladly and faithfully because it was his duty to do it. He knew but one rule throughout his long life of honor and success. It was to do his duty as fully and as completely as it was within his power to do it. The difficulty of his task never deterred him or turned him aside. The disagreeableness of his task seemed only to make the dominant rule of his life more imperative. He went straight on, looking neither to the right nor to the left, seeking neither opportunity to escape if the work to be done was hard, nor to vaunt himself if it was likely to meet with general praise.

I have known in my time many good men, many strong men, but I never knew a man who more instinctively, resolutely, and unshrinkingly pursued the path of duty than ELBERT H. HUBBARD. I do not believe that he ever even balanced in his own mind the advantages which might come to him from temporizing with his conscience, as compared with the advantages of following his convictions boldly and openly to the very end, no matter where these convictions led him.

His professional attainments were everywhere recognized as of high order, and the honorable place he won at the bar attested his legal learning and his intellectual power. His public service was a notable contribution to the welfare of the country. In the legislature of his State he played an important part, and in the Congress of the United States he was one of the leaders in the most remarkable movement of modern politics.

The circumstances which surround us forbid more than a mere reference to those striking and fundamental reforms which he helped to bring about in the House of Representatives. Upon this occasion I must content myself with saying that when the history of the country is impartially written the work

he helped to do will be accorded a foremost place in the struggle for freedom in representative government.

In his private life he was not only above all reproach but his serene and loving quality of mind and heart lifted him far above the great majority of his fellow mortals. I feel that I ought not to enter the sacred portals of his home for if I were gifted with divine expression I could not adequately portray the affection, constant and pervading that always reigned within its walls. It is enough to say that there the atmosphere of love, confidence, and companionship was as pure and inspiring as was ever breathed by the sons and daughters of men; and the gracious hospitality of his family is one of the most delightful memories of my life. When he passed to his reward upon the other shore, he left behind him a grief too profound for words; but he also left recollections of an exalted life so full of kindness, gentleness, noble aspirations, and worthy deeds that when the clouds of sorrow lift a little, the sunshine of these recollections will comfort the hearts of a wife and children who find it hard just now to remember anything but their grievous loss.

The hope of civilization is bound up in the lives of such men as ELBERT H. HUBBARD. The progress of the world is through such work as he did for humanity. Free institutions are possible only because such men as he fight for them.

Justice would disappear if there were not such men to struggle for it. Truth would fade away if there were not such men to proclaim it.

Mr. POINDEXTER. Mr. President, it can not but be a pleasure, in the language of the resolution, to suspend for a moment the business of the Senate and pay a tribute of affection to the memory of a man like ELBERT HAMILTON HUBBARD. It can not but be a benefit, not to him nor to his family but to us, to turn aside, however briefly it may be, from the perplexities of this service, from the conflict of opinion, from the burden of public questions, and relax ourselves in a receptive feeling of the noble qualities of the deceased Representative whose memory we are undertaking to honor.

If there is one thing, Mr. President, in which our country is deficient, it seems to me it is in the spiritual things of life. We can not but be benefited by an effort to throw around the magnificent material objects of this Capital City more sentiment, more of the ideal, and these brief memorials give us that opportunity.

I would not undertake to speak of Representative HUBBARD in any set and formal phrase. What I shall say of him shall be brief and unadorned. What I shall say of his character I shall undertake to make direct. He himself was brief of speech, directing his aim toward the accomplishment of the objects which he had in view.

It was not my privilege to know the deceased in that period of time when his character, which I did know in later years, was forming, and I shall leave to the distinguished representatives of his State to speak of those more intimate associations of his home and his family and his early life.

I had not the benefit, in forming my opinion of this distinguished man, of knowing those influences which went more potently than other things to shape his career. Those secret influences which in his life, as in the life of every man, are unknown sometimes even to the most intimate of his friends and relatives, are the most powerful in producing the final fruition of the man whom the world knows. What I knew was the finished man, in the full flower of his promise and the ripe fruit of his performance.

It was my fortune to be associated with Representative HUBBARD during a session of the House of Representatives when the qualities of its Members were tested to an unusual extent. It was also my fortune in the struggle and conflict on the questions which were determined in that Congress—the Sixty-first—to belong to the group of members of the Republican Party of which Representative HUBBARD was one of the leaders. So it was that I had an opportunity to know his qualities as a man and as a public official.

His virtues were the cardinal virtues. He was a plain man; he was a man without ornament of speech; he was a man, so far as I could judge, entirely devoid of selfish ambition. In that great struggle to which I have referred the need arose among those who were engaged in it to know upon whom they could depend, and those of us who were associated with Representative HUBBARD soon came to realize that when he had formed his opinion, that when he had deliberated upon a question, that when he had announced his conclusions, we could rest in the serene confidence that he would not sway from the path which he had chosen.

His temper was as sweet and delicious as that of a child; he was full of gentleness, yet full of strength; he was sympathetic and helpful, putting himself aside, putting his associates forward, aiding them in a way which could bring oftentimes no distinction to himself in the public eye, but which tended to the accomplishment of the purpose which he and they regarded as of importance. He was molded on Doric lines of simplicity, strength, and beauty.

Livy, in his account of Lucius Quinctius Cincinnatus, describes how he entered the city of Rome at the head of a victorious army, surrounded by the spoils of victory, and tells us that he abandoned the honors and the power of that situation and quietly returned to his little farm and to personal agricultural labor.

Representative HUBBARD had not the power, he had not the glory, of that old Roman character, yet he was as free from any love of the pride and pomp of power and glory as was Cincinnatus. He had no object in his public service but the welfare of his country.

A few years ago there was discovered in a purlieu of the city of Alexandria an old papyrus with some writings upon it, which were called the Logoi, or sayings of Jesus. One of them impressed itself upon my memory in these words:

> Cleave the wood, and there I am. Raise the rock, and there you find me.

As I understand, it was intended to point the great truth that the Eternal Author of our being is universal in His presence; that He pervades the most secret places in nature; that He is everywhere. We know that the children of the earth are His children, and that when we are cut off from this temporal zone we return to His bosom. If He is everywhere, as was declared in these sayings of the Author and Founder of our religion, and our departed friend has returned to Him, it is pleasant to think and it is a real consolation to know that his spirit, his soul, is still in our midst. Those who were associated with him, those who knew the beauties of his soul, through the power of that memory and the knowledge that it did not die can still receive strength and help and comfort for the weaknesses of our mortal characters, in the struggles in which we engage, from the same qualities which aided and strengthened us during his life.

Representative HUBBARD was one of those characters who are invincible. He was invincible whether in success or in defeat, because he championed the right. He planted himself upon the immutable foundation of truth as he believed it. In the melting pot of life there had been burned out of his character, as nearly as in the case of any man I have ever known, all of the dross; and he came out purified. He had no ulterior motive; and I would not think of standing here to speak in his memory if what I say did not come from the sincere feeling of my heart. We can say of ELBERT HAMILTON HUBBARD as the poet said of another:

> Of wounds and sore defeat
> He made his battle stay;
> Winged sandals for his feet
> He wove of his delay;
> Of weariness and fear
> He made his shouting spear;
> Of loss, and doubt, and dread,
> And swift oncoming doom
> He made a helmet for his head
> And a floating plume.
> From the shutting mist of death,
> From the failure of the breath,
> He made a battle horn to blow
> Across the vales of overthrow.

Mr. KENYON. Mr. President, the grim reaper has not been kind to our State in the last few sessions of Congress. Iowa seems to have suffered more than most States by the calling of its Members in this body and in the House from their earthly labors.

A little over two years ago our State mourned the loss of the incomparable and brilliant Dolliver; a year later we were called upon to say an earthly good-by to the gentle and brilliant HUBBARD. Both went in the full flush of a victorious career. Dolliver died before his time, so did HUBBARD. Sitting in a chair, little dreaming of the end, Dolliver passed, as gently as a child closes its eyes, into a sleep from which he never awakened. Just as the news of victory in the primary campaign had reached HUBBARD, he joined his beloved friend in the far-away isle of somewhere.

I went into the House of Representatives on the Sunday set aside for memorial addresses to Senator Dolliver. No man spoke with more tender affection than did Congressman HUBBARD, and the closing of his address there is so appropriate to his own passing that I make bold to use it:

> So passed—
> He said—

this master of speech, this gentle, human-loving man, with whom little children played, with whom his neighbors joked and gossiped, toward

whom a Nation turned with listening hearts, for whom I refuse to mourn, rather would I uplift a song of triumph, thanksgiving, and praise; he fought a good fight.

Exactly the same words are appropriate of ELBERT H. HUBBARD. We need not mourn for him; his life was one of triumph; he fought the good fight; he kept the faith; and there awaited him a crown on high. ELBERT HUBBARD must have had a great parentage, his qualities were God-given, he was "a prince by virtue of an earlier creation and the imposition of a mightier hand." The slogan of his life was duty to conscience. Courage and courtesy were his constant attendants. In the fight in the House over the Cannon rules he was one of the leaders; when the Payne-Aldrich Act was before Congress, although it was made a party measure, he would not vote for it; on Canadian reciprocity he followed his convictions, although contrary to the desire of most of his constituents. There was so much courage in his heart that no little corner even was left for cowardice.

Men sometimes seem to belong to two classes—those with the brain quality and those with the heart quality. It is seldom that you find both equally balanced in any life. In some men the brain qualities so predominate that those little things belonging to the heart and that make life really worth living seem to atrophy and die away.

ELBERT HUBBARD had both qualities, but heart qualities predominated.

Out of the heart are the issues of life.

The great achievements of the world are the heart achievements. The genius of Shakespeare was of the heart. Lincoln will live on, more beloved with every passing year, because of his heart qualities. So we who knew ELBERT HUBBARD loved him because of his great heart. He was a brother man; his helping hand was always out to the poor and depressed. The little ragged boy in the street looked up and smiled when he passed. Others' troubles and sorrows he helped to bear. It was a loving heart that made life so happy for him. The sky always seems a little bluer, the music of the birds a little sweeter, and the laughter of children a little dearer to those who love their kind. The changing seasons are a joy to them; either the snows of winter or the flowers of summer carry a lesson of good will. So it was with him; whatever was, to him was right. He lived amid the sublime ideals of truth, courage, and justice. He despised nothing but the snobbery and shams of life; he hated a lie; he despised hypocrisy.

As I have seen him walking down the street, radiating geniality and good nature, head erect, and a certain charm of manner, he seemed to fill the picture drawn by the writer Hubbard, where he said:

Whenever you go out of doors draw the chin in, carry the crown of the head high, and fill the lungs to the utmost; drink in the sunshine, greet your friends with a smile, and put soul into every handclasp.

ELBERT HUBBARD did exactly that. Iowa loved him and he loved Iowa, and many a friend who had come within his influence longs—

* * * for the touch of a vanished hand
And the sound of a voice that is still.

I was with him some in the primary campaign and learned to have that affection for him which every man had who came into close contact with him. A few days before the primary election I saw him and he seemed well and strong. As the returns came in that night showing his selection by the Republicans of the eleventh congressional district as their candidate for Congress, and just as he knew his selection was assured, in his hour of triumph the finger of death touched him and he passed to the great beyond.

In such an hour how foolish seem all the clamorings for power, our struggles for place; why do men ever desire position and wealth at the expense of their fellow men? "What is man that Thou art mindful of him, or the son of man that Thou visiteth him?"

Like a flash of the lightning, a break in the wave,
Man passeth from life to his rest in the grave.

There is no knowing the day or the hour when the Son of Man cometh. It may be in the flush of victory, as it was to him; it may be in the gloom of defeat. It is well to be always ready for the summons—it always comes.

The head of the king that the sceptar hath borne;
The brow of the priest, that the miter hath worn;
The eye of the sage, and the heart of the brave—
Are hidden and lost in the depth of the grave.

The peasant whose lot was to sow and to reap;
The herdsman who climbed with his goats up the steep;
The beggar who wandered in search of his bread—
Have faded away like the grass that we tread.

In that hour of what avail are wealth and power? The satisfying things will be the memory of kindly deeds, of faces brightened and hearts relieved.

What a wonderful and curious thing is life. Some lives are beautiful, some are sublime. Beauty and sublimity are not the same. A mother's hand, thin with the work of years, is beautiful; a mother's face, furrowed with care, is likewise beautiful to her sons and daughters; the great ocean, with its white-capped waves, swelling in majesty, glorying in power, is sublime. Seldom are lives both beautiful and sublime. ELBERT HUBBARD'S private life was beautiful, as a father, husband, neighbor, friend; his public life was sublime, standing for principles, as little concerned about criticism as is Gibraltar with the waves lapping the rocks at its base. A life combining the two is as near perfect as mortals ever enjoy. Such a life was that of ELBERT HUBBARD.

On a beautiful day in June we followed him to the last resting place. Thousands of people had congregated around the church and on the streets, tear-dimmed eyes attesting the affection of the people for him. We who knew him closely and who believe in that immortality beyond the grave, without which life would be a dreary and wasteless desert, could join from our hearts in the words of those favorite hymns of his, sung at his funeral: "Rock of Ages" and "Lead, Kindly Light."

Nothing in my hand I bring,
Simply to the cross I cling,
* * * * *
Rock of Ages cleft for me,
Let me hide myself in Thee.

We knew that the "Rock of Ages" was cleft for him. Notwithstanding the gloom and sorrow surrounding us then and now, yet can we rejoice, for there abideth with us the conviction that the "Kindly Light" has led him upward and onward into the palace of the "Prince of Peace." While the night of farewell is of sorrowful darkness it must some time, some day, somewhere give way to the day of reunion—the morn of gladness.

O'er moor and fen, o'er crag and torrent, 'till
The night is gone,
And with the morn those angel faces smile
Which I have loved long since, and lost awhile.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE JAMES P. LATTA.

Mr. HITCHCOCK. Mr. President, I ask the Chair to lay before the Senate resolutions of the House of Representatives on the death of my late colleague in that body, JAMES P. LATTA.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair lays before the Senate resolutions from the House of Representatives, which the Secretary will read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 26, 1912.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to the memory of Hon. JAMES P. LATTA, late a Member of the House from the State of Nebraska.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. HITCHCOCK. Mr. President, I offer the resolutions which I send to the desk and ask for their adoption.

The PRESIDENT pro tempore. The Senator from Nebraska submits resolutions, which will be read.

The resolutions (S. Res. 494) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. JAMES P. LATTA, late a Member of the House of Representatives from the State of Nebraska.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. HITCHCOCK. Mr. President, the life of JAMES P. LATTA was typical of our country's recent progress. Born in Ohio in 1844, during his childhood he went with his parents to Iowa, then in her first development. There he remained until 18 years of age, when, a mere boy, becoming ambitious to find for himself a new home in the farther West, he secured the consent of his father, and alone, on foot, started across the State of Iowa to seek a home in the State of Nebraska. I say this is typical of our American progress, for the tide of population has flowed from the East toward the West in a never-ceasing stream, and ambitious men, like Representative LATTA'S father and like Representative LATTA himself, have turned their faces to the westward and sought their new homes in the "promised land."

Mr. LATTA'S life was also illustrative of our American development. Beginning life as a young man upon a farm on the banks of the Missouri River in Nebraska, by industry and

thrift, by intelligence and energy, he gradually acquired a competence, established for himself a home, developed a prosperous farm, and, after 15 years of highly successful farming, was able to enter the banking business, in which he met with equal, if not greater, success.

Following his experience as a banker, in the riper years of his life he secured the confidence and esteem of his neighbors to such an extent that he was successively elected treasurer of his home town, mayor of the town, later to the legislature, first as representative and then as State senator, and finally, toward the close of his eventful life, he was elected a Member of the House of Representatives from the third Nebraska district.

I say that in this respect his life has been typical of American development, because this man, with few early advantages, in spite of great obstacles, not only walked to his new western home, but, starting with nothing, made himself a successful farmer, and after being a successful farmer, made himself a successful banker, and stepped naturally into the public service by reason of the great confidence reposed in him by his neighbors and friends.

JAMES P. LATTA was an unusual man, Mr. President. Strong of body and strong of mind, with a great heart and a broad sympathy, he was not content to win success for himself alone, but he became a tower of strength in the community in which he lived. In the times of stress and disaster in 1893, when the whole West was in a condition of depression, when farmers were in distress, when business men were in embarrassment, JAMES P. LATTA, then the prosperous farmer and successful banker, was not content to look after himself alone, for he realized his responsibility to the community in which he lived and to the neighbors who surrounded him, and not only exhausted all his own personal resources in assisting them in their distress, but, to my certain knowledge, he took of his good securities, came to the East, and pledged them in order to raise money that he might lend it to his less successful neighbors. This great act of his saved many from bankruptcy in those days, enabling a great many farmers in his own county to hold the properties which they had mortgaged. And when the clouds had cleared away and prosperity had again come to Nebraska and the West, it was no wonder that those neighbors of his insisted on elevating him to the position of their Representative at Washington.

He won his success not because he was in political accord with his constituents, but because he had such a hold upon their sympathies and their confidence that they voluntarily sent him to Washington.

I shall long remember some of the sights which I witnessed upon the occasion of his second campaign in that district. He was kind enough to take me through the district and introduce me to his friends, I being then a candidate for the Senate, and I remember how all over that district he was hailed not simply as their Representative in Congress, but hailed as their father and their protector because of the sacrifices which he had made in their interest.

When, at the end of a long nine days' trip, during which we had stopped at a hundred different towns in his district, on a certain golden afternoon in our wonderful Indian summer we reached his home town for the final meeting in that campaign, the outpouring of the people, his neighbors and his friends, to welcome him, without regard to party, with closed stores and closed offices, with shouts and huzzas and an enthusiasm rarely equaled in a local candidate, was something I shall long remember.

He was an unusual man—unusual in his strength, unusual in his sympathies, unusual in his courage, and unusual in the fact that he was able, after a long life of toil in the business world, to enter public life and acquit himself honorably and creditably.

Mr. TOWNSEND. Mr. President, the senior Senator from Nebraska [Mr. BROWN] is unavoidably absent, having been compelled to be away from the city this afternoon. He has prepared, however, a loving and sincere tribute to his late colleague in the House, and he has asked me to present it to the Senate for him this evening, which duty I very gladly perform.

He says:

"I knew Congressman LATTA first when he was a State senator in the Nebraska Legislature. At that time, as attorney general of the State, I had necessary occasion to know at first-hand the character of the man. He was true and faithful. His good sense, his business head, and his honest heart made him a foremost factor in that body and won for him the confidence and esteem of all his colleagues and the appreciative regard and respect of his constituents. His record was clean. Early in that service he developed a fearless indifference to his own political fortune. His sole guide and inspiration seemed to be the welfare of the people—all of them. He never divided the people into classes. Whether men were engaged on the farm or on the range, in the store or in the factory, in the banking house or in the railway headquarters he treated them all alike and stood for a square deal for each and all. He was true to this standard throughout his service in the American Congress.

"In his campaigns Mr. LATTA was never known to appeal to class prejudice in order to win votes for himself or his party. He was too patriotic to do that. He was too square in thought and character to resort to this easy though crooked method of electing himself to office. He was, therefore, a most wholesome influence in politics. Let me say to the honor of the people of the State who elected him first to the State senate and then to the National House of Representatives and to the honor of all the people of that rich and progressive State, they, like him, are good and true and square. Their ideals, like his, are high and noble, and they, like him, are devoted to the upbuilding and advancement of American ideals and institutions. If men like LATTA, modest and conscientious, earnest and vigilant, unafraid of personal political mishap, could always be found to serve in office the future welfare of this country and its institutions would be secure.

"Mr. LATTA was steadfast in his devotion and in his service to the people who had elected him. He was a great man in the sense that greatness is measured by sincerity, capacity, and industry. He had the courage and determination of the pioneer. From the day he took a homestead in the State of Nebraska to the hour of his death he stood and fought for his country's welfare and for civic standards of high and noble character. In politics he was partisan, believing in the agency of political parties as the most practical instrument through which to determine and establish State and National policies. As a Member of Congress and as a servant of his constituents he talked for good things, and he always voted as he talked.

"In one respect Mr. LATTA was a remarkable man; he had the trait of character which in these more recent days is not found too frequently in public men—he did not advertise his own honesty by impugning the motives of others. He never assumed to be the only honest friend the people had in Congress. He had another remarkable trait—he devoted himself to quietly serving the people faithfully, and therefore he furnished few headlines for the newspapers. He allowed his service to speak for itself and he left the advertising politician a free hand. Should the days of pretension and hypocrisy ever overtake this country, men of LATTA's character would receive scant recognition.

"By every test Congressman JAMES P. LATTA was a good man, and this is the highest tribute that can be paid to any man. He hated everything wrong and mean; he loved everything good and right.

"The life that counts must toil and fight,
Must hate the wrong and love the right,
Must stand by truth by day, by night;
This is the life that counts.

"The life that counts must hopeful be,
In darkest night make melody,
Must wait the dawn on bended knee;
This is the life that counts.

"The life that counts is lived with God,
And runs not from the cross, the rod,
But walks with joy where Jesus trod;
This is the life that counts."

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE DAVID J. FOSTER.

Mr. DILLINGHAM. Mr. President, I ask the Chair to lay before the Senate resolutions from the House of Representatives on the death of the late Representative FOSTER.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions as follows:

IN THE HOUSE OF REPRESENTATIVES,
January 19, 1913.

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of the Hon. DAVID JOHNSON FOSTER, late a Representative in Congress from the State of Vermont.

Resolved, That as a further mark of respect to the memory of the deceased and in recognition of his distinguished career and his great service to his country as a Representative in Congress the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. DILLINGHAM. Mr. President, I offer the resolutions which I send to the desk, and ask for their adoption.

The PRESIDENT pro tempore. The Senator from Vermont offers resolutions which will be read.

The resolutions (S. Res. 495) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. DAVID J. FOSTER, late a Member of the House of Representatives from the State of Vermont.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. DILLINGHAM. Mr. President, nearly a year has passed since death summoned from our midst Vermont's Representative from the first congressional district and closed the earthly career of DAVID JOHNSON FOSTER. The announcement of his death, so sudden and unexpected, came as a distinct shock to his friends everywhere, and particularly to his associates in Congress, among whom the critical nature of his illness had not been known. From all classes came expressions of personal sorrow and the deepest sympathy for the stricken ones in the delightful home which he had so recently established in this city. Consternation, regret, and a keen sense of loss followed in the cities, in the villages, and on the farms of Vermont. The people of the State he had loved so well and had so faithfully and proudly served were his devoted friends and admirers.

But time, with her softening influences, has somewhat modified the first effects of the shock, and now we are able to look back with some degree of calmness upon the life of our friend, and are better able to judge of those elements in his character which gave him such a charming personality and which served to advance him so signally in the profession of his choice as well as in the public life to which his people called him.

Even a casual meeting with Mr. FOSTER was a delight. His courtesy and amiability, coupled with bright mentality and quick responsiveness, gave no suggestion of the real struggle through which he had achieved success at the bar and which had peculiarly fitted him for the long public service during which he had won a most conspicuous position in the councils of the Nation. And yet, underneath lay hidden a life brimming with ambitions but subject to many discouragements, of many brilliant accomplishments, and some disheartening defeats; but through all, from childhood until death, there was always in evidence a calm, steady purpose and firm determination to succeed and an industry combined with a courage and persistence against which obstacles only served as a challenge to greater endeavor.

The record of DAVID J. FOSTER's life would make a stimulating story of the step-by-step process by which men reach high positions in the world's work when their undertakings are properly inspired and directed by honest ambition, accompanied by earnest, well-directed efforts.

Mr. FOSTER was born on a farm in the town of Barnet, neither blessed nor cursed by riches. His was the life of the boys in the rural districts of our mountainous State, where they are important factors, learning at an early date that labor is both necessary and honorable; that good character is as essential as is capital in business; and that under our free institutions the avenues to success and distinction are open to all who are worthy to attain them. He was essentially a New England product, and had these principles instilled by precept and example, in the development of which the little red schoolhouse and the old New England academy did their full part. To the education thus secured was added a college course at Dartmouth, from which institution he was graduated in 1880. It was distinctly to his advantage that in acquiring this educational attainment he was compelled to rely upon his own resources, and that in his subsequent study of the law he was likewise obliged to rely upon his own resources to meet his expenses, however much they were reduced by rigid economy. Each effort gave him greater strength to meet the one that followed. Each achievement gave him greater confidence in his ability to win still greater victories, and so, in the practice of his profession, which he followed in the city of Burlington, this process went on, and he quickly took high rank as a lawyer and grew in power and influence as a citizen.

Time will not permit an estimate of his work, either in his profession or any of the positions which he so acceptably filled, and I must confine myself to saying that he was early recognized as not only well grounded in the principles of the law, a safe counselor, but also a forceful practitioner. In short, he exemplified that excellent definition of a lawyer—"a gentleman learned in the law." Twice he was elected State's attorney for the county of Chittenden. His tastes led him into political life, and his ability was soon so marked that he was called from his county to serve as a senator in the General Assembly of Vermont, as one of the board of railroad commissioners of that State, and later as commissioner of State taxes.

He so creditably acquitted himself in all these positions that in 1900 the people of Vermont's first congressional district chose him to represent them in the National House of Representatives. For 12 years he served them with a rare fidelity. Among his associates he was considered a man of culture and intelligence, of sound judgment and individuality of action, and was much appreciated for his charming personal qualities. Not seeking the glare of the limelight, he gradually but surely advanced in usefulness and influence in the work of the House. While he looked sharply after the needs of his State and district and was unsparing of himself in the interests of his constituents, he found time to give attention to other things and grappled with broad problems not limited to the borders of his State or even to our national boundaries—he studied international questions.

It was his good fortune early in his service to be placed upon the Committee on Foreign Affairs, and in the ripeness of his experience and knowledge became its chairman, being regarded as one of the leaders in that great body which represents in a special sense the "rank and file" of the citizenship of the Nation. Because of this he was on more than one occasion chosen as the representative of the United States at noteworthy celebrations of international character. He became a much-traveled man, well versed on questions involving our relations with foreign Governments. He was a strong advocate of international peace, and was much sought as a speaker on this and kindred subjects.

Mr. FOSTER became a Member of the House at about the time I entered the Senate. We had been friends at the bar of Vermont; we became better friends here. Twelve years of companionship developed only the most agreeable relations. During that entire period I recall no instance, no suggestion, of any serious difference of opinion between us. We advised freely concerning all matters of common interest, candidly discussed every problem which presented itself, looking always to harmony and unity of action, in which we never failed.

The last time I met him was at a meeting of the Vermont delegation, called to devise methods best calculated to protect Vermont's great dairy interests. He was unusually quiet and reserved, and impressed me as being weary and worn, but protested that he was not out of health. He returned to his home, and my next knowledge was that he was seriously, though not dangerously, ill. Repeated inquiries brought assurances that time only was necessary to restore him to his accustomed vigor, and then came the end—sudden, as it was unexpected, and a life full of kind and genial as well as strong qualities was lost to the world.

It is due to the memory of our friend and to those he most tenderly loved, that I should say in closing that, notwithstanding the disciplinary experiences to which I have alluded, as fundamental factors in the development of the character of Mr. FOSTER, I am of the opinion that the great moral qualities he possessed, without the modifying influences of which he could not, however strong, have reached the distinction which will stand the test of time and criticism, were fostered in him by an ideal home life. Hardly ever have I observed more delightful domestic relations. To wife and daughters he ever gave freely of his love and sympathy, devotion and service, and in their reciprocal love and sympathy he received inspiration to lofty thought and noble action, without which his work would have fallen far short of what it was.

To-day his loved ones mourn the loss of one who to them was everything good implied in the term husband and father. Vermont mourns the loss of a public servant in whom confidence was rightly placed. His record is an honor to his State and an enduring monument to his memory.

Mr. BURTON. Mr. President, DAVID JOHNSON FOSTER was a son of Vermont, a Commonwealth which has made notable contributions to the citizenship of this Republic. One of the least in area, and not far from the least in population, Vermont has afforded proof that for the birth of genius and patriotism neither fertile fields nor widespread plains are essential. These qualities live and flourish among the quarries and the mountains of Vermont.

From Revolutionary times to the present day, whenever the tocsin of alarm has sounded the call to arms, the men of Vermont have been ready to respond. Whenever there has been a call for a missionary or a teacher in some remote part of the earth, or wherever self-sacrifice has been required, the women of Vermont have been ready to respond to the call.

Mr. FOSTER was born in Caledonia County, in one of the most rocky portions of the State, and worked his own way through

Dartmouth College. He enjoyed the educational advantages afforded by that institution, the college which has furnished to the country Webster, Woodbury, Choate, Chase, and many other citizens of the highest rank and the greatest usefulness in many walks of life.

His surroundings were essentially those of the country. The college which he attended is located in a small town, where there is an all-pervading university atmosphere. His early life was passed in the rural portion of Vermont, and although later he settled in a city of some considerable size, nevertheless he did not enter upon the hurly-burly rush of American life which belongs to our great cities.

He early showed a predilection for a public career. He enjoyed that apprenticeship which, more than any other position, has been the initial step for a congressional career—the position of prosecuting attorney. He was afterwards a State senator in Vermont.

I may say of him, as one who served contemporaneously with him in the House of Representatives, that he made a most favorable impression from the very beginning of his career in the House in the year 1900. In that body, where promotion is often slow, he showed the sterling qualities of honesty and of industry. With no brilliant efforts in the way of oratory, he was a master of clear statement. He showed such a thorough understanding of the subjects upon which he spoke that he commanded the respect, and I may say the admiration, of his fellow Members.

At a rather early date he became a member of the Committee on Foreign Affairs, and I take it his greatest interest during his service of 12 years was in our relations with foreign countries and in the cause of peace.

Unfortunately his career was brought to a premature end. Such was his standing in his State that he no doubt would have been continued in the House of Representatives or in Congress to the very end of his life. Death came with startling suddenness. Even on the day of his death, I am told, it was thought he would soon recover from the illness which had detained him at home. He left a splendid record in the House.

Mr. President, there is a feature of his career which is to me almost pathetic—that with his ambition to serve his country, with his fondness for public life, he was cut off in his prime. His family mourn his death, and I desire to give my tribute of sorrow and sympathy to his wife and daughters, and also my tribute to his memory.

Along with all those who, serving well in any great cause, have been taken away before the work of life is done, he looked down, as it were, from the mountain heights upon the future with budding hopes, with confidence that in the future the work which he had been performing would bring still greater and better results, and that the causes for which he had labored might reach their glad fruition in his lifetime. But he was taken away from us, and we must mourn our loss.

Notwithstanding that his career was cut short, he accomplished much that was useful. We may look to him for an example of devotion to public service, of honesty, of friendliness, of good will to all.

Whatever may be the rank or station of anyone whose death we call to mind, or whose life we commemorate, we judge of them as men. Judging of him by that standard, he was a model husband, a model father, and in all the varied walks of life he has left an example which it is inspiring to follow.

Mr. PAGE. Mr. President, few men of this generation have been better types of those sons of Vermont who toughened into manhood on the hillside farm than DAVID JOHNSON FOSTER.

To what extent climatic conditions tend to produce exceptional intellectual strength it is difficult to say, but it is an interesting study to observe the characteristics which are stamped upon men who have grown up in those mountainous regions of our Northern States, where the temperature reaches a point so low that the mercury congeals, and this is oftentimes the case in Caledonia County, where Congressman FOSTER was born. Few winters pass there in which the temperature does not fall to 42 degrees below zero. When to this is added the further fact that the boys and girls who grew up with Congressman FOSTER were obliged to break their own roads through the deep snows to the little red schoolhouse, it is not unreasonable to believe that these severe endurance tests may, in some degree at least, account for the vigorous type of manhood which came from that section of the country.

Congressman FOSTER was born on the 27th day of June, 1857, upon his father's farm in Barnet, Vt. His early life was uneventful. He grew to early manhood amid those rugged natural surroundings and adverse conditions which developed in him that iron will, that indomitable pluck, and that sturdy self-reliance which are characteristics of those who are compelled to learn life's hard lessons through the toil and struggle necessary to overcome well-nigh insurmountable difficulties.

In the year 1880, at the age of 23, he graduated from Dartmouth College, and for a few years thereafter was, I believe, a teacher of rhetoric in that institution.

During his college days he supplemented his slender income from father and friends by teaching school in winter and tutoring students in the lower classes of the college. It has been said that genius has an unlimited capacity for hard work. Measured by this standard, Congressman FOSTER had few superiors, for he was industry personified.

He removed to Burlington, Vt., soon after his graduation from Dartmouth College, and in 1883 was admitted to the bar. In 1886 he was made the prosecuting attorney of his county, an office which he continued to hold until 1890. From 1892 to 1894 he was a member of the State senate. From 1894 to 1898 he was State commissioner of taxes. In 1898 he was made chairman of the board of railroad commissioners of Vermont, a position which he held until 1900, when he was elected a Member of Congress.

Congressman FOSTER, by reason of his eminent abilities as a natural orator, was early called into public life. For many years he had been in constant demand in many of the States of the Union for service in political campaigns. He was the first president of the Young Men's Republican Club of Vermont. As a parliamentarian he ranked very high, and was often called to the chair by Speaker CANNON.

Having once entered the political arena, he found little difficulty in reaching the goal of his ambition, as he passed from station to station up the line of political and official honor to membership in the National House of Representatives.

It was probably as chairman of the Committee on Foreign Affairs of the National House of Representatives that Congressman FOSTER was able to perform his most important service to his country. He was appointed a member of that committee in 1901. In 1910 he was made its chairman, and from that time forward until his death he brought to the discharge of the duties of that office a measure of ability which made him an invaluable public servant.

I do not think I wrongly estimate the attitude of Vermont toward Congressman FOSTER when I say that a large portion of the good people of the Green Mountain State had concerning him but one expectation, and that was that when there was a vacancy in the upper branch of Congress from the west side of the State he would be called upon to fill that vacancy. Vermont looked upon this favorite son as a genuine product of the rigorous life and environment which had given to our State her long line of distinguished men, who, like him, had been developed and nurtured on her cold, rocky hillside Vermont farms. They saw in his character those elements which they loved and appreciated, because he was of them in nature, in extraction, in industry, and in vigor.

Congressman FOSTER's early life and training had developed a strength of character which made him equal to any and every emergency. President Taft named him as chairman of the delegation which represented this country at the Centennial of Mexican Independence, a commission the duties of which he discharged with credit to himself and honor to his country. President Taft also named him as chairman of the delegation from the United States to the general assembly of the International Institute of Agriculture at Rome.

Wherever he was placed, whether as a representative of this country abroad or as the chairman of the important Committee on Foreign Affairs of the House, he discharged the duties devolving upon him in such a way as to reflect credit upon himself and to create in the hearts of his constituents a just pride in their Representative.

Few men possessed his power of attracting to themselves the young men of their acquaintance. He was universally popular, but with the younger element of his district he was exceptionally so. Always genial, always meeting everyone with a smile, always zealously anxious to serve everyone by little acts of kindness, always faithful in the discharge of every trust reposed in him by his constituents in matters here in Washington, he had come to be—as he deserved to be—one of the most popular and best beloved of all the sons of his State.

Modest, unassuming, kind, with an irresistible personal charm which drew his fellow men to him, he was the perfect embodiment of courtesy and gentleness, which, coupled with a broad mind, a large heart, and an amiable and lovable disposition, resulted in producing a combination of qualities rarely found in a single individual.

It was a part of my duty to go to Vermont, in advance of the joint committee from the Senate and House appointed to attend

the funeral, to help in arranging its details, and I shall never forget the genuine, heartfelt grief manifested by every Vermonter with whom I came in contact while on this sad errand. On every hand was heard the expression: "Vermont has suffered an irreparable loss."

From all parts of the State, not alone from his own congressional district, the people gathered, in numbers larger than are wont to be present on such occasions, to show their respect and their affection for Congressman FOSTER.

We often hear the remark made that the true test of a man's character is his home life. It was my great good fortune to visit Congressman FOSTER at his home here in Washington on repeated occasions, and I was always deeply impressed with the affectionate devotion which existed between the father and the three daughters, who, with the wife, constituted his family.

His last illness was not believed to be serious until the day of his death. It was my custom to telephone Mrs. Foster at their home and inquire as to his health, and, without a single exception, the reply came back to me: "He is not seriously ill; he is tired and needs a little time for recuperation. He will soon be back in the House." Little did she realize that in a few hours this strong man was to be stricken down by the grim reaper.

On March 21 of last year, at a time when life and hope were brightest and when honors were falling thickest upon him, he was called home.

One might be inclined to question the wisdom of divine Providence in removing from such a family a father so richly endowed, and to assert that there were few men who might not have been better spared than this strong, charming personality who had achieved such a commanding position in the affairs of his State and in the councils of the Nation. Why he should have been thus suddenly stricken down and his country deprived of his trained leadership, at a time when all his powers were flowering into their most perfect bloom, is a question which it is not given human intelligence to answer.

Mr. President, I realize only too well that I have been able to touch far too lightly upon a life whose fullness and beauty furnishes material from which could have been formulated so much of good. But when the future historian, in the light of a true perspective, shall come to write with deliberation and painstaking care a record of the strong and virile statesmen who have played their parts in the national field of legislation during the first decade of the twentieth century, his account will be far from complete if it fails to include therein in liberal measure the part played in important public affairs by DAVID JOHNSON FOSTER.

To the long line of Vermont's illustrious dead whose names hold places of honor in our Nation's history, and especially the names of those sons who have been prominent in the Nation's councils here in Washington during the last threescore years, to the names of Collamer, Foote, Morrill, Proctor, we now add the name of FOSTER.

They had lived longer than he and were garnered like sheaves of ripened wheat in their old age and after long years of distinguished public service, while he was cut down at the zenith of his vigorous manhood. Their memories are revered and venerated by Vermonters everywhere, but none of them were more dearly beloved by an appreciative constituency than the one to whose name we to-day pay our tribute of respect, DAVID JOHNSON FOSTER.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LOUDENSLAGER.

Mr. BRIGGS. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative LOUDENSLAGER of New Jersey.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair lays before the Senate resolutions of the House of Representatives which will be read.

The Secretary read the resolutions of the House as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 5, 1912.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY C. LOUDENSLAGER, late a Member of the House from the State of New Jersey.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. BRIGGS. Mr. President, I submit the resolutions which I send to the desk, and I ask for their adoption.

The resolutions (S. Res. 496) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. HENRY C. LOUDENSLAGER, late a Member of the House of Representatives from the State of New Jersey.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. BRIGGS. Mr. President, it is significant of the affection and esteem which HENRY CLAY LOUDENSLAGER inspired among the men with whom he came in contact that, when memorial addresses were delivered in his honor in the House of Representatives last May, a score of Members representing the North and the South, the East and the West, and the two great political parties vied in paying genuine tribute to him as a man and a colleague. It is significant, too, that through his 18 years of national service he was the intimate of men like Reed, Henderson, Sherman, and CANNON, and that no Member of Congress ever enjoyed in fuller measure the friendship of both sides of that Chamber. The Members who honored his memory that day numbered those who had grown gray in the service of the House and those who were serving their first term as legislators. No man was more catholic in his friendships, more ready to stand by his old and tried associates, or more eager to give advice and kindly admonition to the youngest Member.

The life of HENRY CLAY LOUDENSLAGER, beginning on a New Jersey farm and ending as one of the strong men of the House of Representatives, is an inspiration to the youth of his State. He was born on a farm in Gloucester County, near the town of Paulsboro, in 1852, and early became identified with the public affairs of his county. His first office was clerk of Gloucester County, and from that place of trust he went to the broader field of national politics. His district first sent him to Congress by a modest plurality as a Member of the Fifty-third Congress. It returned him two years later with a handsome plurality, and for 10 consecutive times the first congressional district sent him back to Washington. At the time of his death there were less than 10 Members of the House who had served for a greater number of consecutive terms.

As a Member of Congress Mr. LOUDENSLAGER was not active in debate but accurate. He preferred the work of the committee room to distinction on the floor, but when he did address the House, lacked none of the qualities that give a man distinction as an orator. His greatest pride was his identification with the work of the Committee on Naval Affairs, and in his 18 years of service no man in Congress was more instrumental in building up the American Navy from an insignificant tonnage to the rank of the third greatest naval power.

The Navy had no more ardent champion, and when the War with Spain came HENRY LOUDENSLAGER had played his part in giving to the Nation an efficient arm of the service. As in his advocacy of a strong Navy, he was also sound on all the big economic questions that Congress had to meet in his 18 years of legislative life. He was a believer in a protective tariff and true to the support of its principles, and was always found on the right side of the big questions that called for solution in that span of years. He was identified through all his service with pension legislation, and gave to its onerous work and heavy responsibilities sound business judgment, justice, and sympathy for the men who bore the brunt of the Civil War. There is no question that his devotion to his heavy and increasing duties and his conscientious performance of them hastened his death. And in his death the House lost a Member of the type that can ill be spared and its Members lost a generous and sincere friend.

Mr. LOUDENSLAGER was a partisan in politics, but in the ranks of his political opponents he was held in as high esteem as in his own party. He believed in organization and in the party caucus, and in his last years in the House was secretary of the Republican caucus. He possessed rare political acumen and played a large part in his party's councils. In 1906, while acting as secretary of the Republican congressional committee, the duties of the chairman fell upon him because of the poor health of James S. Sherman, and in 1908 he did efficient service in the same capacity. He was placed in full charge of the eastern headquarters in 1908 and 1910, and the victories of 1906 and 1908 owed much to him.

No man served his constituency to better purpose and no man enjoyed its confidence in greater measure. While tireless in his attention to the needs of his district and his State, he was broad enough and well equipped enough to give the same indefatigable attention to national problems. His domestic life was flawless,

his political life free from the taint of suspicion, and he was a man who abhorred the demagogue and the self-seeker and who held his legions of friends closer year by year through the generous, sincere, and admirable traits of his personal character.

Mr. BURTON. Mr. President, the Sixty-second Congress has an unprecedented record in the number of deaths of its Members. It would seem that this is more than a mere coincidence, that it indicates the increasing strain and stress of public life. Indeed, if we compare the work of a Member of the House of Representatives or of the Senate with that of anyone engaged in one of the professions or in any other branch of life, the hours of labor, the manifold demands and the degree of worry are very considerably more in a legislative career. Year by year it would seem that these demands upon us are increasing, and that a greater care of health and if possible some lessening of the duties which rest upon us should be secured.

Mr. LOUDENSLAGER was a man who seemed to have a perfect physique and to enjoy the best of health. He was always cheerful. During the 15 years in which I was acquainted with him he never complained a day of indisposition. Indeed it was characteristic of him that he was always genial, always companionable.

Mr. President, his principal record will be that of an active political manager. He was during the greater part of his congressional service a member of the national Republican congressional committee. As such he enjoyed the friendship and confidence of three Presidents of the United States—President McKinley, President Roosevelt, and President Taft, and he was also an intimate associate of Vice President Sherman.

A certain amount of obloquy in this time rests upon the politician or political manager. He is an object of censure and sometimes of ridicule, and not infrequently it is claimed that his methods are devious. I do not believe there was ever one breath of suspicion against Mr. LOUDENSLAGER. Though he was like a fiery gladiator in political contests, he always had a smile and a ready handshake for his political opponents and enjoyed their personal confidence. During nearly all of the time when he was a member of this committee his efforts were marked by success. I remember conversing with him during the disastrous campaign of 1910, and I noted some degree of discouragement and a much less amount of confidence than had characterized him in the campaigns from 1896 to 1908; yet he bore the prospective punishment which his party was to receive bravely, with confidence that such reverses as might come would not be permanent, and that the principles which he had cherished so long would still retain their vitality.

I wish to repeat, Mr. President, that there was no breath of suspicion against him in his management of political campaigns, and that popular ideas are often wrong with reference to a candidate. If there is anything questionable in political management, it, like all other evils in the body politic, is principally due to the people themselves, to their inattention, to the necessity for constant vigilance, the great amount of labor and exhortation in arousing interest and bringing the people to perform their political duties.

In this branch of work Mr. LOUDENSLAGER did not shrink. He was always ready for any campaign, with its turmoil and its varied activities, to strike the hardest blows which a political leader can employ.

Nor was it as a political manager that his time was occupied. He was a careful legislator, a man who was always ready in the committee room, faithful and punctual in attendance, a devoted and careful student of great questions of governmental policy.

We all regret to learn of his death. We mourn his loss. We mourn him as one of exceptional friendliness and goodheartedness. We mourn him as a man who had a multitude of friends and few, if any, enemies.

The last years of his life were rendered sad by the death of his only son. Possibly this untimely loss may have hastened Mr. LOUDENSLAGER'S death.

His record is known in New Jersey and in the Nation as a valiant fighter for the principles which he espoused. He was a man who in all the varied walks of life commanded respect, and he has left a record in public and private life which is stainless and worthy of all praise.

Mr. JONES. Mr. President, the exercises of to-day emphasize the mortality that has afflicted the present Congress. We have to-day eulogized eight Members who have passed away, and it is striking that not one of those Members had reached the allotted span of three-score years and ten. They have all been taken in their prime. Most, if not all, of them had much to look forward to. We who knew them had every reason to believe that each had many years of usefulness yet before him. They are gone. Their life's work is ended.

I do not propose to philosophize as to why this has happened. I can add nothing to what has already been said. After all our philosophizing and speculation we still confront a mystery unsolvable in human experience. I simply want to say a word in regard to one whom I first met when I entered Congress. I entered the House in the Fifty-sixth Congress. Mr. LOUDENSLAGER was one of the first men I met. He was at that time one of the Republican leaders and influential in the counsels of the party and party organization. In the House, while strong friendships are formed and intimate relations established, it is different from this body. There the membership is large in number and here it is small. There service is upon few committees, generally only one or two, and here on many. Here we come in daily contact with many of our fellow Members in the work of committees; we become acquainted with them in the various departments of our legislative work.

During my 10 years of service in the House of Representatives, when Mr. LOUDENSLAGER was also a Member, he and I never served upon the same committee. He was chairman of the Pensions Committee and a member of the Naval Committee. By reason of the interest of my State in naval matters we were brought in close contact, as well as by reason of the prominent part he took in the political organization of the House.

As has been said by the Senator from Ohio [Mr. BURTON], he was a very genial man, sociable, friendly, and accommodating. He was an active, industrious, energetic man, looking after the interests of his people, and especially of his district, and especially after the interests of the Navy. He was very patriotic, and believed intensely in a strong Navy for our country. He took a great interest in that arm of the national defense. He was always prepared to defend the naval appropriation bill and to resist any assault that might be made upon what he considered the necessary arm of the national defense.

He was a strong partisan. He believed in organization and the party caucus. He always accepted the party decrees and followed and upheld them.

He was strong in personal friendships. He was always ready to help and assist his fellow Members and very considerate of new Members, and I remember with much pleasure the many courtesies he extended to me. Take him all in all, he was a most valued Member of the House of Representatives, a splendid man, a splendid citizen, a man whose friendship it was a privilege to have, a man whose memory is an incentive to higher endeavor and better work in behalf of the country and the interests of our people. His work as a legislator fully justified the confidence of his constituents and the honors they conferred on him.

I am glad to have had the opportunity to know him and to have served with him. I regret his untimely taking off. I am grateful for the opportunity on this solemn occasion to pay this simple tribute to his memory and to the friendship that I prized so highly.

Mr. CURTIS. Mr. President, it was in the Fifty-third Congress that HENRY CLAY LOUDENSLAGER began his service in the House of Representatives, and it was at the beginning of this Congress that I first knew him. Our service together continued until the Sixtieth Congress, and in that time I came to know him intimately and well and to esteem him highly both as a friend and as a legislator.

His was a character to inspire confidence and attract friends, and those of us who came daily into contact with him in the House and out, unite in bearing testimony to his cheerful good nature, his kindliness and his integrity. Though a partisan, he never carried his party preferences into his personal relations and his friends were many, even though differing in political belief. Because of his ability to do things, his rise to influence in the House was rapid, and it was not long before he made himself felt both on the floor of that body and in the councils of his party, and his advice was sought on many and varied important questions.

He was chosen secretary of the Republican national congressional committee in 1906 and served in that capacity until 1909, when he was selected as the chairman of the committee. He worked early and late and with marked success for his party and for a united organization in the House of Representatives.

His services to his district, his State, and his country can not be measured in words. He labored industriously in and out of season for the good of all and accomplished much which lives after him. His friends were sincere in their affection for him; the public respected and esteemed him, and the Nation possessed in him a son who gave of his devotion and his ability without stint. No sacrifice was demanded of him in public affairs which he did not cheerfully and willingly meet.

Although having long been in public life he was, first of all, a business man and believed in business methods in public affairs. He was interested in the welfare of the people at large, and his knowledge of events was thorough, and his action was taken from a broad and conservative viewpoint.

HENRY CLAY LOUDENSLAGER was a patriotic citizen, a devoted husband, a true and loyal friend. His going was mourned, his memory is revered and will ever abide with those who knew him, as to know him was to love him.

Mr. OLIVER. Mr. President, HENRY CLAY LOUDENSLAGER, Representative in Congress from the first district of New Jersey, died on the 12th day of August, 1911. He was less than 60 years old, and had served in Congress for nearly 20 years. For some time previous his health had been failing, and his death was no surprise, though it came as a shock to the thousands of friends he had made during his long public service. My acquaintance with Mr. LOUDENSLAGER was almost altogether of a personal nature, as I came but little into contact with him in connection with his services as a Representative in Congress. I first met him in 1906, when he was secretary of the Republican congressional committee and virtually chairman by reason of Mr. Sherman's illness. His personal traits were such as to endear him to all with whom he came in contact. He was gentle in demeanor, modest and easy in his intercourse with men, and conciliation was the keynote of his disposition; but underlying all this was a strength and vigor of character well understood by all friends, but not apparent to those whose intercourse with him was but casual. Whatever he undertook to do he did well, and the extent of his appreciation by those at home who knew him best is shown by his repeated election for 10 terms, a length of service excelled by only four of those who served with him in the present Congress. He was a strong believer in party organization and the maintenance of party spirit. He was a standpat Republican, with all that the name implies, because he believed it was to his country's interest to steer by the landmarks which had always guided the ship of state, and by adhering to which the Republican Party had maintained its supremacy during more than half a century.

He was a strong man, modest in his ambitions, gentle in his character, and altogether lovable. Peace to his ashes.

Mr. MARTINE of New Jersey. Mr. President, I speak not to-night of HARRY LOUDENSLAGER'S achievements in the halls of Congress, or on the stump, or on the platform, but I speak to-night of HARRY LOUDENSLAGER as a friend and a citizen of New Jersey.

HARRY LOUDENSLAGER represented the first district of New Jersey. He was HARRY to us all, a genial, generous, big-hearted man. Everyone who knew him loved him, for HARRY was everybody's friend. We did not agree in politics. I have combated him a hundred times on the stump, but never lost sight of his generosity nor his big and glorious humanity.

He said to me when I was stumping in his part of the State, the southern part of New Jersey, "We are wide apart in political contests but after all we have but one ambition, one hope, one aim, and that is to help our country and our fellow man." What a glorious aim, what a holy purpose was that, my countrymen.

In our State of New Jersey, there are literally thousands who would bear cheerful testimony to his ever-generous hand. When storm and sleet without battered window panes the cheery glow of many a hearthstone could be traced to the liberal purse and generous hand of HARRY LOUDENSLAGER.

His death seemed untimely, for he was but a boy. Sweet thoughts and loving memories are the treasures left by HARRY LOUDENSLAGER. That God's blessing may come to him and his family, Mr. President, is my supplication and my prayer.

CHICKASAW AND CHOCTAW INDIAN CLAIMS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Indian Affairs and ordered to be printed:

To the Senate:

I am in receipt of a copy of resolution adopted by the Senate February 25, 1913, reading as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to cause to be transmitted to the Senate copies of all letters, telegrams, reports, opinions, and other documents on file in either the Department of the Interior or the Department of Justice in relation to any contract or claims for fees or compensation on the part of the firm of Mansfield, McMurray & Cornish, or any member thereof, against the Chickasaw and Choctaw Tribes of Indians, which claims are alleged to be due and unpaid and are now pending before the President or any department of the Government; and,

Second. To transmit like copies of all such letters, telegrams, reports, opinions, and other documents in relation to any claim on the part of the Chickasaw and Choctaw Tribes of Indians against the firm of Mansfield, McMurray & Cornish, or any member thereof.

Resolved further, That the President be requested to withhold action on any and all said claims until further action by the Congress or by the courts.

In view of the request contained in this resolution, I shall withhold action on any of the claims referred to in the resolution. The papers called for are, however, so voluminous that it is impossible that they should be adequately prepared for transmission to the Senate or that any adequate consideration could be given to them before the expiration of the present session. I have concluded, therefore, to remit the whole matter for the incoming administration to deal with.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

ARCHIVES OF GOVERNMENT OFFICES (H. DOC. NO. 1443).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Public Buildings and Grounds and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information and consideration of the Congress a report by the Librarian of Congress in reference to the archives of Government offices outside of the city of Washington.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

(Report accompanied similar message to the House of Representatives.)

ALASKA RAILROAD COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith 18 plates of maps and profiles, constituting Part II of the Report of the Alaska Railroad Commission which was transmitted to the Congress on February 6, 1913.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

(Plates accompanied similar message to the House of Representatives.)

REPUBLIC OF COLOMBIA (H. DOC. NO. 1444).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report made to me on February 20, 1913, by the Secretary of State on the subject of relations between the United States and the Republic of Colombia.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

(Inclosure as above.)

OIL AND GAS LANDS OF OSAGE NATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 28th ultimo, all of the files of the Department of the Interior, including both the office of the Secretary and the office of Indian Affairs, containing papers which can be identified as the correspondence and protests relating to the proposed leasing of oil and gas lands of the Osage Nation, together with the proposed rules and regulations, which, with the accompanying papers, was referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS managers at the conference on the part of the House.

The message also announced that the House still further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed

Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT managers at the conference on the part of the House.

The message further announced that the President of the United States having returned to the House of Representatives, in accordance with the resolution of Congress of February 28, the bill (H. R. 18787) relating to the limitation of the hours of daily services of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia; and the Speaker of the House of Representatives having canceled his signature thereto, in accordance with said resolution, the House asks a further conference with the Senate on the said bill and amendments and had appointed Mr. WILSON of Pennsylvania, Mr. BUCHANAN, and Mr. GARDNER of New Jersey managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, recedes from its disagreement to the amendment of the Senate No. 25, and agrees to the same with an amendment, in which it requested the concurrence of the Senate, further insists upon its disagreement to the amendment of the Senate No. 26 upon which the committee of conference have been unable to agree, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS managers at the conference on the part of the House.

SENATOR FROM WEST VIRGINIA.

Mr. CHILTON presented the credentials of NATHAN GOFF, chosen by the Legislature of the State of West Virginia a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 28858—the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I make the usual request that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

Mr. BRYAN. I do not desire to object, but I do not presume it is fair to the Senator from Minnesota [Mr. NELSON].

Mr. WARREN. I can not hear what the Senator from Florida says.

Mr. BRYAN. I thought it was only fair that the Senator from Minnesota, who was not in his seat, should know of the request. If it is satisfactory to him I have no objection.

Mr. WARREN. The Senator from Minnesota is in his place.

Mr. BRYAN. I see that he is.

Mr. NELSON. I did not understand.

Mr. BRYAN. I simply wanted the Senator from Minnesota to know that the request had been made to take up the deficiency appropriation bill, which would operate to displace the river and harbor bill.

Mr. NELSON. I have tried to get the chairman of the Committee on Appropriations to yield to the conference report on the river and harbor bill, but he insists upon going on with the deficiency appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Executive," on page 2, after line 7, to insert:

> To make the salary of the Secretary to the President at the rate of $7,500 per annum from March 4, 1913, to June 30, 1914, inclusive, $3,312.50, and hereafter said salary is fixed at the rate of $7,500 per annum.

The amendment was agreed to.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. I should like to submit a conference report on House bill 26874, the Indian appropriation bill.

Mr. WARREN. I understand the Senator from South Dakota wishes to submit a conference report and I cheerfully yield for that purpose. Of course if it should lead to any debate, it would have to go over and be printed.

Mr. GAMBLE. I submit the conference report and ask that the same be printed; and I give notice that I shall call it up for consideration as soon as the executive session ends, after the recess that will be taken to-night.

The PRESIDENT pro tempore. The conference report will be printed. (S. Doc. No. 1128.)

EIGHT-HOUR LAW.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives and calls the attention of the Senator from Indiana [Mr. SHIVELY].

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 1, 1913.

Resolved, That the President of the United States having returned to the House of Representatives, in accordance with the resolution of Congress of February 28, the bill (H. R. 18787) relating to the limitation of the hours of daily services of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia; and the Speaker of the House of Representatives having canceled his signature thereto, in accordance with said resolution, the House asks a further conference with the Senate on the said bill and amendments and has appointed Mr. WILSON of Pennsylvania, Mr. BUCHANAN, and Mr. GARDNER of New Jersey, managers at the same on its part.

Mr. SHIVELY. Mr. President, I move a reconsideration of the vote by which the conference report on bill H. R. 18787, returned by the President to the House in compliance with House concurrent resolution No. 72, was agreed to.

The motion to reconsider was agreed to.

Mr. SHIVELY. Mr. President, I move that the Senate agree to the further conference asked for by the House of Representatives on bill H. R. 18787, returned by the President to the House in compliance with House concurrent resolution No. 72, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BORAH, Mr. PENROSE, and Mr. SHIVELY conferees on the part of the Senate at the further conference.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT. Will the Senator from Wyoming yield to me to submit a conference report?

Mr. WARREN. The Senator from Delaware wishes to submit a conference report on the Military Academy appropriation bill. If it is for reading, I yield.

Mr. DU PONT submitted the following report (S. Doc. No. 1127):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the matter proposed to be inserted by said amendment down to and including the words "*Provided further,*" in line 16, and in lieu thereof insert "$360,000: *Provided*"; and after the word "President," at the end of the amendment, insert: ": *Provided further*, That any cadet or cadets reinstated under the provisions of this act shall be additional to those otherwise authorized by law"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "$10,000" and in lieu thereof insert "$5,000"; and after the word "construction," in line 6, insert the words "and completion"; and the Senate agree to the same.

H. A. DU PONT,
JOS. M. DIXON,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BRISTOW. Mr. President, I should like to have the report printed before it is agreed to.

The PRESIDENT pro tempore. The Senator from Kansas objects to the present consideration of the report, and it will be printed.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

The PRESIDENT pro tempore. The Secretary will resume the reading of the bill.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. How did the conference report upon the river and harbor bill happen to be set aside.

The PRESIDENT pro tempore. It has not been called up, the Chair will say.

Mr. WILLIAMS. That is the regular order, is it not?

The PRESIDENT pro tempore. If a motion had been made to call it up, but no such motion was made.

Mr. WILLIAMS. If that is the regular order, I call for the regular order.

Mr. LODGE. The regular order is the unfinished business, I suggest.

The PRESIDENT pro tempore. That is true.

Mr. WARREN. We are going on with an appropriation bill, and I yielded simply for the presentation of the conference report, which is a privileged question. When that report has been made, it is not thereafter a privileged question as against an appropriation bill which has not yet gone to conference.

Mr. WILLIAMS. I understand that one conference report has no priority over another. The river and harbor conference report was before the Senate for discussion.

Mr. WARREN. The river and harbor conference report was not before the Senate.

Mr. WILLIAMS. It was before the Senate and was being discussed.

Mr. WARREN. The deficiency bill was before the Senate, regularly called up—an appropriation bill.

Mr. WILLIAMS. How did the river and harbor bill get before the Senate?

Mr. LODGE. The regular order is the seamen's bill, and not the river and harbor bill.

Mr. DU PONT. No; it is the Military Academy appropriation bill.

Mr. WILLIAMS. I call for the regular order. If that is the seamen's bill, I welcome it, and I desire that it shall be considered.

Mr. WARREN. The regular order is the appropriation bill now being read.

The PRESIDENT pro tempore. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, after line 12, to insert:

The cost of printing Senate Document No. 1113 of this session shall be charged wholly to and paid out of any balance remaining unexpended March 4, 1913, of the appropriation for the President's Commission on Economy and Efficiency.

The PRESIDENT pro tempore. The amendment will be agreed to, without objection.

Mr. WILLIAMS. How does that bill get before the Senate, Mr. President?

The PRESIDENT pro tempore. By motion of the Senator from Wyoming [Mr. WARREN].

Mr. LODGE. Regular order!

The PRESIDENT pro tempore. The motion displaced for the time being whatever may have heretofore been under consideration.

Mr. WILLIAMS. I have understood that the unfinished business was the seamen's bill.

The PRESIDENT pro tempore. That bill was laid aside and has not been called up by the Senator having it in charge.

Mr. WILLIAMS. I call it up. I suppose any Senator has a right to call it up.

Mr. LODGE. When I made my suggestion about the seamen's bill, I supposed the deficiency bill had been taken up by unanimous consent.

The PRESIDENT pro tempore. It was not.

Mr. LODGE. It was taken up by motion?

The PRESIDENT pro tempore. It was.

Mr. LODGE. Therefore the regular order is the appropriation bill, which has displaced the other.

The PRESIDENT pro tempore. As a matter of fact, this bill, having been taken up on motion, displaced the unfinished business.

Mr. LODGE. That is what I tried to explain.

Mr. WILLIAMS. Mr. President, the seamen's bill has been before the Senate for some time. It involves the principle of involuntary servitude on the part of able seamen in the merchant marine, and it ought not to be laid aside; it ought to be considered and passed upon one way or the other by the Senate. I do not care to discuss it at any length, but I do care that it shall be considered. It seems to me that it is the regular order in the Senate at this time, and it ought not to be set aside.

Furthermore, Mr. President, I do not understand how it happens that the conference report on the river and harbor bill, after being discussed for four or five hours to-day, should be set aside in behalf of another conference report.

Mr. WARREN. Mr. President, the Senator is mistaken in his understanding of the situation. The bill has not been laid aside for any other conference report. It lies right where it did—before the Senate for consideration. The bill under consideration is not a conference report; it is the regular annual deficiency appropriation bill, which we are proceeding to pass through the Senate, so that it may go to the other House and get into conference. I moved in the regular way to take it up, and the motion was carried unanimously.

Mr. LA FOLLETTE. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the Senator's motion was not submitted to the Senate; there was no vote upon the question of taking up this appropriation bill as against the regular order, which is the unfinished business—the seamen's bill.

The PRESIDENT pro tempore. As the Chair recalls the matter, the Senator from Wyoming made the motion, and the Chair submitted the question and declared it carried.

Mr. LA FOLLETTE. I have just consulted the record, Mr. President, and I think I am right about it.

Mr. WARREN. Mr. President, if there is any disposition here not to pass the deficiency bill, the quicker we understand it the better, because I want to say, in all seriousness, that unless we pass this bill to-night and get it to the printers, to the House, and to our engrossing clerks, we probably shall be unable to get it through in the limited time we have. That is all.

Mr. LA FOLLETTE. Mr. President, I for one am very reluctant to antagonize the consideration of an appropriation bill, but for 18 years the seamen of this country have asked to be relieved from slavery. Last August there came to this Senate a bill which, if enacted into law, would emancipate them. It has been in the Committee on Commerce from that time to this. The hearings upon it of the shipowners have been protracted day after day, week after week, and month after month, until now, in the closing hours of this Congress, it seems impossible to get it before the Senate for consideration. Better, Mr. President, that some appropriation bill should fail than that the blot of slavery should remain upon American seamen.

If we can have some assurance that that bill is going to be taken up and considered and given a fair chance to get into conference, appropriation bills can be passed. I for my part would not stand in the way of the consideration of these appropriation bills if there could be some understanding arrived at by unanimous consent for the taking up of that bill and a vote be had upon it.

Mr. President, some two years ago I presented to the Senate a memorial by the seamen of this country, setting forth conditions against which every American ought to revolt.

At that time I introduced a bill similar to the one which passed the House of Representatives. It was referred to the committee that has charge of this subject. Before the close of the last session I appealed to the committee to be informed if it could not receive some attention; if there was not some hope that it might be considered and reported upon at that session. I received the assurance of the Senator from Minnesota [Mr. NELSON], the chairman of the committee, that it was his purpose to convene his committee even before the beginning of the present session in order that the hearings might be disposed of, so that the committee at the very beginning of the session might consider and speedily report the bill. I followed it before that committee, keeping informed as best I could upon the progress made, and waiting, hoping, and believing it was to be presented to the Senate in time for the Senate to act upon it. It was my hope that it would be passed in time to permit the two Houses, through a conference, to arrive at an agreement that would relieve 120,000 to 130,000 men engaged in that vocation from the slavery under which they now suffer. At the same time it would

give to the traveling public some security for life, so that we might not be confronted with such disasters as the *Titanic* and the multitude of others of somewhat similar character which have appalled the world.

The welfare of the men who man American vessels and of the public seems to have received little consideration, because legislation in the interest of property, in the interest of the owners of the vessels has forestalled all other considerations which work to the safety of passengers upon vessels, to the preservation of life, and all humane and decent treatment of the men who follow the sea for a living.

Now, Mr. President, we are nearing the close of this session, and for one I think the time has come to have consideration of this subject, to come to some understanding about it, and to know whether we can have a vote upon this tremendously important measure.

Mr. WARREN. Will the Senator allow me?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. Mr. President, I hope the Senator understands one thing, and that is it does not make a particle more difference to me whether we pass the appropriation bills than it does to any other Senator. I had no motive whatever, either of displacing or delaying the consideration of the seamen's bill, but I think Senators will all admit that, when a bill has been laid aside for the day, other business can be taken up and considered. While the taking up of the deficiency appropriation bill might displace the other measure—for perhaps no longer time than we have already debated this matter—after the appropriation bill is disposed of I think its relation would be the same, because the unfinished business was before the Senate and must in some way have been laid aside for the day.

Mr. LA FOLLETTE. It was temporarily laid aside for the consideration of another measure, but not for the consideration of this measure.

Mr. WARREN. If the Senator will allow me——

Mr. LA FOLLETTE. It was temporarily laid aside for the consideration of the conference report on the river and harbor bill, and no other measure has any right here as against the unfinished business excepting as it obtains that right by a vote of the Senate, or if by the consent of the Senate the unfinished business shall be still further laid aside for the consideration of the other measure.

Mr. WARREN. Will the Senator allow me to interrupt him again?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. I was not in the Chamber when the unfinished business was laid aside, but it has been the usual—in fact, I might say the universal—custom when a bill is laid aside that it is laid aside subject to matters that come up during the day, and I supposed that that was the case in this instance.

Mr. LA FOLLETTE. I am very certain, if the Senator will permit me, that the Senator from Ohio did not consent to the laying aside of the seamen's bill for the day. He consented to the laying aside of that bill temporarily for the consideration of the conference report on the rivers and harbors bill; and, if that be true, Mr. President, it has not the sanction of the Senate to be laid aside for the consideration of any other bill until that sanction is obtained either by motion or by unanimous consent.

The PRESIDENT pro tempore. As the Chair remembers the matter, the bill was laid aside temporarily without any conditions.

Mr. LA FOLLETTE. I think that is true.

Mr. WARREN. If it was laid aside without any conditions, then it was laid aside for the day.

Mr. LA FOLLETTE. Oh, no.

Mr. WARREN. Certainly it was. However, there will be no trouble about getting the other matter up.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. BURTON. I do not wish to enter into any extended discussion regarding the seamen's bill. I am exceedingly anxious to bring it up and have it passed. It was regarded of such importance that at the close of the last session it was agreed that the members of the subcommittee to which it was referred should meet one week before the beginning of the present session to consider it; but, for a variety of reasons, it was impossible to secure the attendance of the whole subcommittee. In one case a member was detained by illness in his family. It is not necessary for me to go into the list of the names of those who were absent, but it was impossible to take the measure up until the beginning of this session.

There have been practically 20 days of hearings upon this bill. The delay has been by no means unusual. In the consideration of similar questions in England a commission had the subject under study for a year or more. It makes a revolution in the control of shipping and the relation between the seamen and the vessel owners. I am glad to say that we have reported a measure which marks a greater advance in the condition of seamen than all the legislation placed upon the statute books within the last 30 years. There are some propositions in the bill, however, so radical that the committee did not think they could accept them.

The Senator from Wisconsin is quite in error in stating that hearings have been given to the shipowners. With the utmost care no hearings have been held except representatives both of the seamen and the shipowners have been present.

I think no committee has ever observed more sedulous care to see that both sides were represented than the subcommittee and the whole committee have maintained in this case. There have been no outside conferences with one side or the other. Our hearings have been in the open.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. Yes.

Mr. NELSON. It seems to me that the only relief from this controversy between the chairman of the Appropriations Committee, the Senator from Wisconsin, and the Senator from Ohio is to proceed to the consideration of the conference report on the river and harbor bill, and, Mr. President, I move that the Senate proceed to its consideration.

Mr. WARREN. Mr. President, before that motion is put I desire to say that I have tried to do my duty as chairman of the Appropriations Committee. I decline to be a football with appropriation bills between those who desire to secure the consideration of different measures. If this appropriation bill is not to pass, I am willing to abandon it and will find no fault about it; but certainly if this bill can not go through very soon I shall be compelled to abandon it and let some other Senator take it up, if he thinks he can better attend to it. There are certain things that have to be done with appropriation bills that it is impossible to avoid——

Mr. NELSON. I realize that. There are certain things that have to be done.

Mr. WARREN. And we have already spent time enough debating matters without result to have passed the appropriation bill, and then we could have taken up the other.

Mr. WILLIAMS. Mr. President——

Mr. NELSON. Will the Senator from Mississippi yield to me?

Mr. WILLIAMS. Yes.

Mr. NELSON. I think the chairman of the Appropriations Committee ought to yield to the conference report on the rivers and harbors bill. The deficiency bill is not subject to a debate of five or six hours, as the rivers and harbors bill is and has been. In view of that fact, Mr. President, I think, under present conditions, the rivers and harbors bill ought to have the right of way, and therefore I renew my motion to proceed with the consideration of the conference report on the rivers and harbors bill.

Mr. WILLIAMS. I understand the rivers and harbors bill has the right of way without any motion of any description.

SEVERAL SENATORS. Oh, no.

Mr. LA FOLLETTE. The unfinished business has the right of way.

Mr. WILLIAMS. Mr. President, the conference report on the rivers and harbors bill was the unfinished business.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. NELSON] has made a motion to proceed with the consideration of the conference report on the rivers and harbors bill. That motion is not debatable.

Mr. WILLIAMS. I beg the Chair's pardon. If it is not debatable, I will not debate it, of course.

The PRESIDENT pro tempore. It is not debatable. The question is on the motion of the Senator from Minnesota. [Putting the question.] The Chair is in doubt, and will again put the question. [Putting the question.] By the sound the ayes appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from Illinois [Mr. CULLOM], and I therefore withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I do not see him here, and therefore am not at liberty to vote.

Mr. CULBERSON (when his name was called). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON], and therefore withhold my vote.

The roll call was concluded.

Mr. SMOOT. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] was compelled to leave the Senate this evening. He has a general pair with the junior Senator from Tennessee [Mr. WEBB].

Mr. DILLINGHAM. In the absence of the senior Senator from South Carolina [Mr. TILLMAN], I transfer my general pair with him to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. BRIGGS. I transfer my pair with the Senator from West Virginia [Mr. WATSON] to the junior Senator from Rhode Island [Mr. LIPPITT] and vote. I vote "nay."

Mr. CLARKE of Arkansas. I transfer my pair with the junior Senator from Utah [Mr. SUTHERLAND] to the senior Senator from Virginia [Mr. MARTIN] and vote. I vote "yea."

Mr. PAYNTER. I transfer my general pair with the Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Arizona [Mr. SMITH] and vote. I vote "yea."

Mr. SMITH of South Carolina. I transfer my general pair with the senior Senator from Delaware [Mr. RICHARDSON] to the Senator from Arkansas [Mr. KAVANAUGH] and vote. I vote "yea."

Mr. KERN (after having voted in the negative). The Senator from Kentucky [Mr. BRADLEY], with whom I am paired, not having voted, I withdraw my vote.

The result was announced—yeas 26, nays 37, as follows:

YEAS—26.

Bankhead	Fall	Martine, N. J.	Smith, S. C.
Bourne	Fletcher	Nelson	Stone
Bryan	Foster	Paynter	Thornton
Catron	Gronna	Percy	Townsend
Chamberlain	Johnson, Me.	Sheppard	Williams
Clarke, Ark.	Johnston, Ala.	Simmons	
Crawford	Jones	Smith, Mich.	

NAYS—37.

Ashurst	Dillingham	McCumber	Root
Brandegee	Dixon	Myers	Smith, Ga.
Briggs	Gallinger	Newlands	Smoot
Bristow	Gamble	O'Gorman	Swanson
Burnham	Gore	Oliver	Thomas
Burton	Hitchcock	Owen	Warren
Clapp	Kenyon	Page	Wetmore
Clark, Wyo.	La Follette	Penrose	
Crane	Lea	Pittman	
Cummins	Lodge	Poindexter	

NOT VOTING—32.

Bacon	Curtis	McLean	Smith, Ariz.
Borah	du Pont	Martin, Va.	Smith, Md.
Bradley	Gardner	Overman	Stephenson
Brady	Guggenheim	Perkins	Sutherland
Brown	Jackson	Pomerene	Tillman
Chilton	Kavanaugh	Reed	Watson
Culberson	Kern	Richardson	Webb
Cullom	Lippitt	Shively	Works

So Mr. NELSON's motion was rejected.

The PRESIDENT pro tempore. The Secretary will resume the reading of the bill.

Mr. LA FOLLETTE. Mr. President, I was going to prefer a request for the consideration of the seamen's bill after the conclusion of this bill; but I believe this bill can be disposed of in a brief time, and I will therefore defer that request.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 2, after line 18, to insert:

Hereafter the Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 3, after line 20, to insert:

International Congress on Alcoholism: For expenses of delegates to be designated by the President to the Fourteenth International Congress on Alcoholism, at Milan, Italy, September, 1913, including secretarial and stenographic work and transcription of reports, $6,850.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WILLIAMS. What is the bill that the Secretary is reading?

The PRESIDENT pro tempore. It is the general deficiency appropriation bill.

Mr. WILLIAMS. How does that bill get before the Senate?

The PRESIDENT pro tempore. On motion of the Senator from Wyoming, as before stated.

Mr. WILLIAMS. The seamen's bill was the unfinished business. When we voted down the resolution to take up the rivers and harbors bill the seamen's bill was the unfinished business.

The PRESIDENT pro tempore. The unfinished business or any other bill can be displaced on motion to take up a bill, and that is exactly what occurred.

Mr. WILLIAMS. But that motion has not been made. That motion has never been made, and has never been carried.

The PRESIDENT pro tempore. The Chair must take exception to that. The notes may be read, if it is necessary, to show what occurred.

Mr. LODGE. The motion was made before the Senator from Mississippi came into the Chamber.

Mr. WILLIAMS. Mr. President, if a motion has been made, and if a motion has been carried, of course I am speaking to outer air; but no motion has been made and no motion has been carried to that effect since we had the recent discussion about it, and I know of no motion of the kind at any time.

Mr. WARREN. Mr. President, I certainly made that motion.

Mr. WILLIAMS. I remember that the Senator from Minnesota [Mr. NELSON] waived the further consideration of the river and harbor bill for the special consideration of the matter that was brought before the Senate at that time.

Mr. LODGE. Let the notes be read.

The PRESIDENT pro tempore. If the Senator will permit the Chair, of course the Senator from Mississippi knows the Chair has no motive——

Mr. WILLIAMS. Oh, I beg the Chair to believe that I did not mean anything of that kind. I know the Chair is as void of wrong motive as anyone in the world.

The PRESIDENT pro tempore. If the Senator from Mississippi will permit the Chair, the parliamentary status is this: The Senator from Ohio [Mr. BURTON] asked unanimous consent to lay aside the seamen's bill, and that request, being without objection, was agreed to. In the meantime the conference report on the river and harbor bill was considered for a time, and discontinued at a certain point.

Mr. WILLIAMS. But discontinued how?

The PRESIDENT pro tempore. By laying it aside and other matters coming up.

Mr. SMOOT. By the Senate going into executive session.

Mr. WILLIAMS. By unanimous consent to lay it aside, or by a motion?

The PRESIDENT pro tempore. The consideration of the conference report was discontinued.

Mr. LA FOLLETTE. By going into executive session.

The PRESIDENT pro tempore. By going into executive session. The Senator from Wyoming [Mr. WARREN] made a motion this evening to proceed to the consideration of the general deficiency bill, and that motion was agreed to. That motion displaced every other bill, whether it was unfinished business or otherwise. At the present moment the unfinished business is the general deficiency bill, which is now under consideration.

Mr. BRANDEGEE. Mr. President, I ask that the reporter read his notes from the time the Senator from Wyoming made the motion to take up the general deficiency bill.

The PRESIDENT pro tempore. The Chair will be pleased to have that done.

Mr. WILLIAMS. Mr. President——

Mr. LODGE. Let the notes be read.

Mr. WILLIAMS. I want to say this, and then I shall take my seat:

There seems to be a determined effort upon the part of a few men to prevent the passage of the rivers and harbors bill. Up to this good moment that has succeeded through an indifference of the Senate in granting unanimous consent. I want to serve notice that no more unanimous consents will be granted and that, unless the rivers and harbors bill can be squarely fronted by the Senate and voted upon one way or the other, no other appropriation bills shall be voted upon until the 4th of March.

The PRESIDENT pro tempore. The reading will be continued.

Mr. BRANDEGEE. I ask that the reporter's notes be read.

The PRESIDENT pro tempore. The notes will be read.

The reporter read as follows:

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 28858, the deficiency appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the deficiency appropriation bill.

The SECRETARY. A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

The motion was agreed to.

Mr. WARREN. I make the usual request that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

Mr. BRYAN. I do not desire to object, but I do not presume it is fair to the Senator from Minnesota.

Mr. WARREN. I can not hear what the Senator from Florida says.

Mr. BRYAN. I thought it was only fair that the Senator from Minnesota, who was not in his seat, should know of the request. If it is satisfactory to him, I have no objection.

Mr. WARREN. The Senator from Minnesota is in his place.

Mr. BRYAN. I see that he is.

Mr. NELSON. I did not understand.

Mr. BRYAN. I simply wanted the Senator from Minnesota to know that the request had been made to take up the deficiency appropriation bill, which would operate to displace the rivers and harbors bill.

Mr. NELSON. I have tried to get the chairman of the Committee on Appropriations to yield to the conference report on the rivers and harbors bill, but he insists upon going on with the deficiency appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

Mr. BRANDEGEE. That is all I ask for.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with. The amendment last read will be agreed to, without objection.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 4, after line 2, to insert.

Safety of life at sea: For compensation and necessary traveling and other expenses of officers of the Government and other persons to be designated by the President to consider subjects relating to greater security at sea, as recited in the joint resolution proposing an international maritime conference approved June 28, 1912 (37 Stat., p. 637), for necessary clerk hire in Washington, D. C., and elsewhere, and for the expenses of informal consultation with representatives of foreign Governments preliminary to the proposed international conference, $10,000: *Provided*, That officers of the Government shall receive reimbursement for expenses incurred in connection with this work, but no compensation in addition to the salaries attached to their respective positions.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert:

Payment to Malambo fire claimants: To pay the allowances made to the Malambo fire claimants under article 7 of the treaty of November 18, 1903, between the United States and Panama, as recommended by the President in his special message to Congress of December 13, 1911, in accordance with the recommendations of the Secretary of War and the Attorney General, $53,800.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 5, after line 18, to insert:

To pay balance for rent of temporary quarters at Cleveland, Ohio, for the accommodations of Government officials from October 31 to December 22, 1910, $5,033.94.

The amendment was agreed to.

The next amendment was, on page 7, after line 11, to insert:

For acquisition of sites and additions to sites for and to begin the construction of public buildings and the extension of public buildings, preparation of plans, including personal services, authorized during the third session of the Sixty-second Congress, so much therefor as may be necessary is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 9, after line 5, to insert:

Authority is hereby granted to use the sum of $2,100 of the amount provided by the sundry civil act of March 4, 1911, "For medical examinations, care of seamen, care and treatment of all other persons entitled to relief, and miscellaneous expenses other than marine hospitals, which are not included under special heads," for "Freight, transportation, and traveling expenses," for the fiscal year 1912.

The amendment was agreed to.

Mr. STONE. I inquire whether amendments other than committee amendments are now in order?

The PRESIDENT pro tempore. Unanimous consent was given that the committee amendments should first be considered.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Customs service," on page 10, after line 2, to insert:

To defray the expenses of a representative of the Treasury Department, to be designated by the Secretary of the Treasury, to the International Congress on Customs Regulations, to convene at Paris in May, 1913, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous, Treasury," on page 10, after line 15, to insert:

Hereafter the Auditor for the Post Office Department shall not assort and verify the money orders pertaining to postmasters' issued lists covering the period from January 1, 1912, to June 30, 1912: *Provided*, That the statements for said period and accompanying money orders shall be retained as a part of the record of unpaid money orders required by the act approved May 27, 1908.

Mr. BRISTOW. I should like to have the chairman of the committee explain just what that amendment means.

Mr. WARREN. That is the amendment referring to the Post Office Department?

Mr. BRISTOW. Yes; the auditor of that department.

Mr. WARREN. We have a letter here on the subject which is rather long. I will have it read if the Senator desires, but perhaps I can state it more briefly.

The new machinery for auditing the money-order papers in the Post Office Department was inaugurated some two years ago. At that time it was explained that it would cost $100,000 per annum less to conduct the work. There was then a limitation of the cost amounting to about $100,000 per year through a large reduction in the number of employees. It seems they had been nearly two years behind in the office at one time, and we had been appropriating perhaps $50,000 a year to enable them to catch up.

When this new system was installed they thought it would enable them to bring up the arrears, even with their greatly reduced force; but they have found that they are still behind about 50,000,000 money orders that have not been audited on one side, covering the business for three or four months, perhaps longer.

The Secretary of the Treasury and the auditor for the department have suggested that we should either appropriate $67,000 for extra help to bring the auditing of these matters up to date—they are keeping up with them now—or make this amendment, which was drawn up by the department exactly as we have it, and call it an arbitrary audit. I was talking to the Assistant Secretary about the matter recently, and it seems that they feel there is hardly a chance of an error, since one side has already been audited, and it is work in which they seldom find any error.

Mr. BRISTOW. The auditor recommends it?

Mr. WARREN. Yes. If the Senator feels that the other method is better, it can be followed.

Mr. BRISTOW. No.

Mr. WARREN. I acknowledge with pleasure that the Senator was a very efficient secretary in that department at one time.

Mr. BRISTOW. I understand the matter now.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 11, to insert:

The Secretary of the Treasury is authorized and directed to pay to Emma Morris, widow of Frank H. Morris, late Auditor of the Treasury for the War Department, who lost his life on the 22d day of December, 1900, while in the discharge of his official duties in the Winder Building, $4,000, the same being equivalent to one year's salary of the said Frank H. Morris.

Mr. BRISTOW. Mr. President, that is starting out on paying civil employees of the Government a year's salary when they die in office. With very much regret, I feel that somebody ought to make a point of order against it.

Mr. WARREN. If the Senator will allow me, does he remember the circumstance?

Mr. BRISTOW. Yes; and it was explained a year ago.

Mr. WARREN. The man was shot dead in his chair while doing duty, because he had demoted a man. I have felt that it was justice to the claim to include it in the bill. I knew something of the circumstances. The Senate has acted favorably on it as many as three times, but so far we have not been able to get the assent of the other House. I hope the Senator will leave it in and let it go to conference.

Mr. BRISTOW. I think it is a very bad precedent to establish. While I deeply regret to make points of order in cases where it is so disagreeable as it is here, I feel that it ought to be done. It seems to me it is a dangerous thing to begin, much as I regret the necessity of making the point.

Mr. ROOT. Is there not a difference between the case of a civil employee who simply dies during the period of his employment and that of a man who is killed for doing his duty? Will that make a precedent? It does not seem to me so. It seems to me that differentiates the case from the ordinary one.

Mr. BRISTOW. I have had the disagreeable duty of objecting to a good many things, and I will withdraw the objection for once.

Mr. WARREN. I hope a case of this kind will never happen again. I am very glad the Senator has withdrawn the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, after line 13, to insert:

For payment to Charles M. Campbell and Charles A. Davidson, late clerks of the courts of the United States for Indian Territory, for fees

earned by them for performing services not required of clerks of United States courts in other districts, which fees were erroneously required to be deposited to the credit of the United States Treasury, $750 each, $1,500.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

GOVERNMENT IN THE TERRITORIES.

Contingent expenses, Territory of Alaska: For additional amount required for clerk hire, in the office of the governor of Alaska, $600.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 16, after line 14, to insert:

George Washington University Hospital: For additional amount required for the care and treatment of indigent patients under a contract made with the George Washington University Hospital for the fiscal years 1909, 1910, 1911, and 1912, $2,810.20.

The amendment was agreed to.

The next amendment was, on page 19, after line 12, to insert:

Damages and payment for ground on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, $4,140.

The amendment was agreed to.

The next amendment was, on page 19, line 21, after the word "sixty-five," to insert "and House Document No. 1433," and in line 23, after the word "session," to strike out "$5,113.26" and insert "$6,821.21," so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Document No. 1365 and House Document No. 1433 of this session, $6,821.21, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 21, after line 14, to insert:

For protecting shore of Anastasia Island, Fla., by groins, $15,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to strike out:

To pay the claims considered, ascertained, and adjusted and determined by the Secretary of War under the Army appropriation act for the fiscal year 1913 (37 Stat. L., p. 586), on account of loss of and damages to private property occasioned by heavy gun fire and target practice of troops, and for damages to vessels, wharves, and other private property, found to be due to maneuvers or other military operations for which the Government is responsible, certified to Congress at its present session in House Document No. 1316, $1,160.95.

The amendment was agreed to.

The reading of the bill was continued to line 13, page 23.

Mr. BURTON. I have an amendment that I shall desire to submit at that point, but I understand the bill is being read first for committee amendments?

The PRESIDENT pro tempore. For committee amendments first.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Navy Department," on page 26, line 22, after the word "thirteen," to insert "and Senate Document No. 1117," and in line 23, after the word "seventeen," to strike out "$1,074.91" and insert "$1,574.91," so as to make the clause read:

To pay the claims adjusted and determined by the Navy Department, under the naval appropriation act for the fiscal lear 1911 (36 Stat. L., p. 607), on account of damages occasioned to private property by collisions with vessels of the United States Navy and for which the naval vessels were responsible, certified to Congress at its present session in House Documents Nos. 1348 and 1413 and Senate Document No. 1117, $1,574.91.

The amendment was agreed to.

The next amendment was, under the head "Department of the Interior," on page 32, after line 9, to insert:

Senate Office Building: To pay balances on contracts and for labor and material for the construction of approaches to the Senate Office Building, $15,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 15, to insert:

For fuel, oil, and cotton waste, and advertising for the power plant which furnishes heat and light for the Capitol and congressional buildings, $6,148.82.

The amendment was agreed to.

The next amendment was under the subhead "Public Land Service," on page 35, after line 2, to insert:

The fund derived from the act approved July 2, 1864, and the appropriation "Surveys within land grants (reimbursable), act of March 2, 1895," is hereby made available for office work upon surveys under these acts in the offices of the surveyors general and in the General Land Office.

The amendment was agreed to.

The next amendment was at the top of page 36, to insert:

RECLAMATION SERVICE.

The expenditure authorized to be made from the reclamation fund, by public resolution No. 56, approved August 24, 1912, entitled "Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett tunnel," is hereby increased $12,750, or so much thereof as may be necessary, for the purposes enumerated in said resolution and paying for the spillway to said tunnel: *Provided*, That claims on account of the construction of the Corbett tunnel and spillway not presented to the Secretary of the Interior for investigation prior to April 1, 1913, shall be forever barred; and no assignment of such claims after date of public resolution No. 56, approved August 24, 1912, shall be recognized: *And provided*, That in each instance where a claimant is represented by attorney, agent, or other representative, the Secretary of the Interior shall decide what is a reasonable compensation to be paid such attorney, agent, or representative, and deduct such sum from the amount of the claim and certify the same to the Secretary of the Treasury, who is hereby authorized to pay the same.

The amendment was agreed to.

The next amendment was under the head of "Out of the postal revenues," on page 45, line 14, before the word "domestic," to strike out "first class," so as to make the clause read:

For payment of limited indemnity for the loss of pieces of domestic registered matter, fiscal year 1912, $18,000.

The amendment was agreed to.

The next amendment was under the head of "Department of Agriculture," on page 46, after line 22, to insert:

Office of the Secretary: For additional labor and emergency employments, $1,000.

The amendment was agreed to.

The next amendment was at the top of page 47, to insert:

Contingent expenses: For additional necessary supplies and repairs to buildings, $2,000.

The amendment was agreed to.

The next amendment was, on page 47, after line 22, to insert:

General expenses, Bureau of Plant Industry: For additional expenses in connection with the purchase of materials and supplies needed for continuing investigations into ginning, handling, grading, baling, and wrapping of cotton, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," subhead "Coast and Geodetic Survey," on page 47, after line 22, to insert:

For rewiring the Coast and Geodetic Survey buildings, $4,300.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 48, after line 10, to insert as a subhead the following: Senate.

The amendment was agreed to.

The next amendment was, on page 48, after line 11, to insert:

To pay Gheretein Y. Heyburn, widow of the late Senator Weldon B. Heyburn, from the State of Idaho, $7,500.

The amendment was agreed to.

The next amendment was, on page 48, after line 13, to insert:

To pay Frances Jane Rayner, widow of the late Senator Isidor Rayner, from the State of Maryland, $7,500.

The amendment was agreed to.

The next amendment was, on page 48, after line 15, to insert:

To pay Lelia Carter Davis, widow of the late Senator Jeff Davis, from the State of Arkansas, $7,500.

The amendment was agreed to.

The next amendment was, on page 48, after line 17, to insert:

The Secretary of the Senate is hereby authorized and directed to pay Amos W. W. Woodcock for services as clerk to Senator William P. Jackson, of Maryland, from November 29 to December 3, 1912; Charles H. Arbuckle for services as clerk to Senator K. I. Perky, of Idaho, from November 18 to December 2, 1912; and W. Orr Chapman for services as stenographer to Senator K. I. Perky, of Idaho, from November 22 to December 2, 1912, from the appropriations for salaries to clerks, messengers, and others in the service of the Senate, for the fiscal year 1913.

The amendment was agreed to.

The next amendment was, on page 49, after line 3, to insert:

For 3 clerks at $2,000 each per annum and 11 stenographers at $1,200 each per annum to Senators who are not chairmen of committees, from March 4 to June 30, 1913, so much thereof as may be necessary, $6,240.

The amendment was agreed to.

The next amendment was, on page 49, after line 8, to insert:

For 16 pages from March 4 to June 30, 1913, $4,760, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 49, after line 11, to insert:

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $500.

The amendment was agreed to.

The next amendment was, on page 49, after line 13, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from July 1, 1912, to March 4, 1913, for clerk hire and other extra clerical services, $2,880.

The amendment was agreed to.

The next amendment was, on page 49, after line 18, to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1913, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the third session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 50, after line 4, to insert:

For the Capitol: "For repairs, improvements, and equipment for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended by the Superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, for the fiscal year 1914, $17,500."

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 57, line 15, after the word "seventy-eight," to insert "and Senate Document No. 1120," so as to read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1378 and Senate Document No. 1120, namely:

The amendment was agreed to.

The next amendment was, on page 57, line 17, after the word "Department," to strike out "$11,017.65" and insert "$110,200.25," so as to read:

Under War Department, $110,200.25.

The amendment was agreed to.

The next amendment was, on page 57, line 18, after the word "Department," to strike out "$5,113.97" and insert "$154,790.80," so as to read:

Under Navy Department, $154,790.80.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to insert:

Under Post Office Department, $8,329.45.

The amendment was agreed to.

The next amendment was, on page 57, line 21, after the words "In all," to strike out "$16,361.62," and insert "$273,550.50," so as to read:

In all, $273,550.50.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 57, line 25, after the word "seventy-six," to insert "and Senate Document No. 1119," and, on page 58, line 1, after the word "session," to strike out "$4,615," and insert "$26,410," so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 1376 and Senate Document No. 1119, at its present session, $26,410.

The amendment was agreed to.

The next amendment was, on page 58, after line 23, to insert:

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,305,257.19, being the net amount of a judgment of the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 13, 1911, said amount to remain in the Treasury to the credit of the Ute Indians and be subject to such future appropriations as Congress may direct. The amount of said judgment shall bear interest at 4 per cent per annum from and after February 13, 1911, such interest to be available for cash per capita payments to the Ute Indians entitled, or for expenditure for their benefit, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1910 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 1114, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $4,636.
For extra-duty pay to enlisted men as clerks, etc., at Army divison and department headquarters, $845.20.
For transportation of the Army and its supplies, $409.79.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $2,584.
For pay, Marine Corps, $4.31.
For contingent, Marine Corps, $10.59.
For recruiting, Bureau of Navigation, $45.
For gunnery exercises, Bureau of Navigation, $21.48.
For ordnance and ordnance stores, Bureau of Ordnance, $330.41.
For equipment of vessels, Bureau of Equipment, $1,000.
For maintenance, Bureau of Yards and Docks, $4.96.
For freight, Bureau of Supplies and Accounts, $133.50.
For Engineering Experimental Station, Annapolis, Md., Bureau of Steam Engineering, $49.28
For enlistment bounties to seamen, $174.17.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For surveying the public lands, $1,940.32.
For re-marking boundary line betwen Texas and New Mexico, $100.
For Indian schools, support, $53.30.
For purchase and transportation of Indian supplies, 1912, $1,630.33.
For support of Indians in California, $115.53.
For Indian school, Rapid City, S. Dak., heating plant, $352.07.
For indemnity to certain Chickasaw Indians for losses, treaty of June 22, 1855, $24,830.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For equipment, Bureau of Standards, $16.79.
For party expenses, Coast and Geodetic Survey, $17.80.
For fees of commissioners, United States courts, 1912, $46.30.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment on behalf of the committee. On page 32, after line 18, I move to insert:

For expenses of removal of the buildings or other structures upon the land acquired for the enlargement of the Capitol Grounds, for grading, seeding, and soiling, and preparation of plans for permanently improving the same, $35,000.

The amendment was agreed to.

Mr. WARREN. On page 50, after line 4, I move to insert:

Hereafter the appropriations for contingent expenses of the Senate shall be available for the payment of compensation to officers and employees when ordered by the Senate in payment for extra services.

Mr. BRISTOW. I make the point of order that that is legislation.

Mr. WARREN. Will the Senator withhold it for just a moment, so that I may state what it is for?

Mr. BRISTOW. Very well.

Mr. WARREN. Mr. President, in another House anything paid in the way of an extra to an employee for extra services, and so forth, is paid out of the contingent fund of that House. It never comes into conference; it never comes over to the Senate except in the total of the contingent fund.

We have had great differences of opinion, and it has been worse since the two Houses have been of different political faith. We have been requested to arrange our business, if possible, so that we should not have to ask another House to have to pass upon a $250 matter or a $150 matter—our special or extra items, purely Senate expenses—but that it should be paid out of our contingent fund. Their laws or rules seem to permit them to do that way.

Both the chairman of the Committee on Appropriations and the whole committee are placed in a position where it is most ungracious to refuse at the last moment brother Senators as to what amendments they may put in for their employees in the very last, hurrying days or day. I have sought in this amendment to permit all these small special items to be taken up and paid by the Senate without going to the House. The items could then be paid at various times during the session. As it is now, at the last moment, when we are working night and day, it is impossible to get a full committee, because the members are in conference on different bills. Yet the committee is called to pass on 20 or 30 or 40 items, or whatever number it may be, one calling, perhaps, for $2,000, another for $500, another for $200, and so forth, without anything before the committee to give it the necessary information to determine the merits of each case. We have sought to avoid it.

Of course, if the Senator should make this point of order, the Senator knows, as I do, that it is legislation. Then there will be from all quarters, I assume, the usual number of amendments which will go on the bill. They will go into conference, we shall struggle over them until the last moment, and come into the Senate with a disagreement, and the bill will either fail or we shall have to cut them out, and get a round scolding or worse from our colleagues.

I believe that the legislation proposed is in the interest of economy. It is in the interest of justice, and certainly it would greatly relieve the onerous duties of the Committee on Appropriations without imposing unduly on any other committee.

Mr. BRISTOW. I desire to read the law. This is a statute; it is not a rule of the Senate or a rule of the House.

Mr. WARREN. I do not make any claim that the point of order can not lie. It is legislation.

Mr. BRISTOW. But I wanted to answer the statement which the Senator made as to the House having one rule and the Senate another. The law is that—

No payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the Senate or House of Representatives.

That is a statute. It has the same force on the House that it has on the Senate. This amendment proposes to repeal that and simply permit the Committee on Contingent Expenses to handle and add expenditures here. It would be removing what may be an embarrassment to the Committee on Appropriations,

but would place a very much more serious one on the Committee on Contingent Expenses.

I think it would be very unwise legislation. I must insist on the point of order.

Mr. WARREN. If all the ills of life must come to the one committee, I shall not complain, but I repeat that those expenses are paid in the House of Representatives and never go on the appropriation bill. The House has provided a way, probably since the print the Senator reads.

Mr. BRISTOW. Then they are paid in violation of law.

Mr. WARREN. Furthermore, we have violated the spirit of that law continually ever since I have been in the Senate by reports from the committee of which the Senator from Kansas is an honored member, the Committee on Contingent Expenses, whereby this or that clerk has been authorized to be paid out of the contingent fund until otherwise authorized by law. It has gone on all these years.

Mr. BRISTOW. But it is not a violation of this law.

Mr. WARREN. It is.

Mr. BRISTOW (reading)—

No payment shall be made from said contingent fund as additional salary or compensation to any officer.

That is, additional to that fixed by law.

Mr. WARREN. Additional salary or compensation; not additional compensation, but just straight compensation of employees, is prohibited.

Mr. BRISTOW. Additional salary or additional compensation. There can be no compensation that would not be termed salary.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. LODGE. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the governor of the State of Massachusetts, or his duly authorized agent, $233,885.82, the money which the State paid as interest, and for coin as premium wherewith it paid interest, on bonds issued under the provisions of the act of the legislature approved March 30, 1863, for the purpose of strengthening the harbors and fortifying the coast, the principal of said bonds having been reimbursed the State under the provisions of the act approved July 7, 1884 (23 Stat. L., p. 204).

Mr. WARREN. That is clearly a claim, and our rules forbid a claim.

Mr. LODGE. They forbid a private claim. The claim of a State has not become a private claim yet.

Mr. WILLIAMS. I should like to hear the amendment read once more.

The PRESIDENT pro tempore. It will be again read.

Mr. LODGE. I can in a moment tell the Senator what it is and save the reading. There have been paid to almost all the States, certainly to a great many of them—the Senator from Kansas told me it had been paid there, and I think it has been paid in Pennsylvania and in New York and in almost all the States—the premiums which the States paid for bonds issued during the war in aid of the Government. Massachusetts is one of the very few States—I do not know that there is any other—to whom this refund has not been made.

Mr. WILLIAMS. The Senator need not explain it any further. I have no objection to the amendment. I just wanted to understand it.

Mr. LODGE. It has been reported from a standing committee.

Mr. WARREN. Reporting from a committee favorably hardly puts it in order on an appropriation bill.

Mr. LODGE. It does under the rule, as I know it.

Mr. WARREN. I know no difference between a State claim and a private claim in the rule as I read it.

Mr. LODGE. I do not think a State claim is a private claim.

Mr. WARREN. Furthermore, I want to say to the Senator that if we are to have a few more fights like we had at the close of the last session over these State claims I do not quite understand how the insertion of a large State claim in this bill would be of any advantage to the mover of it.

Mr. LODGE. This is a claim that has been paid to nearly every State. If this discrimination is going to be made against my State, it is not going to smooth the road of these appropriations.

Mr. WILLIAMS. I wish to ask the Senator from Wyoming a question. Does he not think that the small amount of money involved would be cheaply expended in order to obtain this adherence to State rights from the Senator from Massachusetts?

Mr. WARREN. I will refer the Senator from Mississippi to the Senator from Massachusetts for an answer.

Mr. OLIVER. Mr. President, I want to say that this bill was referred to me as a subcommittee of the Committee on Claims. The claim is clearly allowed. It comes under the head of claims treated of in the case of New York against The United States, decided by the Supreme Court in favor of New York, and it has been followed ever since. The amount is certified as correct by the Treasury Department, and payment is only withheld because they think that technically they have no authority to pay it unless by authority of Congress.

Mr. WARREN. In other words, Congress is required to pass upon the claim before it can be paid. The amendment can go before the Senate and it can vote on it.

Mr. BRISTOW. Mr. President, this is a claim that has been before the Committee on Claims. It is a bill that is now on the calendar. There is no more reason why it should be incorporated in the deficiency appropriation bill than any other bill for a claim that is on the calendar.

Mr. LODGE. The same claim was paid to Kansas on a general deficiency bill.

Mr. BRISTOW. Probably it was; I do not know. That was before my time. You might as well put the French spoliation claims on this bill as a claim of that character.

Mr. LODGE. They were not reported by any committee.

Mr. BRISTOW. They passed the Senate a time or two.

Mr. WARREN. I ought to say that these claims were paid formerly on deficiency bills. We ran along until we met with an Executive disapproval of about a million and a half dollars of such claims, one night. Then we decided that we would handle the claims in a different way, and since that time they have been handled through the Claims Committee in the omnibus claims bills and others.

I am not, of course, informed why this claim has not been settled before this as a claim in some regular claims bill, but the rule as to keeping claims out of appropriation bills has been pretty strictly adhered to since, and whenever the point has been made against any one of them it has gone out.

Mr. STONE. Mr. President, I desire to offer an amendment. Is this question settled?

The PRESIDENT pro tempore. It is not settled. The Chair has not ruled on the point of order. The Chair is prepared to rule on it.

Mr. LODGE. I hope the Chair will rule on it.

Mr. WARREN. I will say to the Senator from Massachusetts that the Senators from the State of Texas, the State of Oregon, and two or three other States, which had claims before the committee—

Mr. LODGE. In this class exactly?

Mr. WARREN. The Senators from those States, understanding that we were in the last days of the session, have not even offered them to the Committee on Appropriations. They thought it was necessary to withhold them.

The PRESIDENT pro tempore. The Chair finds but one precedent, rather an ancient one, the ruling having been made as far back as 1858, where this identical question arose. Mr. Stuart, who was then in the chair, the point having been made by Mr. Hunter, decided that the claims of a State were in the same category as other claims and should be considered as private claims. From this decision Mr. Iverson appealed. The question being put, the yeas were 26 and the nays 15, and the point of order was sustained.

The present occupant of the chair feels that there is very tenable ground for the contention that the claim of a State is not a private claim. He has doubt in his mind about it, and will submit the matter to the Senate. Is the amendment in order on the pending bill? Senators agreeing that it is in order will say "aye." [Putting the question.] The noes seem to have it. The noes have it, and the Senate decides that the amendment is not in order.

Mr. WETMORE. I offer the following as an amendment to the Senate items.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add to the Senate items the following:

To enable the Senate Committee on the Library to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Gutherz, at a cost not to exceed $1,000 each, $2,000.

Mr. WILLIAMS. Does that require unanimous consent? In other words, is it subject to a point of order?

The PRESIDENT pro tempore. The Chair will decide the point of order when the point is made.

Mr. WILLIAMS. I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. WETMORE. Before the point of order is made I should like to say that this matter has received the careful attention of the Committee on the Library and was unanimously reported favorably to the Senate by that committee.

Mr. WILLIAMS. Mr. President, I hope that the Senate will not set the precedent of buying oil paintings of all the Members of the Senate who may happen to die some time. Some day my own countenance might be perpetuated in the halls of the Capitol to the terror of the tourists who visit it. There is no end to this thing if we enter upon it.

I loved the late Senator from Alabama, Mr. Morgan, as if he had been my own father. He was as kind to me as my own father could have been. When I ran for the Senate in Mississippi he wrote me the nicest and sweetest letter in the world. But if we start on this sort of thing there will be no end to it; the bald heads of every Senator will be perpetuated in oil around the corridors of the Capitol for all time. It does seem to me that we ought to remember that a part of the money that is in the Treasury belongs——

Mr. ASHURST. Let the point of order be decided immediately.

Mr. LODGE and others. Regular order!

Mr. WILLIAMS. We ought not to expend any money for the portraits of one another.

Mr. WETMORE. It has been very frequently done.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. ROOT. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add to the Senate items the following:

To pay Garfield Charles for compensation for compiling a supplement to the compilation entitled "Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers, 1776 to 1909," under resolution of the Senate (S. Res. 380, 62d Cong., 2d sess.), $1,500.

Mr. WILLIAMS. Reserving the point of order, I want to hear some explanation of the amendment.

Mr. ROOT. Mr. President, the Senate passed the resolution directing this work to be done. This gentleman has done the work. The question of the amount of compensation was left to a subcommittee composed of the Senator from Arkansas [Mr. CLARKE], the Senator from North Dakota [Mr. MCCUMBER], and myself, and this is the lowest figure suggested, I think, by any member of the subcommittee.

Mr. WILLIAMS. I shall not make any point of order against the amendment or make any objection to it.

The amendment was agreed to.

Mr. FOSTER. On page 21, after line 14, I move to insert the following.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, after line 14, insert:

For emergency repairs to the Chalmette Monument, Chalmette, La., $200.

The amendment was agreed to.

Mr. FOSTER. I submit a letter from the Assistant Secretary of War, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,
Washington, March 1, 1913.

Hon. MURPHY J. FOSTER,
United States Senate.

MY DEAR SENATOR: From the original file which I inclose you will see the necessity for the appropriation by Congress of the sum of $200 for repairing the Chalmette Monument at Chalmette. It is too late for the department to put this estimate through the Treasury, and it occurs to me that you might be interested in securing this appropriation through an amendment to the general deficiency bill, which is still under consideration; and that, as the amount is so small, you would have little difficulty in doing so. In any event, may I ask you to return all these papers to me?

Sincerely, yours,
ROBERT SHAW OLIVER,
Assistant Secretary of War.

Mr. MCCUMBER. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After line 8, on page 49, insert:

To pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-second Congress, third session, $1,200.

To pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-second Congress, third session, $1,200.

Mr. WILLIAMS. Why is that introduced? I reserve the point of order against it.

Mr. MCCUMBER. I do not think a point of order would lie anyway; but for 20 years this sum has been granted to the clerks doing this work, both in the House and in the Senate. The payment to the House employees has already been granted, as was explained by the chairman of the committee, out of the contingent fund.

Mr. WILLIAMS. Does the Senator say it has been the usual action for 20 years?

Mr. MCCUMBER. It is my understanding that this sum has been paid for about 20 years.

Mr. WILLIAMS. Then I shall not object.

Mr. WARREN. I know the Senator from North Dakota wants to be correct. The amount has varied up and down, but that amount has been paid some years.

Mr. BRYAN. I hope no one will object to the amendment offered by the Senator from North Dakota. I consider that the two clerks named are amply entitled to the consideration proposed by the chairman of the committee.

The amendment was agreed to.

Mr. STONE. I offer an amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 10, after line 2, insert:

That the time for the execution of the provisions of chapter 355 of the Statutes at Large, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, in so far as they relate to the reorganization of the customs service, shall be extended for a period of two years.

That estimates submitted in compliance with such provisions shall be on account of the fiscal year 1916, and the reorganization ordered by such provisions shall constitute for the fiscal year 1916 and until otherwise provided by Congress the permanent organization of the customs service.

The amendment was agreed to.

Mr. BRISTOW. What is that amendment? I do not understand it.

Mr. WARREN. I hope the Senator from Missouri will inform the Senator from Kansas about it.

Mr. STONE. I thought it had been agreed to.

Mr. WARREN. It has, but the Senator from Kansas asked a question.

Mr. STONE. What is it?

Mr. BRISTOW. I ask what is the provision.

Mr. STONE. It is an extension for two years of the operation of a provision which passed in the last sundry civil appropriation act for the reorganization of the customs service.

Mr. BRISTOW. Oh, I understand, it is to put a lot of those fellows out of office. It just lets them have two years longer before they will have to go out. Is that it?

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. CLAPP. I offer an amendment, to come in after line 11, on page 50.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 50, after line 11, insert:

G. B. Spaulding, $500; F. A. Johnson, $500; and J. D. Preston, $370, for services rendered to the Committee on Privileges and Elections making investigation of the amount of money paid to national and congressional campaign committees of all political parties, etc., from November 8, 1904, to the election of November 5, 1912, inclusive.

The amendment was agreed to.

Mr. KERN. I offer an amendment to come in on page 48, after line 17.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 48, after line 17, insert:

To pay Mary Cathcart Ransdell, widow of the late Sergeant at Arms of the Senate, Daniel M. Ransdell, a sum equal to one year's salary at the rate he was receiving at the time of his demise.

Mr. WILLIAMS. I move to amend the amendment by striking out the words "one year" and substituting "six months." In justification of my amendment I want to say that the matter came before the Committee on Contingent Expenses of the Senate, of which I am a member, and we made a careful examination and found that there were only three exceptions to the rule. In a long period—I have forgotten how many decades—there were only three exceptions to the rule. One Amzi Smith, I believe, who had served here for almost a lifetime, and there were some others, and we considered that it was ill-advised to extend the precedent any further. In fact, the precedent had been so ill-established that we might regard this particular appropriation as a precedent in itself.

If we are going to give men who have served as Secretary of the Senate, as Sergeant at Arms of the Senate at five and six thousands dollars a year one year's extra pay whenever they happen to die in the service, we ought at the same time to give one year's extra pay to all of the men who are earning nine hundred and a thousand and twelve hundred and fourteen hundred dollars a year in the service of the Senate.

I was very fondly attached to the man whose widow is asking this; I thought very much of him in very many ways, but I do not really think that we can afford to establish a precedent of giving to the families of deceased employees of the Senate one year's extra pay. We have already established the precedent of giving six months' pay in such cases, and it seems to me that

that was wrong. It seems to me that the precedent of giving to the families of deceased Senators and Representatives six months' or a year's extra pay is also wrong.

Mr. MARTINE of New Jersey. We are not getting it.

Mr. WILLIAMS. Your family does if you happen to die in the service.

Mr. MARTINE of New Jersey. Well, thank God, I have not died. [Laughter.]

Mr. WILLIAMS. Mr. President, I do not want to take up the time of the Senate unnecessarily. I have expressed the reasons that will actuate me in voting against the amendment, and I express a sort of quasi hope that the Senate may take the same view of it. I do not desire to discuss the subject further.

The PRESIDENT pro tempore. Does the Senator from Mississippi withdraw his amendment?

Mr. WILLIAMS. No, Mr. President; I do not withdraw the amendment.

Mr. BRISTOW. Is this the resolution that was reported yesterday from the Committee on Contingent Expenses?

Mr. WARREN. Mr. President, I have not been able to hear what was the proposition of the Senator from Indiana [Mr. KERN]. I understood that the matter of the payment to the family of Col. Ransdell had been brought up as a separate resolution. Does the Senator offer it as an amendment here?

Mr. KERN. Yes, sir; I offer it as an amendment here. The resolution is hung up.

Mr. WILLIAMS. And I move to amend it by inserting "six months" instead of "one year."

The PRESIDENT pro tempore. The Senator from Mississippi moves to amend the amendment by striking out "twelve" and inserting "six."

Mr. MARTINE of New Jersey. I hope that motion will not prevail.

The PRESIDENT pro tempore. The Senator from New Jersey will please address the Chair.

Mr. MARTINE of New Jersey. I am addressing the Chair. I trust the motion will not prevail. I very well recall Col. Ransdell. He was the Sergeant at Arms of the Senate. I do not know just what salary he received, neither do I care; but I know that he was a most superb gentleman and, I believe, a very efficient officer. For nearly 50 years he had carried an empty sleeve, having lost an arm in the battles of the country, in his country's service. Who is there who can say that he has not been severely handicapped all his life by that loss? Who can say what he might have accomplished if he had been blessed with both the arms which God gave him when he was born? With one arm gone, he was very severely handicapped, and was unable to leave to his family that which, under other circumstances, he might have hoped to do, and as those of us who are blessed with both arms and good health can do. His condition was entirely different. So I appeal to you, Senators, to soften your hearts and to let the generous promptings of your souls move you to vote for this proposition to allow to Col. Ransdell's widow 12 months' pay, rather than 6 months, and a generous people and a just God will bless you.

Mr. BRISTOW. Mr. President, in reference to the amendment of the Senator from Mississippi [Mr. WILLIAMS] I desire to say that it is our custom to pay to the families of deceased employees and officers of the Senate six months' salary, and I can see no reason why we should make an exception in one case and not in another. If we are to pay 12 months' salary in such cases, then let us pay 12 months' salary. If the Senate wants to change its custom, and if the family of the Sergeant at Arms is to receive 12 months' pay, there is no reason why the family of any other officer here should not be paid the same; and, so far as I am concerned, if the Senate fixes a precedent of paying the family of a man who received $5,000 a year a full year's salary, then I shall insist that the families of employees who receive but $1,000 or $1,200 a year shall also have a full year's salary.

Mr. KERN. Mr. President, at a time when we are voting away the people's money in scores of millions of dollars in public buildings bills, in river and harbor bills, and bills similar to those, we behold the spectacle of Senators rising here and higgling about the question as to whether a deserving and needy woman, the widow of a man who served this body faithfully for 13 years and who by his untiring service in behalf of the Senate, collectively and individually, placed Members under obligation to him, shall be paid $3,750. There are five distinct precedents for this action.

The Senator from Mississippi [Mr. WILLIAMS] has spoken to the effect that in future this may serve as a precedent for the families of other deceased employees. Mr. President, if in the future there shall come a case where a brave soldier had given up his arm in defense of the honor of his country and afterwards served 13 years in this body and for this body as Col. Ransdell served, if such a case as that is presented, then let us grant the relief asked.

I speak with some feeling in this matter. I knew this man since my boyhood. I saw him in the vigor of his young manhood, struggling along with that empty sleeve after the war ended, in his efforts to make a livelihood and to make a name and place for himself in the community in which he lived. I saw him succeed grandly, and when I came here I observed, as you all observed, his assiduous attention to the duties of his office and to the Members of this body.

The night was never too dark or too cold for Col. Ransdell, at any sacrifice to himself, to do favors for Members of this body; and in this hour, when money is being voted away by hundreds of thousands of dollars—aye, by scores of millions of dollars—when men without the wink of an eye will cast a vote for a public buildings bill carrying $46,000,000, as they did here two nights ago, does it not seem unworthy of us, as a great deliberative body of the greatest Nation in the world, to haggle about the payment of $3,750 to a needy woman, who will travel on through the journey of life deprived of the society of as brave, as true, and as knightly a soul as ever lived?

Mr. NELSON. Mr. President, in speaking about precedents, I think we have made precedents here. We vote a year's salary, $7,500, to the widow of any Senator who dies, even if the Senator had been a millionaire. We give him an allowance. I have, year after year, been voting for such bills, giving a year's salary to the widow of a Senator. I do not know, after we have made such a precedent, why we should discriminate against the family of such an efficient and faithful officer as was Col. Ransdell.

Mr. WARREN. I want to say to the Senator from Indiana [Mr. KERN] that the salary of the Sergeant at Arms is $6,500, so that half of that would be but $3,250.

Mr. KERN. The amendment as offered does not call for any specific amount, but calls for a year's salary.

Mr. WARREN. Well, a year's salary is $6,500.

Mr. KERN. Yes, sir.

Mr. WARREN. So far as precedent is concerned, it is true that the usual allowance in such cases here has been an amount equal to six months' pay of employees. It is also true that we have on special occasions paid a full year's salary, as in the case of the clerk of the Appropriations Committee, Mr. Cleaves, and also in the case of the clerk of the Naval Committee, afterwards clerk of the Appropriations Committee, Mr. Pulsifer, who had served here for 30 years.

I do not believe, having those precedents before us, that we should say that because we may vote to the widow of this old soldier, who served 13 years as Sergeant at Arms of the Senate, to the entire satisfaction, I think, of every Senator who had dealings with him in all that time, that that would make a precedent that would require us hereafter to pay to the widows of all employees a year's salary; but if in the future we shall have some officer of this body who shall have served as well as Col. Ransdell served I shall be glad always to vote to give his family a year's pay.

Mr. WILLIAMS. Mr. President, if the widow is to receive a sum equal to a year's salary of her deceased husband on account of her husband's gallant service in the Army and because he lost an arm as a soldier, the appropriation ought to come upon a pension bill and not upon this bill.

So far as the remarks made by the Senator from Minnesota [Mr. NELSON] go—and the Senator from Minnesota never makes any remarks without having his heart go with them—and so far as the precedent of giving the widows of Senators an amount equal to a year's salary is concerned, it is a bad precedent, and it ought not to be followed or imitated. This body ought not to vote that the widow of an American citizen who happened to be a Senator and died while he was a Senator should receive a year's pay any more than it ought to vote that the widow of any civil-service employee in one of the executive departments who happened to die while he was an employee of the Government should receive a year's salary. It is an abuse; in the words of the yellow journals, "it is a steal," and the Senate ought to stop it. We ought not to continue it by emphasizing it and imitating it, but we ought to stop it now.

Why should my wife be paid $7,500 because I happen to die to-morrow? Why should the wife of the Senator from New York or the Senator from Massachusetts or the Senator from Wyoming be paid $7,500 in case any one of those Senators should die? Even if they are paid such an amount, why should that be quoted as a precedent to give somebody else the same wrongful, unjust special privilege of an appropriation out of the Treasury of the United States?

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the Senator from Indiana [Mr. KERN].

Mr. BRISTOW. Mr. President, I desire to say in answer to the Senator from Minnesota [Mr. NELSON], that it is the custom to pay the families of deceased Senators $7,500, the amount of a year's salary, and it is the practice of the Senate to pay the families of its deceased employees six months' salary. Both practices may be bad; but it is not the practice to pay the family of one deceased Senator $15,000 because he was a genial and affable and valuable Senator, and to pay the family of another deceased Senator $7,500 because he was not so agreeable and had not been so useful.

If the Senate wants to discriminate in this way and vote the public money as a matter of personal service, it is for the Senate to do so; but I want a roll call, and let the precedent be set as to what the Senate desires to do in the future. I ask for the yeas and nays on the amendment to the amendment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] to the amendment offered by the Senator from Indiana [Mr. KERN], on which the Senator from Kansas [Mr. BRISTOW] demands the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the amendment of the Senator from Indiana [Mr. KERN].

Mr. BRISTOW. I desire to say that I inadvertently voted wrong, and I should like to have the question on the amendment to the amendment again put.

The PRESIDENT pro tempore. The Chair will again put the question. [Putting the question.]

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on the amendment of the Senator from Indiana.

Mr. WILLIAMS. I ask for the yeas and nays.

The PRESIDENT pro tempore. Senators agreeing to the amendment will say "aye"; those opposed "no." The ayes have it, and the amendment is agreed to.

Mr. BRISTOW. The Senator from Mississippi asked for the yeas and nays.

Mr. WILLIAMS. I asked for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays have been once refused, but the Chair will again put the request for the yeas and nays. Is the demand for the yeas and nays on the adoption of the amendment seconded? [A pause.] Not a sufficient number have seconded the demand. The amendment is agreed to.

Mr. LODGE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert the following:

To pay Edward T. Clark, for extra services in connection with the preparation of the immigration bill, $250..

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. On page 12, after line 5, it is proposed to insert:

To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March 1, 1913, $500,000.

Mr. LA FOLLETTE. I send to the Secretary's desk a communication signed by the chairman of the Interstate Commerce Commission and addressed to the chairman of the Appropriations Committee, which I ask to have read.

The PRESIDENT pro tempore. The communication will be read, without objection.

The Secretary read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, March 1, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

SIR: In view of the passage of the bill providing for the valuation of the properties of common carriers subject to the act to regulate commerce, the commission suggests the necessity for an additional appropriation of $500,000 for the ensuing fiscal year.

Respectfully,

FRANKLIN K. LANE, *Chairman.*

Mr. LA FOLLETTE. Mr. President, I desire to say only a word. I submitted this matter to the chairman of the Appropriations Committee of the Senate, and also caused it to be submitted to the chairman of the Appropriations Committee of the House of Representatives. Whatever the chairman of the Appropriations Committee of the Senate has to say about the matter he will himself submit. The chairman of the Appropriations Committee of the House said that he thought the amendment might be adopted by the Senate to this bill with entire propriety, and that it would be considered in conference in connection with an appropriation to the Interstate Commerce Commission provided in the sundry civil appropriation bill, the chairman of the House committee being uncertain as to whether the language of that appropriation would permit any portion of the appropriation provided for in that bill to be diverted to the purpose of the act to value the railway property of the country.

The appropriation in that bill is quite a large one, some $950,000, and he thought if a portion of it could be used for that purpose, then whatever deficiency might arise could be taken care of in the deficiency appropriation bill next year; but that it would be wise to add the amendment which I have proposed to the general deficiency bill, and then, if in conference the two committees should conclude that the appropriation provided on the other bill could not be used for this purpose, this amendment, if adopted by the Senate and approved by the House, might stand.

Mr. WARREN. Mr. President——

Mr. LA FOLLETTE. I ought to say, if the Senator will pardon me for a moment, that the valuation bill passed the House and went to the President to-day, and I am informed from the offices at the White House that it has been signed and approved by the President to-day, and is now a law.

Mr. WARREN. Mr. President, I have felt that in the case of a deficiency bill considered on almost the last day of the session the rules in regard to amendments ought to apply, but if a large question comes up by reason of an emergency or because of the enactment of legislation too recent to have been provided for otherwise, that some leeway might be given. So I shall let the amendment go before the Senate for them to vote upon in the form in which it is presented by the Senator from Wisconsin.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Wisconsin.

The amendment was agreed to.

Mr. BRIGGS. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To pay for extra services rendered in transferring, rearranging, remarking, cleaning, and refiling the bills, reports, documents, and laws in the Senate document room: To William E. Burns, $500.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CLARKE of Arkansas. Mr. President, is there to be no end to this business? Is it a fact that these employees, who are paid what I might justly denominate the excessive salaries the clerical force around this Capitol receive, are to be paid additional for every act which they perform? Is it a fact that nobody cares anything about the obligation to preserve the public funds which are subject to our control? Is everything to go for the asking? When is it to end? Who started it, and who is going to stop it? These people are paid a regular salary; they serve in positions which they seek; and as soon as they perform any substantial service some Senator comes here and asks that they be paid extra for it. None of us know anything about the merits of this matter. None of us know anything about why it should be done, and the only argument we are met with when we make objection is that it has been done heretofore. There ought to be some sort of a point of order that would lie against such amendments. I do not know just exactly what particular point it would be, unless it is that the item is not covered by the law, and I make that point of order. Furthermore, the amendment does not come from any committee, and there is no authority for allowing the amount.

The practice ought to stop. Certainly such an amendment ought not to be brought up here after midnight, when no one knows anything about the facts and when no one can learn anything about them except from what appears on the face of the application. This thing has gone to the point where it has become an absolute abuse that almost goes to the integrity of the proceedings here.

The PRESIDENT pro tempore. The amendment appears to have been reported from a committee and is evidently in order.

Mr. CLARKE of Arkansas. From what committee, may I inquire?

The PRESIDENT pro tempore. The Committee on Appropriations, the Chair thinks.

Mr. CLARKE of Arkansas. Is the Committee on Appropriations reporting a measure to be put upon its own bill?

The PRESIDENT pro tempore. The Chair was mistaken. He is now informed that the amendment was reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARKE of Arkansas. I beg to say that there must be some mistake about that.

Mr. BRIGGS. Mr. President, this is one of a number of amendments that were offered and submitted to the Committee on Appropriations. The Committee on Appropriations turned these amendments over to the Committee to Audit and Control the Contingent Expenses of the Senate. Under the provision of the law it was impossible for the Committee to Audit and Control the Contingent Expenses of the Senate to sanction the payment of these amounts; and, in the absence of several Senators and at their request, I propose to offer several amendments one after another. I have them all here.

Mr. CLARKE of Arkansas. Then they are amendments of the Senator from New Jersey.

Mr. BRIGGS. Or of the Senators who originally offered them.

Mr. CLARKE of Arkansas. Then they are simply individual amendments; they do not come from the Committee to Audit and Control the Contingent Expenses of the Senate. Whilst I am sure that the President pro tempore has the impression that they are amendments of the Committee on Contingent Expenses, I happen to know that it is not the case.

The PRESIDENT pro tempore. The Chair finds that the parliamentary situation is that the amendment was reported by the chairman of the Committee on Appropriations and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and the Chair was under the impression that that committee had reported the amendment.

Mr. CLARKE of Arkansas. I am sure there is a mistake about that. It is simply an individual amendment offered by the Senator from New Jersey.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CLARKE of Arkansas. I made a point of order against the amendment.

Mr. SMITH of Georgia. The point of order was made upon that amendment that it is improperly here; that it is an increase of appropriation sought to be put on an appropriation bill without coming from a committee and that it has not been estimated for. If it was passed on favorably by some other committee and sent to the Appropriations Committee, under the rule it must have been sent to the Appropriations Committee 24 hours before the action can be taken upon it.

The PRESIDENT pro tempore. The rule provides that an amendment is in order if it has been reported from a standing or select committee. The Chair is unable to determine whether this amendment was properly reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRISTOW. Mr. President——

Mr. CLARKE of Arkansas. Well, the Senator from New Jersey does not pretend to be reporting these amendments from the Committee to Audit and Control the Contingent Expenses of the Senate. He is simply bringing them here in his individual capacity as a Senator.

Mr. BRIGGS. I am presenting them on behalf of Senators who are absent and who have requested me to do so.

Mr. CLARKE of Arkansas. That is entirely proper. May I suggest to the Chair that the Senator from New Jersey does not pretend to be reporting the amendments on behalf of the Committee to Audit and Control the Contingent Expenses of the Senate, but on behalf of individual Senators who recently introduced them. I have no objection to his doing that, and I would not object to anything he does, because he always acts entirely within the proprieties and entirely within the limits of his authority; but they are simply individual amendments, and they do not come here with the indorsement of that committee.

Mr. SMITH of Georgia. I desire to call attention to that portion of the second paragraph of Rule XVI, which provides that in case favorable action is taken by another committee on amendments they must, before they can be considered, be referred to the Committee on Appropriations. In this particular case, there having been favorable action by some other committee, the amendment should, under the rule, have been referred to the Appropriation Committee at least 24 hours before it comes here.

Mr. WARREN. Mr. President, I do not know whether or not the Senator from Georgia was here earlier, when the matter was up. There has been a very complicated and very embarrassing situation in the Committee on Appropriations. Amendments reach us while we are sitting at the table, passing upon a bill that is to come up here almost at the end of the session, while we have only Sunday between to-day and the day of final adjournment; and the rules must be suspended, or we shall have to shut out a great deal of work.

The Committee on Appropriations desired to arrange so that we could pay, as the House is now paying, such sums as the proper committee decided should be paid to employees for extra work. On the House side—and I am not criticizing it; I think I am within the rule—they have a Committee on Accounts. The Committee on Pensions, for instance, as the Senator from North Dakota has stated, has paid its clerks an extra amount for many years. The clerks on the other side have been paid a certain sum every year for many years; but the matter never comes into a bill upon which we have to pass, because they pay it there from the contingent fund, and all we know about it is that we grant to the House what they reasonably ask for a contingent fund. They naturally desire to treat us in the same way; and when they sit down to a conference around a table with the conferees on this side, they tell us of their embarrassment that they must pass on the different amendments that we put on for our individual clerk or committee clerks in this body, while they do not ask us to take notice of theirs. Therefore I sought to remedy this embarrassment by undertaking to transfer those matters to the Committee on Contingent Expenses, with a view to having it act as the Committee on Accounts of the House acts; and I moved an amendment to this bill which provided that we could pay them hereafter in our own way, according to the recommendations of that committee, out of our fund.

It does seem to me as if we must either do that or settle it in the tribunal of conference. While the Senator may be right on the point of order, it is hardly just to allow the amendments of some Senators to go in and cut out the others on a point of order.

Mr. CLARKE of Arkansas. Mr. President, I assumed that some member of the Appropriations Committee would protect the public interests in the preparation of a bill coming from that committee. I did not feel called upon to take any notice of what was going on until it had progressed to a point where it had become an absolute abuse. These items were coming in wholesale. Every committee clerk in the building was being paid extra for his services, for which he had already been paid more here than he could get elsewhere. It is the merit of the proposition to which I am speaking; not the mere procedure by which it is sought to accomplish the result.

The thing has gone on until it has become an absolute scandal. Every clerk in this building is insisting upon extra pay for the service he is already paid to perform. That is what is the matter with the situation, and not the mere fact that some Senator has been successful in having one of these extra allowances put on the bill without my objection.

The PRESIDENT pro tempore. The Chair is prepared to rule on the point of order.

Mr. CLARKE of Arkansas. I should be glad to have the Chair do so.

Mr. WARREN. Before the Chair rules, I desire to say that the amount is not a large one.

Mr. CLARKE of Arkansas. It does not make any difference whether it is large or small; the question is whether or not it is right.

Mr. WARREN. But the Senate ought to know what is before it in the number of amendments that have been presented. They amount, I should say, to something like $12,000 or $13,000 altogether.

Mr. CLARKE of Arkansas. I do not believe I can be deprived of my rights now simply because I have slept on them heretofore. I had hoped that somebody else, who was identified with the Committee on Appropriations, would have taken the action that I feel called upon to take at this stage.

The PRESIDENT pro tempore. In the opinion of the Chair, the point of order made by the Senator from Georgia [Mr. SMITH] is controlling, that point of order being that when moved from a standing or select committee these amendments shall, at least one day before they are considered, be referred to the Committee on Appropriations. That does not seem to have been done in this case; and the point of order is sustained.

Mr. CHILTON. Mr. President, I offer an amendment, to come in on page 62, after line 23.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 62, after line 23, it is proposed to insert:

To pay to the Citizens' Trust & Guaranty Co., of West Virginia, the amount withheld by the Navy Department in making settlements under contracts Nos. 1008 and 1106 of September 3 and November 1, 1902, with the Penn Erecting Co. for the construction of buildings Nos. 19 and 4 at the navy yard, Philadelphia, Pa., if there be no sufficient reason for further withholding the same, $1,491.92.

Mr. CHILTON. Mr. President, I desire to explain this matter briefly. It is set forth in a letter——

Mr. WILLIAMS. Mr. President, I reserve the point of order.

Mr. CHILTON. A certain company had contracts with the Government for the erection of two buildings at the Philadelphia Navy Yard. That company defaulted in the contracts; and the Citizens' Trust & Guaranty Co., which was the surety of the defaulting company, had to take over the contracts and build them.

Mr. SMOOT. Evidently it is a claim, pure and simple, that ought to go to the Committee on Claims.

Mr. CHILTON. No; it is not a claim pure and simple. It is a case of the Government having our money in its hands, under a settlement clearly acknowledging that it should now be paid by the Navy Department, but there is no money available with which to pay it. The Acting Secretary of the Navy says, in a letter here to the chairman of the committee of the House, that the department is ready to pay it over, and it ought to be paid. It is due these people upon a settlement. There is simply no money appropriated with which to pay it. The amendment makes the reservation that it is not to be paid if there be any reason, on a settlement, why it should not be paid. It can not hurt anybody, and it is purely technical to make any objection to it.

Here is the letter, which I should like to have read, from the Acting Secretary of the Navy.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

Mr. CHILTON. This letter states that the fact that the money should be paid is not denied by anybody, and it is on a stated settlement between these parties and the Government.

Mr. SMOOT. Let me ask the Senator a question. Why has not this been introduced as a bill, and why has it not been here before? Why is it brought in here at the very last hour early on the morning of the day before adjournment.

Mr. CHILTON. It was presented in another place, and was not allowed.

Mr. SMOOT. I make the point of order on it, Mr. President.

Mr. CHILTON. I submit that the point of order is not good.

Mr. WILLIAMS. I reserved the point of order, and I now make it. It is a new item on an appropriation bill.

The PRESIDENT pro tempore. The Senator from West Virginia has asked that a certain letter shall be read. That may have some influence upon the Chair in deciding the point of order. The Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 27, 1913.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: On the 14th instant Messrs. Ellis and Donaldson, attorneys at law of this city, made claim in behalf of the Citizens Trust & Guaranty Co. of West Virginia, to the balance withheld by this department in making settlement under contracts Nos. 1008 and 1106, of September 3 and November 1, 1902, with the Penn Erecting Co., for the construction of buildings Nos. 19 and 4 at the navy yard, Philadelphia, Pa., and requested that a deficiency estimate be submitted to Congress for the payment thereof. The amount in question, $1,491.99, was retained by this department when settlement was made with the surety company upon the completion of the work, because of the claim of the Tradesmen's Trust Co., of Philadelphia, that it had, as receiver for the contracting company, actually expended that amount for labor and materials employed in the prosecution of the work on building No. 4 after the bankruptcy of the contractor.

Inasmuch as the claim of the receiver would appear to have been abandoned, this department has advised Messrs. Ellis and Donaldson, by letter of the 24th instant, that it would be willing in the present state of the case to pay the surety company the amount withheld upon the filing by it of a satisfactory indemnity bond in the amount of the payment, but that there is at present no fund available from which this sum could be paid, and that their request for the presentation of the matter to Congress was received too late for the submission of a deficiency estimate at the present session, it being suggested, however, that they bring the matter to the attention of the department at a future date with a view to its presentation, if then deemed desirable, to the next Congress.

The foregoing information is submitted at this time, for the purpose of acquainting your committee with this department's attitude in the matter, at the suggestion of Mr. Donaldson, who says that he wishes, if possible, to have the item included in the deficiency bill now under consideration.

Faithfully, yours, PHILIP ANDREWS,
Acting Secretary.

Mr. CHILTON. Mr. President, my point is that that is equivalent to an estimate. There is a sum stated, and there is no doubt that it is owing from the Government. There is no doubt in the world that no committee could find anything different, and no estimate could change the situation. There is really an estimate by the Navy Department of the sum of money due, and nothing keeps it from being paid except the fact that there are no funds available out of which to pay it.

Mr. WILLIAMS. I withdraw the point of order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from West Virginia why this claim has been pending for nearly 11 years?

Mr. CHILTON. It has not been pending for 11 years. It has just been recently released. It has not been paid, but has been held up because some one else claimed the money. Until that claim was withdrawn it had to be held up. There is no reason for not paying it, except that there are no funds available.

Mr. SMOOT. The letter says:

Making settlement under contracts Nos. 1008 and 1106 of September 3 and November 1, 1902.

Mr. CHILTON. The contracts were of that date, not the settlements.

Mr. SMOOT. When were the contracts completed?

Mr. CHILTON. Some time ago; but until recently this money was not released by the other company claiming it in Philadelphia.

Mr. SMOOT. That is what I say; the whole thing has been in dispute here for years and years.

Mr. CHILTON. There is nothing at all in dispute. There never was anything in dispute. There is nothing in dispute now. Nothing could be in dispute. There is an estimate. There is no dispute about it. It is so worded that if there is any reason why it should not be paid it shall not be available.

Mr. SMOOT. Mr. President, let it go into conference; but I do not——

Mr. BRISTOW. I make the point of order that it is a claim.

Mr. CHILTON. The Chair may decide it.

The PRESIDENT pro tempore. The Chair is constrained to sustain the point of order.

Mr. BANKHEAD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert, on page 21, after line 27, the following:

To enable the Secretary of War to pay to Rittenhouse Moore the sum of $3,653.05, being the amount stated and claimed by him, as set forth in House Document No. 100, Fifty-eighth Congress, second session, for overwidth dredging in the Potomac River below Washington, D. C., and recommended by the Secretary of War, as therein shown.

Mr. SMOOT. I think I remember this claim being before the Committee on Claims. It has been considered a number of times, Mr. President. I make the point of order that it is a private claim upon an appropriation bill.

Mr. BANKHEAD. Will the Senator withhold that point for a minute?

Mr. SMOOT. Yes; I will withhold it for a minute.

Mr. BANKHEAD. The Senator from Utah truly states that this claim has been before the committee a number of times. It has been reported from that committee at least four times since it accrued, and it has been passed by the Senate at least four times. It was passed during this session of Congress, and it is now on the House Calendar. The facts, briefly stated, are these:

This is an amount due Rittenhouse Moore on a dredging contract on the Potomac River. In making settlement they failed to pay him this amount. It went to the department and was adjudicated. The Secretary of War at that time—the present senior Senator from New York—reviewed the matter, and recommended that the amount be paid. I have in my hand the report of the Secretary of War.

The Government owes this man this money for work he has done. It says it owes him and that he ought to be paid. He has been here for 10 years trying to get payment. The Committee on Claims have never failed to report it when it has gone before them, because it is meritorious. The Senate has never failed to pass it when it was on the calendar.

Mr. SMOOT. The House has failed to pass it time and time again.

Mr. BANKHEAD. Yes.

The PRESIDENT pro tempore. The Chair will inquire of the Senator whether this amendment, in any form, has passed the Senate at the present session of Congress?

Mr. BANKHEAD. It has passed at the present session of Congress.

The PRESIDENT pro tempore. If that be a fact, the point of order is overruled. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I offer the following amendment, to be inserted after the amendment, between lines 8 and 9, on page 49:

To pay J. G. Hamilton for services actually rendered and performed as doorkeeper of the Senate from December 14, 1911, to March 1, 1913, an additional amount of $390.

I desire to say that the amendment I offer is, under the rule that was announced by the Chair a very short time ago, subject to a point of order. I simply desire to state what the amendment is, and then the point of order can be made if any Senator desires to do so.

All of the doorkeepers around this Chamber, both on the galleries and below, are, with the exception of one, receiving $1,440 per annum, as I understand. One, the gentleman who has attended the very front door during the last year, the one-armed doorkeeper out there, has received a salary of $1,050. The $390 provided for by this amendment is the difference between $1,050 and $1,440 for the several months that he has been there.

It is subject to a point of order. I hope, however, considering the fact that his salary is only $1,050, and that he is performing the same service as the other one at the door, this amendment, carrying only $390, will be allowed.

Mr. CLARKE of Arkansas. I make the point of order, although not so much on account of the amount. No doubt the salary ought to be higher. That is not the feature that prompts me to undertake to limit the items that go into the bill to such as are provided for by rules. I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BURTON. I desire to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 23, line 14, it is proposed to insert:

INTERNATIONAL WATERWAYS COMMISSION.

For salaries and expenses of the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, for the last half of the fiscal year 1913, $10,000.

Mr. WARREN. Mr. President, that has been properly estimated for; but the committee was not able to indorse it because the amount of $15,000 in the sundry civil bill, being immediately available, was, of course, at hand to be used for the remainder of this year. I presume the intent of the Senator who offers this amendment is to provide so that this amount can be used during this year, and the other sum can extend all the way through the next fiscal year. Last year we put in $20,000, if I remember correctly—the usual amount that they have had. The House conferees, on the statement that had been made by a chief of this department before, that they could finish in a year, cut it down to $10,000, I think. Am I right about that?

Mr. BURTON. Yes.

Mr. WARREN. Gen. Ernst, who is at the head of that commission, states that they will not be able to finish their work until the end of the next year.

Mr. BURTON. April 1, 1914.

Mr. WARREN. So I make that statement, and leave it to the Senate to vote it in or out, as they choose.

Mr. BURTON. Mr. Chairman, that is very readily explained. The object of the $10,000 is, in part, to provide for the last half of this year, and to make the provision for their salaries and expenses complete until April 1, 1914. But it is to be noted that they have incurred expenses during the months of January and February, and the words "immediately available" do not apply to that. There is an estimate for this and a recommendation of the Secretary of War under date of December 6, 1912. The amount in the sundry civil bill makes provision for their expenses from July 1 of this year until April 1 of next year, when it is expected that the work will be completed.

I may say, in that connection, that this is very important work—the fixing of monuments and the determination of the boundary in Lake Erie and other boundary waters between the United States and Canada. This $10,000 provides for the first half of this year—1913. Congress is doing a rather inconsistent thing to provide for the expenses from July 1, 1913, to April 1, 1914, and make no provision for the first half of this year.

Mr. CLARKE of Arkansas. I ask that the amendment may be again reported.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRIGGS. I offer, on behalf of the senior Senator from Kansas [Mr. CURTIS], the following amendment:

To pay F. H. Wakefield for preparing the history of legislation for the Senate in the third session of the Sixty-second Congress, for carrying out his tracing and notification plan to Members of the Senate and clerks of committees, $1,200.

This is another of those items which were referred originally to the Committee on Appropriations, and by them referred to the Committee on Contingent Expenses, and which, under the provisions of the law, the Committee on Contingent Expenses were not able to pay out of the contingent fund.

Mr. CLARKE of Arkansas. I make the same point of order. It is one of the same class.

The PRESIDENT pro tempore. If the amendment is of the same character as the others, the Chair will have to sustain the point of order.

Mr. BRIGGS. I offer the following amendment on behalf of the senior Senator from Nebraska [Mr. BROWN]:

To pay the persons who compiled, annotated, and indexed volume 3 of Indian Laws and Treaties, etc., under Senate resolutions of March 3, 1911, and August 14, 1912, $3,000, of which said sum so much as may be necessary may be expended as additional compensation to any officer or employee of the United States, to be immediately available, and to be paid upon vouchers signed by the chairman of the Committee on Indian Affairs of the Senate.

The same conditions exist in this case.

Mr. CLARKE of Arkansas. I make the same point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. WARREN. There is a little difference in the one just sent up, because it is in pursuance of a resolution passed by the Senate that the work should be done. Of course that resolution did not state the amount of money, but it did authorize the work to be done.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. After the amendment heretofore agreed to on page 49, it is proposed to insert:

To pay the persons who compiled, annotated, and indexed volume 3 of Indian Laws and Treaties, etc., under Senate resolutions of March 3, 1911, and August 14, 1912, $3,000, of which said sum so much as may be necessary may be expended as additional compensation to any officer or employee of the United States, to be immediately available, and to be paid upon vouchers signed by the chairman of the Committee on Indian Affairs of the Senate.

Mr. CLARKE of Arkansas. Mr. President, there are several objections to it. The first is that it has not been referred to the committee at least one day before its consideration; the next is that it adds a new item to an appropriation; and it seems to provide for a future expenditure of money, and therefore would be general legislation. There are half a dozen objections to that one.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BRIGGS. On behalf of the senior Senator from Colorado [Mr. GUGGENHEIM], I offer another amendment, which, I suppose, must take the same route as those passed upon.

Mr. CLARKE of Arkansas. I shall make the point of order against that.

Mr. WARREN. That is a matter, I think, of two hundred and odd dollars, and is for a long, hard season of work under one of these commissions that was authorized by the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert on page 49:

To pay James F. Belford for services rendered as secretary to the commission to investigate the pneumatic-tube postal system, $225.

Mr. CLARKE of Arkansas. May I inquire why that clerk has not been paid heretofore?

Mr. SMITH of Georgia. I do not understand that myself, Mr. President. I am on that commission. We elected him clerk. He only charged $75 a month, and he has done a great deal of work. I do not know why he has not been paid.

Mr. BRISTOW. Is there not a special appropriation to pay those expenses?

Mr. WARREN. Mr. President, even if there were, it could not be paid without legislation, under the very law the Senator has quoted.

Mr. CLARKE of Arkansas. Let the amendment be reported again. I did not exactly catch the character of the services for which payment is expected.

The Secretary again read the proposed amendment.

Mr. SMITH of Georgia. I can state to the Senator from Arkansas that the last Congress required the chairman of the Post Office Committees of the two Houses to appoint certain Members of the Senate and certain Members of the House to act as a commission to investigate the status of the pneumatic-tube service that served the Post Office Department of the

United States, and authorized them to employ assistants. They have been at work since some time last December—the 1st of December. We elected this gentleman clerk, and made him do a great deal of work for us. I understand he charges only $75 a month for it. He has some other work. I thought the commission had authority to draw on some fund for it. The Senator from Colorado [Mr. GUGGENHEIM] was chairman of the commission.

Mr. BRISTOW. Mr. President, was there not a special appropriation made in the last Post Office appropriation bill for this joint committee?

Mr. WARREN. As I said before, that will not help the matter at all, because this gentleman is on the roll. He is a fourteen hundred and forty dollar clerk.

Mr. BRISTOW. But if the appropriation has been made, and is subject to the authority of some committee, to be expended upon the vouchers of the committee, it does not have to be appropriated again, does it?

Mr. WARREN. It does if the man is already receiving a salary in the Government service.

Mr. BOURNE. Under the law it can not be paid.

Mr. WARREN. The Senator just quoted the law, and ought to know it.

Mr. BRISTOW. If I quoted the law, I was not aware of that fact; I certainly did not intend to do so. If an appropriation of so many thousand dollars is made for a joint committee for an investigation, and the expenses are to be paid upon vouchers submitted by the chairman of that joint committee out of the appropriation that is made, does that appropriation have to be made the second time for the payment of such expenses?

Mr. WARREN. Not at all, if you hire some one who is not in the employ of the Government; but if it is an employee of the Government, under a salary, you have to provide specially for it.

Mr. BRISTOW. Then he is paid $75 a month in addition to his present salary. Is that correct?

Mr. SMITH of Georgia. Yes; he was the secretary of some other committee and did this work in addition to his regular work.

Mr. WARREN. Does the Senator know that he had been paid $75 in addition to the pay for his regular service?

Mr. SMITH of Georgia. He has not been paid at all. We agreed to pay him. The members of the commission have fixed $75 a month, without reference to his other work, as compensation for the essential work he did for the commission.

Mr. CLARKE of Arkansas. I withdraw the point of order, because this appears to be a case where a man has not been paid at all for services that he rendered.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DILLINGHAM. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Under the heading "Senate" insert:

Senate Elections Cases: To enable the Secretary of the Senate to pay, upon vouchers approved by the present chairman of the Committee on Privileges and Elections, for preparing a revised edition of Senate Election Cases, bringing the same down to the close of the Sixty-second Congress, as directed by Senate resolution of January 18, 1913, $1,000, or so much thereof as may be necessary; and said sum, or any part thereof, in the discretion of the present chairman of the Committee on Privileges and Elections, may be paid as additional compensation to any employee of the United States, and shall continue to be available during the fiscal year ending June 30, 1914.

Mr. SMITH of Georgia. I make the point of order that that is not within the rule and can not be added to the appropriation bill.

The PRESIDENT pro tempore. Does the Senator from Vermont desire to be heard on the point of order?

Mr. DILLINGHAM. I do not know that I care to be heard on the point of order. I wish simply to explain that this work is now in progress under the authority of a resolution adopted by the Senate two months ago, more or less. It is not yet completed. It will be completed, probably, within six weeks or two months.

Mr. CLARKE of Arkansas. May I ask the Senator from Vermont a question?

Mr. DILLINGHAM. Certainly.

Mr. CLARKE of Arkansas. Is the compilation being made by the present clerical force of the Committee on Privileges and Elections?

Mr. DILLINGHAM. It is.

Mr. CLARKE of Arkansas. And this is to pay them extra for doing that work?

Mr. DILLINGHAM. This is to pay them extra for doing that work.

Mr. CLARKE of Arkansas. Why can not the clerks of the committee do such work as the committee requires to be done? What is the clerk of the committee to do if he does not do the work required to be done?

Mr. DILLINGHAM. I will say in reply——

Mr. CLARKE of Arkansas. It is not so much a reply as information that I desire.

Mr. DILLINGHAM. It is the custom to have work done by men skilled in the work. The Secretary of that committee is very well versed in doing such work, and he has been working at night—working until midnight—to bring it down.

Let me say that when the resolution was adopted by the Senate there was not available for the use of any Member of the Senate a copy of the Compilation of Election Cases. The Senator from Arkansas had occasion to know that fact, because he made application at the folding room and at the Document Room and at the Public Printer's. The present edition of that work is entirely out of print. The resolution which was adopted by the Senate provided for bringing the work down to 1912, and for a republication with the additional matter. The work is now under process and will be finished some time within the near future. It was done by direction of the Senate.

Mr. CLARKE of Arkansas. I am not complaining about a new edition of the Election Cases being printed. I understand perfectly that somebody has got to be paid for doing the work, but what I was complaining about is that that work not only can be done by the existing clerical force of the committee but actually has been done, and this is simply a proposition to pay a second time an official who has already been paid to do the very same work. It is the system that I am complaining against and not the few dollars involved in the amendment. If the clerk could do it and actually did it, that it was necessary work is no good reason why he should be paid in addition. If his salary is not sufficient, it ought to be increased.

Mr. DILLINGHAM. It is no part of his salary to do such work.

Mr. CLARKE of Arkansas. He has no regular work except such work as the committee has for him to do.

Mr. DILLINGHAM. If we had employed some one else we would have had to take a person who was entirely inexperienced, without knowledge of this particular work.

Mr. CLARKE of Arkansas. It is not necessary to employ anybody else to serve as the clerk of the Committee on Privileges and Elections, because the committee already has a competent clerk who is not only able to do the work but has actually done the work.

The PRESIDENT pro tempore. Will the Senator from Vermont kindly state the terms of the resolution in a general way?

Mr. DILLINGHAM. I have not a copy of the resolution before me, but, as I remember the resolution, it provided that the work should be done under the direction of the Committee on Privileges and Elections and that it should be brought down to 1912.

The PRESIDENT pro tempore. What is the point of order?

Mr. CLARKE of Arkansas. I do not make a point of order. I think the amendment ought to be defeated on its merits.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Vermont.

The amendment was agreed to.

Mr. JONES. I desire to offer an amendment which is subject to a point of order, but it does not call for the payment of a dollar and is in the interest of the homesteaders who are building up the country. I do not think anyone will make a point of order against it.

The PRESIDENT pro tempore. The Senator from Washington will send the amendment to the desk.

Mr. PERCY. I make a point of order against it in the interest of time.

Mr. JONES. It would not save any time to make a point of order now, because I want to explain it, and I do not believe anyone will then make a point of order against it.

Mr. CLARKE of Arkansas. Let it be read.

Mr. WARREN. So far as the chairman is concerned, it is true it is open to a point of order, but if the Senator will get unanimous consent that it may go in I will do my best to protect it. Of course, there is no doubt but that it is subject to a point of order.

The PRESIDENT pro tempore. The amendment will first be read.

The SECRETARY. After line 9, on page 35, insert:

That any person entitled to enter lands under the homestead laws, who may have established residence upon unsurveyed lands, which were subject to homestead entry prior to the pasasge and approval of the act of June 6, 1912, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes relating to homesteads," may perfect his proof for such lands under said act of June 6, 1912, or under the law

existing at the time of the establishment of such residence, as he may elect, such election to be signified to the Department of the Interior in accordance with rules and regulations to be prescribed by the Secretary.

The PRESIDENT pro tempore. The Senator from Washington will be briefly heard.

Mr. JONES. Congress passed an act in 1912 known as the three-year homestead law. Subsequently we passed an act by an amendment on an appropriation act permitting settlers who had made entry prior to its passage but had not proved up to elect whether they would prove up under the act of 1912 or under the act existing at the time they made their homestead entry. This amendment simply provides that where persons settled on unsurveyed land, squatted on land upon which they could not make an entry until it was surveyed, and made entry after the passage of the act of 1912, they may elect whether they will make proof under the act of 1912 or under the law existing at the time they made settlement. Some have lived on this unsurveyed land five or six years, and it is nothing more than right that they should be permitted to make proof under the law which they have been expecting to comply with if they prefer to do it. This is all the amendment does. This is urgent, and there should be no objection to it.

Mr. WARREN. The bill has already passed the Senate.

Mr. JONES. It has already passed the Senate.

Mr. WARREN. I suggest to the Senator from Washington to ask unanimous consent that the amendment may be put on the bill.

Mr. JONES. Very well; I ask unanimous consent that it may go on the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. CRAWFORD. I desire to offer an amendment.

The PRESIDENT pro tempore. Will the Senator from South Dakota suspend for a moment? The Senator from Maine [Mr. GARDNER] has addressed the Chair two or three times. The Senator from Maine.

Mr. GARDNER. On page 50, line 11, after the numerals "$175," I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After line 11, on page 50, insert:

Pay to Joseph Reardon for extra clerical services rendered to the Hon. Obadiah Gardner of Maine from October 1 to December 1, 1911, $200.

Mr. GARDNER. Mr. President, I do not want to take up the time of the Senate with any long speech. I am congested with speeches already made. This is a bill that was contracted by myself before I had a secretary, when I first came here. I am liable for it myself, and if the Senate does not choose to pay it, it is all right.

The amendment was agreed to.

Mr. CRAWFORD. In connection with the work on the omnibus claims bill, which I think it will be admitted was unusually heavy, one of the clerks who is a sort of a fixture in the committee and is indispensible, and I think will be recognized by the incoming administraton as a sort of necessary fixture connected with that committee, did an unusual amount of hard work. His compensation is only $900 a year, and out of a sense of justice toward him I offer an amendment. It may be subject to a point of order, but I shall discharge what I think is my duty toward him.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert on page 50, after line 11, the following:

To pay Harry B. Straight for extra clerical services rendered in connection with the omnibus claims bill, $250.

Mr. CLARKE of Arkansas. I do not want to object to meritorious cases where the value of the service is evident. I am not a cheeseparing economist. But I find that this matter of giving to the clerical force of committees extra allowances has grown into a regular business. From the fact that this gentleman gets but $900 a year, of course, he was not intended to perform very important services with that committee. I venture to say that the other clerks of the committee had something to do with the preparation of this amendment.

Mr. CRAWFORD. The situation is a little unusual. The regular clerks of the committee have their duties to perform. This young man was a clerk there when I became connected with the committee, and had been employed in that capacity for a number of years before. The archives, the files of that committee have grown until they are very extensive. This young man can go in there the darkest night and almost without any effort at all get what he wants. He is indispensible.

Mr. CLARKE of Arkansas. I am not going to object to the amount, and I have such confidence in the fairness of the Senator from South Dakota that I am satisfied he would not employ a clerk unless he thought he needed him. I know that has been a very busy committee because they have done a vast volume of important work. I think I can draw a distinction between this case and those to which I have been objecting. I do not enter an objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. The clerk will correct the totals and sections.

The PRESIDENT pro tempore. That will be done.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

S. 1142. An act to protect the monuments already erected on the battle field of Buli Run, Va., and other monuments that may be there erected; and

S. J. Res. 164. Joint resolution stopping traffic and preventing interference with the suffrage procession.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 3043) granting to the coal mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CARTER, Mr. HAYDEN, and Mr. CAMPBELL managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 7802. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 8565. An act to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.;

H. R. 8921. An act for the relief of William H. Seward;

H. R. 21724. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914;

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes; and

S. J. Res. 143. Joint resolution authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913.

RIVERS AND HARBORS BILL—SEAMEN IN MERCHANT MARINE.

Mr. NELSON. I move that the Senate proceed to the consideration of the conference report on House bill 28180, the rivers and harbors bill.

Mr. LA FOLLETTE. Will the Senator from Minnesota yield to me to submit a request for unanimous consent?

Mr. NELSON. I will.

The PRESIDENT pro tempore. The motion itself is not debatable. A request for unanimous consent will be in order.

Mr. LA FOLLETTE. Mr. President, I submit the request, which I send to the Clerk's desk.

The PRESIDENT pro tempore. The Senator from Wisconsin submits the following:

The SECRETARY. The Senator from Wisconsin asks unanimous consent that one hour from this hour, 1.45 a. m., the Senate will proceed without further debate to vote upon the motion to agree upon the conference report upon the bill H. R. 28180, the rivers and harbors bill, so called, and, further, that on Mon-

day, March 3, 1913, at not later than 8 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called, through the regular parliamentary stages, to its final disposition.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. Mr. President, I do not rise to object at all to the unanimous-consent agreement proposed, but I believe it is proper now for the Senate to come to an understanding as to the time to which we will take a recess. It is Sunday morning now. Before this request is put, if the Senator from Wisconsin will yield——

Mr. LA FOLLETTE. I will yield for that purpose.

Mr. SMOOT. I ask unanimous consent that when the Senate take a recess to-day it be until 2 o'clock p. m.

Mr. JOHNSTON of Alabama. I object.

Mr. SMITH of Georgia. So do I. I do not believe in meeting at all to-day.

Mr. SMOOT. I wish to say that unless we meet some time to-day it will be utterly impossible to get through the appropriation bills and consider the conference reports that are to be made.

Mr. WARREN. The House has just taken a recess until 2.30 p. m. to-day.

Mr. SMOOT. The House has just taken a recess until 2.30 p. m. I move that when the Senate takes a recess to-day it be until 2 p. m. this afternoon.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Utah.

The motion was agreed to.

Mr. LA FOLLETTE. Now I renew my request for unanimous consent.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. CUMMINS. Mr. President——

Mr. OLIVER. Let it be read.

Mr. WARREN. I wish to ask the Senator from Wisconsin to state, in brief, what the agreement proposed provides for. I only want to look out for the conference reports that will be coming in.

Mr. CUMMINS. I object to the desultory conversation in front. I addressed the Chair and was recognized.

The PRESIDENT pro tempore. But a unanimous-consent agreement has been asked for by the Senator from Wisconsin, and it has not been acted upon.

Mr. CUMMINS. Very well; I was about to address myself to the unanimous-consent agreement proposed.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Iowa for that purpose.

Mr. CUMMINS. I want to vote upon the conference report on the rivers and harbors bill, and I do not want to wait here an hour for the purpose of doing it. I think it is unfair and unnecessary to keep the Senate in session for another hour at this time in the morning. If we can not have a vote upon the conference report this morning, I have no objection whatever to fixing a time on Monday for a vote upon the report. I desire to occupy probably five minutes—not more than that—in order to state the reasons why I can not vote for the bill.

The PRESIDENT pro tempore. Will the Senator from Wisconsin give his attention to the Senator from Iowa?

Mr. LA FOLLETTE. I beg pardon.

Mr. CUMMINS. It seems to me that in view of the fact that we have been here nearly all night for three nights we ought not to be required to stay here until 3 o'clock in the morning in order to get a vote upon this report. I will object to fixing that hour, although I will not object to fixing any hour to-morrow afternoon, Monday, that may suit the convenience of those who are especially interested in the measure.

Mr. NELSON. Mr. President, if we should fix the hour to-morrow, it would be too late; the bill would utterly fail. If it is the desire to pass the rivers and harbors bill, we ought to dispose of it now or this forenoon.

Mr. LA FOLLETTE. Mr. President, I realize that Members of the Senate are very much worn-out and that we are somewhat on edge. I do hope we will be able to arrive at an agreement which will enable us at least to reach a vote upon the conference report on the rivers and harbors bill before we take a recess.

I do not believe it will be necessary to consume the full time of an hour, which was allotted in the proposition as I submitted it. There are only two or three Members of the Senate, so far as I could ascertain by something like a thorough canvass, who desire to speak at all; and I measured out a somewhat abundant allowance, so as to be certain that everybody would get an opportunity to speak. I believe we can conclude in perhaps 30 minutes, and if we could do so, that would place the conference report in the hands of the conferees and give opportunity for them to work upon it before the Senate meets at 2 o'clock.

Mr. CUMMINS. I do not quite understand the suggestion of the Senator from Minnesota. This is the conference report, and if it is adopted by the Senate the legislative action upon the bill has passed.

Mr. LA FOLLETTE. But it may not be adopted.

Mr. CUMMINS. If it is not adopted, then, I assume, the bill will fail. I should like to ask the Senator from Minnesota why he thinks that if the action is not taken until to-morrow or until Monday there is danger that the bill may fail, assuming that it will receive the support of a majority of the Senate.

Mr. NELSON. Then the conference report has to go back to the House and be acted upon there.

Mr. CUMMINS. That is true of nearly every appropriation bill.

Mr. SMOOT. All but four.

Mr. CUMMINS. All but four, as the Senator from Utah says. If the Senate will agree to vote upon the conference report on the rivers and harbors bill at 2 o'clock, I shall make no objection. It has probably been debated here sufficiently. I will waive the privilege that I hoped to enjoy of saying a word about it. But to stay here until 3 o'clock for the purpose of voting upon it is, to me, unnecessary and unfair as well.

Mr. LA FOLLETTE. May I ask the Senator from Iowa if he would consent that we might vote upon the conference report in 30 minutes?

Mr. CUMMINS. Well, I will strain that point. I will make no objection if the Senator makes it not later than half past 2 o'clock.

Mr. LA FOLLETTE. Then I submit the request in that form.

Mr. NEWLANDS. Mr. President, I wish to say a word regarding this matter, as I may not have another opportunity. I have no objection to the request.

The PRESIDENT pro tempore. The Chair hears no objection, and the request as modified——

Mr. OLIVER. I should like to hear the proposed unanimous-consent agreement read.

The PRESIDENT pro tempore. The unanimous-consent agreement will be read as modified.

The SECRETARY. The Senator from Wisconsin asks unanimous consent that at not later than 2.30 this day the Senate will proceed, without further debate, to vote upon the motion to agree to the conference report upon H. R. 28180, the rivers and and harbors bill; and, further, that on Sunday, March 2, 1913, at not later than 8 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendments that may be pending, any amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called—through the regular parliamentary stages—to its final disposition.

Mr. LA FOLLETTE. To-morrow.

Mr. BURTON. Mr. President, I desire to be heard on that. I do not object to the first portion in regard to the rivers and harbors bill, but the second I do object to. If a vote should be postponed until 8 o'clock Monday evening——

Mr. LA FOLLETTE. No; Sunday evening.

Mr. BURTON. Then probably it will be necessary to put the bill into conference.

Mr. LA FOLLETTE. That will allow six hours.

Mr. BURTON. If the Senate will agree that we shall take up the seamen's bill at 3 o'clock and discuss it consecutively until 8 o'clock, I shall have no objection. I presume, in the meantime, we should let in conference reports.

Mr. LA FOLLETTE. The proposition is to take it up at 2 o'clock.

Mr. BRISTOW. What about the executive session to consider nominations?

Mr. LA FOLLETTE. There is not any provision for an executive session.

Mr. BRISTOW. I think there ought to be.

Mr. LA FOLLETTE. Not as against the consideration of this seamen's bill.

Mr. BRISTOW. There is more than one who can object to this proposed agreement.

Mr. LA FOLLETTE. All right; if the Senator wants to make an objection he can make it.

Mr. BRISTOW. The seamen's bill has been waiting for six months, and we do not hear about it until 18 hours before the session closes.

Mr. BURTON. It is the unfinished business.

Mr. BRISTOW. Many of us never heard it discussed. I do not know what are its provisions.

Mr. LA FOLLETTE. There are six hours allotted for discussion.

Mr. KENYON. I ask the Senator from Wisconsin if he will not amend his request and provide for a vote on the rivers and harbors bill by a yea-and-nay vote?

Mr. BURTON. Right now?

Mr. KENYON. No; at 2.30 o'clock.

Mr. LA FOLLETTE. A yea-and-nay vote will be allowed, I have no doubt. Let us have the request put.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Wisconsin?

Mr. BRISTOW. I want to know if there is any arrangement, or whether there is to be any, for an executive session?

The PRESIDENT pro tempore. The Chair is unable to answer the question.

Mr. BRISTOW. Until an arrangement is made for an executive session I will interpose an objection to the proposed unanimous-consent agreement.

Mr. STONE. Why provide for an executive session? The Senate can go into executive session at any time.

Mr. GAMBLE. Do I understand the unanimous consent proposed is to preclude the submission of conference reports and action thereon?

The PRESIDENT pro tempore. It does not include that.

Mr. GAMBLE. It does not exclude them?

The PRESIDENT pro tempore. It does not include them. It does exclude them.

Mr. SMOOT. It can be made subject to conference reports.

Mr. GAMBLE. I think it would be wise to make the unanimous-consent agreement subject to conference reports. I have already given notice——

Mr. LA FOLLETTE. I would be willing to make that change, provided it is stated that the conference reports do not lead to debate, but it would be useless to attempt the consideration of the seamen's bill and then have the time taken up by debate upon a conference report. We might as well understand that now.

Mr. OLIVER. I would suggest that if there are conference reports to be acted upon, or if there is executive business unfinished, the Senate can continue the session after 8 o'clock and dispose of that business.

Mr. SMOOT. Certainly.

Mr. LA FOLLETTE. Oh, yes.

Mr. OLIVER. This agreement need not interfere with either the disposition of conference reports or executive business.

Mr. LA FOLLETTE. I could not interfere with the disposition of executive business after 8 o'clock.

Mr. OLIVER. That is what I mean.

The PRESIDENT pro tempore. The Chair will venture to make the suggestion that the agreement does not seem to exclude conference reports. It simply provides for the hour of voting, and conference reports, being privileged so far as presentation is concerned, can be handed in.

Mr. GAMBLE. If that is the understanding, I will not object to the unanimous-consent agreement; otherwise I would object.

The PRESIDENT pro tempore. Is there objection?

Mr. BURTON. I am very loath to object. I have no objection to an agreement that after three or four hours' discussion—I think three hours would answer—we shall take a vote on the seamen's bill, and I hope to bring it up to-morrow right away; but I can not consent to an agreement and then make it possible to have conference reports come in and take all the time, so that we would be compelled to vote on the bill without any explanation or discussion.

I am willing to agree that we shall take it up right away after 2.30 to-morrow, and after I should say four hours' discussion we take the vote. I will say three hours.

Mr. LA FOLLETTE. Why not say six hours? That is what the proposition allots.

Mr. BURTON. If we had the time without interruption——

Mr. LA FOLLETTE. It might take the full six hours. The agreement proposed is that at not later than 8 o'clock we shall take the vote.

Mr. BURTON. If we had the time from 2.30 or 3 o'clock to-night without interruption, I should not have a moment's hesitancy in agreeing upon 8 o'clock; but with the possibility, as the Chair suggests, and as we know here by the experience of the last two or three days, that we will be interrupted by this, that, and the other conference report, I do not feel like agreeing to it.

Mr. LA FOLLETTE. It is within the control of the Senate as to whether they will give time for the discussion of conference reports. Conference reports might be received, and we might go on with the seamen's bill without giving any time for the discussion of those reports. I am inclined to think no conference reports will be made during that period.

Mr. NELSON. If the Senator will allow me to make a suggestion, it is a privilege to present a conference report at any time, but if we adhere to the rule strictly the report has to lie over a day before it can be taken up, so there can be no advantage taken by the presentation of conference reports.

Mr. BURTON. There are one or two, however, that have been filed to-day, are there not? All I care for, Mr. President, is to have it perfectly clear that we are to have a reasonable time for discussion.

Mr. LA FOLLETTE. I certainly desire that, I will say to the Senator from Ohio.

Mr. BURTON. And we will probably be interrupted by an executive session to-morrow.

Mr. BRISTOW. May I suggest——

Mr. LA FOLLETTE. An executive session can follow after 8 o'clock to-morrow evening.

Mr. BRISTOW. May I suggest that as soon as the seamen's bill is voted on, the Senate can then go into executive session?

Mr. LA FOLLETTE. That is perfectly agreeable to me, if it is to other Senators.

Mr. BURTON. I wish to state this in a little different form. I request that this bill be taken up at 2.30 o'clock and be continuously considered until 8 o'clock.

Mr. LA FOLLETTE. Suppose the Senate should dispose of it before that time or should be ready to dispose of it before that time?

Mr. SMOOT. If we are going to take this bill up at 2.30 o'clock and have a continuous discussion of it, I can not see——

Mr. SMITH of Georgia. Suppose we say "a continuous discussion until 8 o'clock, unless sooner disposed of"?

Mr. SMOOT. I think that would be too long.

Mr. LA FOLLETTE. "Unless disposed of" is not too long. That cuts it off.

Mr. SMOOT. The Senator from Ohio says that three hours is all that he desires.

Mr. LA FOLLETTE. "Unless sooner disposed of."

Mr. SMOOT. Give four hours. That will bring a vote at 6.30.

Mr. CLARK of Wyoming. We should like to hear the colloquy that is going on between Senators.

Mr. ASHURST. We also should like to be taken into their confidence over here.

Mr. SMOOT. I think the Senator has heard every word I have said.

Mr. STONE. Do you want speeches or do you want to pass the bill?

Mr. FALL. There was a conference report submitted this morning or some time yesterday on the Indian appropriation bill, with notice that that would be called up at 2 o'clock. I suggest that that conference report will undoubtedly be debated.

Mr. BURTON. A parliamentary inquiry, Mr. President. The seamen's bill is the unfinished business, is it not?

The PRESIDENT pro tempore. The seamen's bill was displaced by a motion; but the Chair will make a liberal ruling, and rule that it is the unfinished business.

Mr. BURTON. Then I give notice that when we convene at the expiration of the recess I shall seek immediately to call up that bill.

Mr. LA FOLLETTE. I ask to have the unanimous-consent proposal submitted.

The PRESIDENT pro tempore. Is there objection to the unanimous consent asked for by the Senator from Wisconsin?

Mr. BRISTOW. If the Senator from Wisconsin will add that immediately after this bill is disposed of, the Senate shall then go into executive session I shall not object.

Mr. SMOOT. Then I would have to object.

Mr. LA FOLLETTE. Why not leave that to be controlled by the action of the Senate at that time?

Mr. BRISTOW. Very well.

Mr. BURTON. Mr. President, at what time do I understand the seamen's bill comes up for consideration?

Mr. LA FOLLETTE. At 2 o'clock.

Mr. BURTON. Am I to understand that all other subjects can be excluded, except by unanimous consent, until 8 o'clock, or until the bill is disposed of?

Mr. SMOOT. If that is the case, and everything else is to be excluded, I will insist that the discussion end not later than 6 o'clock.

The PRESIDENT pro tempore. The Senator could at any time move to take up the bill if it remains on the calendar. If the Senator from Ohio will indulge the Chair, the Senator from Ohio inquired as to when the seamen's bill would come up. It being the unfinished business, ordinarily it would come up automatically two hours after the meeting of the Senate. If the Senate met at 10 o'clock, the unfinished business would

be taken up at 12 o'clock. It would be within the competency of the Senator at any time previous to that, however, to move that it be taken up for consideration, if the Senator desired to do so. The Senator from Wisconsin has submitted a request for unanimous consent, which, having been modified two or three times, the Chair thinks ought to be again stated.

Mr. LA FOLLETTE. I do not recall that I have modified it.

The PRESIDENT pro tempore. If there is no modification of it, the Chair will again put the request. Is there objection to the request for unanimous consent asked by the Senator from Wisconsin?

Mr. BURTON. I should like to have an understanding as to the share of the time that is to be given to the friends of the bill as reported by the Senate committee and what time is to be given to its opponents. If it is to be taken up at 2 o'clock and disposed of not later than 8 o'clock and there is an equal division of time, I have no objection; but I do not want to have the time taken altogether by the opponents of the bill.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. WARREN. Let the request be stated.

The PRESIDENT pro tempore. The proposed agreement will again be stated.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 a. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180, the rivers and harbors bill; and further, that at not later than 8 o'clock p. m. on said day the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called, through the regular parliamentary stages to its final disposition, the time for debate to be divided equally between the proponents and opponents of the bill.

Mr. BURTON. I have no objection to that if the friends of the bill as reported to the Senate will be allowed half the time.

The PRESIDENT pro tempore. Is there objection?

Mr. BURTON. I object unless that reservation is made.

Mr. SMITH of Georgia. What time do we meet—at 2 or half past 2 o'clock to-morrow?

Mr. SMOOT. At 2 o'clock.

Mr. SMITH of Georgia. What is proposed to be done in the half hour before the bill is taken up, if it is not taken up until 2.30 p. m.?

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Wisconsin?

Mr. BURTON. I object.

The PRESIDENT pro tempore. The Senator from Ohio objects.

Mr. BURTON. I will state my reason. It is because I think the friends of the bill, those who reported it, are entitled to half the time, and the agreement as read is not satisfactory.

Mr. NELSON. I trust the Senator from Wisconsin will agree to an equal division of time.

Mr. SMOOT. The Senator from Wisconsin has apparently left the Chamber.

Mr. NELSON. Divide the time until 8 o'clock equally.

Mr. BURTON. Mr. President——

Mr. SWANSON. As the Senator from Wisconsin [Mr. LA FOLLETTE] is not now in the Chamber I will take the liberty of submitting the request with the modication that the time for debate shall be equally divided, as desired by the Senator from Ohio [Mr. BURTON].

Mr. BURTON. I am perfectly willing to agree to that.

Mr. WARREN. Mr. President, how much time is to be allowed? This matter of dividing time in the Senate is entirely new to me. I should like to know when the matter is to be taken up and when it is to be ended?

Mr. NELSON. The Senate meets at 2 o'clock.

Mr. WARREN. At 2 o'clock in the afternoon, and the debate will run until 8 in the evening?

Mr. NELSON. Yes, sir.

Mr. WARREN. And during those six hours no conference report or other business can be received?

Mr. NELSON. It may be received, but not debated.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the agreement is entered into.

AGRICULTURE EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia. I desire to present an order the adoption of which I shall move at the session of the Senate on Monday morning.

The PRESIDENT pro tempore. The Senator from Georgia submits an order, which will be read.

The Secretary read as follows:

That the conferees on the part of the Senate upon H. R. 22871 are hereby discharged

That the Senate recede from the Senate substitute and agree to the House bill.

Mr. SMOOT and Mr. STONE. What is that bill?

Mr. SMITH of Georgia. It is the agricultural extension bill. It will not come up, of course——

Mr. SMOOT. It is merely a notice that the Senator gives?

Mr. SMITH of Georgia. Merely a notice.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 10, 17, 19, 20, 23, 27, 28, 29, 40, 41, 42, 43, 44, 45, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 22, 24, 35, 36, 38, 39, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, and 64, and agree to the same.

The conference committee has come to no agreement on amendments numbered 25 and 26.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out the amount "$500,000" and insert in lieu thereof "$475,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the words "thirty-two" and insert in lieu thereof the words "three hundred and thirty-four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "three hundred and four" and insert in lieu thereof "thirteen hundred and ninety"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the words "fifteen hundred and twenty-seven" and insert "four hundred and two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the words "eleven hundred and sixty-eight" and insert "two thousand seven hundred and eighty-eight"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the words "four thousand two hundred and one" and insert "two thousand three hundred and eighteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the figures "$24,755,850" and insert in lieu thereof "$24,969,990"; and the Senate agree to the same.

JONATHAN BOURNE,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.

JOHN A. MOON,
DAVID E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

The report was agreed to.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and receding from its disagreement to the amendment of the Senate No. 25 and agreeing to the same with an amendment, insisting upon its disagreement to the amendment of the Senate No. 26 and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BOURNE. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate numbered 25.

The PRESIDENT pro tempore. The Senator from Oregon moves that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate, which the Secretary will read.

The SECRETARY. Insert at the end of said amendment the following:

Which shall be made on or before March 4, 1914.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House to the amendment of the Senate.

The amendment of the House to the amendment of the Senate was concurred in.

Mr. NEWLANDS. Mr. President, the vote on the conference report on the river and harbor bill is fixed for half past 2. We commenced the discussion at 10 minutes of 2, but almost all the time has been taken up with other matters, and we will not have any time to debate the conference report. I suggest that other matters go over.

The PRESIDENT pro tempore. The conference report is now before the Senate.

Mr. BOURNE. I move that the Senate further insist upon its amendment numbered 26, disagreed to by the House of Representatives; agree to the amendment of the House to the amendment of the Senate numbered 25; agree to the further conference asked for by the House on the disagreeing votes of the two Houses thereon; and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BOURNE, Mr. PENROSE, and Mr. BANKHEAD conferees on the part of the Senate.

RIVERS AND HARBORS BILL CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. Mr. President, I have opposed the adoption of the conference report regarding the river and harbor bill not because I wish to defeat the bill, but because I wish to secure a disagreement in order to compel the House conferees to present to the House itself two amendments offered by myself and adopted by the Senate without a dissenting vote, embodying a policy which has been declared for in all the party platforms. I never intended to press the discussion to a point where the life of the bill would be endangered, and therefore I have assented to this arrangement regarding a vote at half past 2. I do not wish to take up the time of the Senate with the discussion, but I urge the Senate to disagree to this report, and thus compel the conferees of the House, who are acting as the servants of the House, to submit to that body the consideration of this important question, which, as yet, the House has not had an opportunity to act upon.

Mr. BURTON. Mr. President, I say with some reluctance that I can not vote for the adoption of this report. The bill contains too many objectionable items. It is a part of the progress in the wrong direction which has been made in the last three or four years. There have been many excellent features in the management of our public works in that time. The engineers have made careful examinations, but we are going far away from business principles. We are making a great multitude of appropriations for numerous rivers and harbors and we are not pressing improvements to speedy completion.

Again, the selection of items here is too much made by favor. If there is any strong pressure behind an item, I do not care how objectionable it may be, it finds its way into this bill. I do not believe, Mr. President, that the infirmities and defects of legislative government have ever been more thoroughly illustrated than by the form which these bills have assumed. When a project is presented here the question is not will it help commerce, but does the locality want it? Does a Senator want it? Do a sufficient number of Representatives want it? While the proposition at first seemed to me startling—to leave these matters to a commission—I do not know but that I shall become a convert to that idea. It is impossible to resist a bill of this kind. It may be full of objectionable items; it may be said that a very large share of them will result in waste, and nothing but waste, but if there is sufficient support, if there are enough beneficiaries of this system, the bill goes through; and I think, Mr. President, it is high time that we should call a halt.

Two amendments, one of which was put on last year by the Senate and rejected by the House, and the other put on this year, are both in the right direction, because they look toward a more thorough and careful examination of and more discrimination in the selection of projects. I understand the main objection in the House to the amendment No. 77 was that it provides that the Secretary of War shall cause the Chief of Engineers to make an examination of all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit to be derived therefrom. There is no doubt that if a searching examination were made, many of these projects would be abandoned. We must face that question, and there is no one who has a project in which he is interested but who should be willing to have it reexamined to determine whether further expenditure is desirable.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I have finished. I only desired to say a few words.

Mr. POINDEXTER. Mr. President, the amendment No. 77, offered by the Senator from Nevada [Mr. NEWLANDS], provides for a general and systematic survey of proposed waterway improvements and regulation throughout the country. Amendment No. 78 provides for coordination of the various departments of the Government connected with or concerned in waterway development and the cooperation of the Government with the various other parties, public and private, who are interested or concerned in the improvement and control of rivers.

The statement which has just been made by the Senator from Ohio [Mr. BURTON] indicates very forcibly the merit of these proposed amendments to which the Senator from Ohio says he has heretofore been opposed, but which he is now inclined to favor. The appropriation of millions of dollars to build levees on the lower Mississippi, a great alluvial stream, for the purpose of preventing the destruction of hundreds of millions of dollars of farm property by floods, when those floods could be controlled, in all probability, with little net cost, by a coordination of the entire Mississippi River system, so far as its improvement is concerned, by storing the flood waters at the head of its tributaries, is like the old system of medicine, of treating the symptoms of the disease instead of eradicating its cause.

If a private concern were the trustee for a great work such as the United States is engaged in, of the improvement of the rivers over a great continental domain such as is ours, there is no modern business institution which would treat it as a series of innumerable units, composed of congressional districts or of municipalities, urging upon the Representative from each district the improvement of some particular project, but the whole would be systematized. The experience of modern private business indicates that upon such a system and comprehensive coordination the capitalization could be increased 100 per cent in the saving, in economy of administration, and in the increased results of the work.

Mr. President, I am in favor of the passage of the bill, and, consequently, I expect to vote for it, regardless of the adoption or rejection of these amendments; but I take this occasion to say that I approve the amendments, and should like to see them adopted. I trust the Senator from Nevada will continue at every opportunity in the future, as he has with so much persistency in the past, to urge this great business reform in the conduct of the waterway interests of the Government.

Mr. CUMMINS. Mr. President, I do not intend to vote for the bill, but my opposition to it is based upon the error in what I believe to be the system itself. I do not believe that there ought to be any appropriation bill which combines appropriations for harbors and rivers. The problem of the development or maintenance of our harbors and the problem of improving the navigation or the commerce upon our rivers are different problems. I do not believe there ought to be money expended in the improvement of any river until a plan has been made and presented to Congress that will show that when the improvement is completed there can be and will be such cooperation—enforced cooperation, if you please—between the traffic upon the river and the traffic upon the land as will warrant the expenditure proposed.

The business to be done upon our inland rivers will never justify the appropriations we are making for their improvement, unless the plan includes the transfer of freight from the river bank to the railway station. It is utterly impossible to create great traffic upon our rivers unless this commerce can extend into the interior; and I, for one, do not believe in pouring out our money for the improvement of a river, the deepening of its channel, until it is known that the commerce that floats upon the river can find its way to the interior points over the railways of the country. We have never reduced these improvements to that system.

I believe in the amendment proposed by the Senator from Nevada [Mr. NEWLANDS]. The only objection I have to his amendment is that it does not go far enough. I think that there ought to be an intelligent consideration of the whole question; that river by river should be taken up, and that when we begin the improvement of a river we ought to know that the work will

go constantly forward to its completion, without waiting upon the temper of Congress from session to session.

I can not give my support to this bill for the reasons I have stated. I do not criticize the individual appropriations, because I do not know whether or not they are warranted by the practice heretofore prevailing. My complaint is against the practice itself.

Mr. CLAPP. Mr. President, I merely want to say a word of congratulation to the Senator from Nevada [Mr. NEWLANDS]. It is true his amendment has not been kept in this bill, but I believe in the last few weeks he has made more progress with this work than he has in the two or three years preceding this session, and I believe he is to be congratulated.

Mr. JONES. Mr. President, I desire to say only a word. I am in favor of the substantial features of the amendment of the Senator from Nevada, but I do not feel justified in voting against the bill because they are not included in this conference report.

Mr. KENYON. Mr. President, I voted against the public buildings bill, and I shall vote against this bill, not only because it should embrace the amendments of the Senator from Nevada, and does not do so, but I think both bills are a bad example of the "pork-barrel" method of appropriation, and I am going to vote against such methods so long as I remain in the Senate.

Mr. BRANDEGEE. Mr. President, there was a matter of very deep interest to me put on this bill in the Senate. It is on the bill no longer; but I am not the kind of a man who wants to deprive other people of having the benefits of the bill. I shall vote for the bill. I hope the next river and harbor bill, or some other legislation outside of the river and harbor bill, will contain something analogous to the proposition proposed by the Senator from Nevada. I think that will be better for the country, as I stated when I voted for his amendment.

Mr. THOMAS. Mr. President, I merely want to say that I heartily concur in every word and every sentence just expressed by the junior Senator from Iowa [Mr. KENYON].

The PRESIDENT pro tempore. The hour of 2.30 o'clock having arrived, the vote will be taken. The question is on agreeing to the conference report.

Mr. CUMMINS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NEWLANDS. Is it in order for me to move as a substitute that the report be disagreed to, and that these two amendments——

The PRESIDENT pro tempore. The only question before the Senate is, Will the Senate agree to the conference report? It can not be amended under the rule of the Senate.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Rhode Island [Mr. LIPPITT] and will vote. I vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]; but I am informed that on this question, if present, he would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. KERN (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and will vote. I vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. In his absence, I transfer that pair to the Senator from North Carolina [Mr. OVERMAN] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I understand that if he were present he would vote as I will vote. I vote "yea."

The roll call was concluded.

Mr. SMITH of Georgia. I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]; but I am advised that if he were present he would vote "yea," so I will vote. I vote "yea."

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is paired with the Senator from Utah [Mr. SUTHERLAND]. If he were present, he would vote "yea."

The result was announced—yeas 45, nays 16, as follows:

YEAS—45.

Ashurst	Clarke, Ark.	Martine, N. J.	Smith, Md.
Bankhead	Crawford	Myers	Smith, S. C.
Bourne	Dillingham	Nelson	Smoot
Brandegee	Fletcher	Oliver	Stone
Briggs	Foster	Paynter	Swanson
Bryan	Gallinger	Penrose	Thornton
Burnham	Gamble	Percy	Warren
Catron	Gronna	Poindexter	Wetmore
Chamberlain	Johnson, Me.	Pomerene	Williams
Chilton	Johnston, Ala.	Sheppard	
Clapp	Jones	Simmons	
Clark, Wyo.	Kavanaugh	Smith, Ga.	

NAYS—16.

Bristow	Gore	Lea	Page
Burton	Kenyon	Newlands	Pittman
Cummins	Kern	O'Gorman	Shively
Fall	La Follette	Owen	Thomas

NOT VOTING—33.

Bacon	Dixon	McLean	Sutherland
Borah	du Pont	Martin, Va.	Tillman
Bradley	Gardner	Overman	Townsend
Brady	Guggenheim	Perkins	Watson
Brown	Hitchcock	Reed	Webb
Crane	Jackson	Richardson	Works
Culberson	Lippitt	Root	
Cullom	Lodge	Smith, Mich.	
Curtis	McCumber	Stephenson	

So the conference report was agreed to.

Mr. NELSON. I move that the Senate take a recess until 2 o'clock p. m.

The motion was agreed to; and (at 2 o'clock and 40 minutes a. m., Sunday, March 2, 1913) the Senate took a recess until 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1913.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be colonel.

Lieut. Col. Lansing H. Beach, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

To be lieutenant colonels.

Maj. Clement A. F. Flagler, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

Maj. Chester Harding, Corps of Engineers, from February 27, 1913, vice Lieut. Col. Lansing H. Beach, promoted.

To be majors.

Capt. Gustave R. Lukesh, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

Capt. John R. Slattery, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

Capt. Curtis W. Otwell, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

Capt. Hubert L. Wigmore, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

Capt. Albert E. Waldron, Corps of Engineers, from February 27, 1913, vice Maj. Clement A. F. Flagler, promoted.

To be captains.

First Lieut. Alvin B. Barber, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

First Lieut. William F. Endress, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

First Lieut. Jarvis J. Bain, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

First Lieut. Thomas H. Emerson, Corps of Engineers, from February 27, 1913, vice Capt. Gustave R. Lukesh, promoted.

First Lieut. Robert S. Thomas, Corps of Engineers, from February 27, 1913, vice Capt. John R. Slattery, promoted.

First Lieut. Roger G. Powell, Corps of Engineers, from February 27, 1913, vice Capt. Curtis W. Otwell, promoted.

First Lieut. John N. Hodges, Corps of Engineers, from February 27, 1913, vice Capt. Hubert L. Wigmore, promoted.

First Lieut. Arthur R. Ehrnbeck, Corps of Engineers, from February 27, 1913, vice Capt. Albert E. Waldron, promoted.

To be first lieutenants.

Second Lieut. Frederick S. Strong, jr., Corps of Engineers, from February 27, 1913, to fill an original vacancy.

Second Lieut. Creswell Garlington, Corps of Engineers, from February 27, 1913, to fill an original vacancy.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Capt. Herbert A. White, Eleventh Cavalry, to be judge advocate with the rank of major, to fill a vacancy to be caused by the act making appropriation for the support of the Army for the fiscal year ending June 30, 1914.

CAVALRY ARM.

Rev. William A. Aiken, of New York, to be chaplain with the rank of first lieutenant from February 26, 1913, vice Chaplain Henry Swift, Fourteenth Cavalry, retired from active service September 21, 1912.

MEDICAL RESERVE CORPS.

Ehle Frederick Thode, of New Jersey, to be first lieutenant in the Medical Reserve Corps with rank from February 26, 1913.

APPOINTMENTS IN THE NAVY.

The following-named citizens to be assistant surgeons in the Medical Reserve Corps of the Navy from the 25th day of February, 1913, in accordance with a provision contained in an act of Congress approved August 22, 1912:

Walter W. Wilkinson, a citizen of the District of Columbia;
Claude A. Frink, a citizen of New York;
Edward M. Foote, a citizen of New York; and
Burt R. Shurly, a citizen of Michigan.

Thomas B. Thompson, a citizen of the District of Columbia, to be a chaplain in the Navy from the 26th day of February, 1913, to fill a vacancy.

PROMOTIONS IN THE NAVY.

Boatswain William E. O'Connell to be a chief boatswain in the Navy from the 31st day of January, 1913, upon the completion of six years' service as a boatswain.

Gunner Daniel W. Nelson to be a chief gunner in the Navy from the 31st day of January, 1913, upon the completion of six years' service as a gunner.

Passed Asst. Surg. Perceval S. Rossiter to be a surgeon in the Navy from the 28th day of December, 1912, to fill a vacancy.

Asst. Paymaster Duette W. Ross to be passed assistant paymaster in the Navy from the 19th day of January, 1913, to fill a vacancy.

Gunners Glendon W. Irwin and Joseph F. Carmody to be chief gunners in the Navy from the 31st day of January, 1913, upon the completion of six years' service as gunners.

UNITED STATES ATTORNEYS.

Frederick F. Faville, of Iowa, to be United States attorney for the northern district of Iowa. A reappointment, his term having expired.

Marcellus L. Temple, of Iowa, to be United States attorney for the southern district of Iowa. A reappointment, his term having expired.

UNITED STATES MARSHALS.

H. E. Netcott, of Iowa, to be United States marshal for the northern district of Iowa, vice Edward Knott, whose term has expired.

Frank B. Clark, of Iowa, to be United States marshal for the southern district of Iowa. A reappointment, his term having expired.

POSTMASTERS.

FLORIDA.

William J. Watson to be postmaster at Marianna, Fla., in place of Louis Wiselgoel. Incumbent's commission expired January 13, 1913.

GEORGIA.

Lanford P. Darby to be postmaster at Vidalia, Ga., in place of Julius Peacock. Incumbent's commission expired February 27, 1912.

Thomas W. Scott to be postmaster at Toccoa, Ga., in place of Hattie F. Gilmer. Incumbent's commission expired January 22, 1913.

IOWA.

J. C. Stewart to be postmaster at Sheldon, Iowa, in place of A. W. Sleeper. Incumbent's commission expired December 14, 1912.

L. H. Surber to be postmaster at Indianola, Iowa, in place of L. H. Surber. Incumbent's commission expired December 14, 1912.

LOUISIANA.

Augustus P. Windham to be postmaster at Merryville, La. Office became presidential October 1, 1912.

MAINE.

Fred H. King to be postmaster at Portland, Me., in place of Fred H. King. Incumbent's commission expired February 9, 1913.

MINNESOTA.

Peter J. Schwarg to be postmaster at Dodge Center, Minn., in place of Peter J. Schwarg. Incumbent's commission expired January 27, 1913.

NEW JERSEY.

Thomas W. Ross to be postmaster at Vincentown, N. J. Office became presidential January 1, 1913.

NEW YORK.

Timothy Dinneen to be postmaster at St. Johnsville, N. Y., in place of Timothy Dinneen. Incumbent's commission expired December 16, 1912.

NORTH CAROLINA.

Charles M. Hoover to be postmaster at Thomasville, N. C., in place of Charles M. Hoover. Incumbent's commission expires March 1, 1913.

Jasper Z. Waller to be postmaster at Burlington, N. C., in place of Jasper Z. Waller. Incumbent's commission expires March 1, 1913.

OKLAHOMA.

Mabel Brown to be postmaster at Kiefer, Okla., in place of N. H. Hibbard. Incumbent's commission expired January 29, 1913.

PENNSYLVANIA.

Frank M. Tiffany to be postmaster at Dalton, Pa., in place of Frank M. Tiffany. Incumbent's commission expired February 9, 1913.

John W. Way to be postmaster at Curwensville, Pa., in place of Samuel P. Arnold. Incumbent's commission expired February 11, 1913.

Samuel R. Williams to be postmaster at Vintondale, Pa. Office became presidential April 1, 1911.

John A. Witherspoon to be postmaster at Mercersburg, Pa., in place of William F. McDowell, resigned.

TEXAS.

Ernest R. Broch to be postmaster at Rogers, Tex., in place of Frank Leahy. Incumbent's commission expired April 2, 1912.

Allen J. Buchanan to be postmaster at Grand Prairie, Tex. Office became presidential January 1, 1912.

Isaac W. Clark to be postmaster at De Kalb, Tex., in place of L. A. Smith. Incumbent's commission expired April 28, 1912.

John Edwin Clarke to be postmaster at Knox City, Tex., in place of John Edwin Clarke. Incumbent's commission expired December 16, 1908.

Olie D. Dillingham to be postmaster at Winters, Tex., in place of Thomas B. Dillingham, resigned.

David C. Dodge to be postmaster at Claude, Tex., in place of David C. Dodge. Incumbent's commission expired December 16, 1912.

Christian Doss to be postmaster at Palacios, Tex., in place of Christian Doss. Incumbent's commission expired December 16, 1912.

William A. Drawe to be postmaster at Cuero, Tex., in place of E. P. Butler. Incumbent's commission expired January 14, 1913.

Carl E. Ericson to be postmaster at El Campo, Tex., in place of Carl E. Ericson. Incumbent's commission expired April 28, 1912.

Arthur E. Foster to be postmaster at Venus, Tex., in place of Arthur E. Foster. Incumbent's commission expired January 27, 1913.

A. E. Frieze to be postmaster at Silverton, Tex. Office became presidential January 1, 1913.

Robert B. Gordon to be postmaster at Strawn, Tex., in place of Robert B. Gordon. Incumbent's commission expired April 28, 1912.

H. A. Holdridge to be postmaster at Edna, Tex., in place of Harper Simpson. Incumbent's commission expired April 28, 1912.

Nora E. Johnson to be postmaster at Crosbyton, Tex. Office became presidential January 1, 1913.

George Keck to be postmaster at Plainview, Tex., in place of George Keck. Incumbent's commission expired January 28, 1913.

William A. Little to be postmaster at Karnes City, Tex., in place of William A. Little. Incumbent's commission expired January 27, 1913.

J. E. Milford to be postmaster at Thurber, Tex., in place of Robert McKinnon, deceased.

Andrew G. Mitchell to be postmaster at Higgins, Tex., in place of Andrew G. Mitchell. Incumbent's commission expired February 11, 1913.

Jeff Potter to be postmaster at Tulia, Tex., in place of Jeff Potter. Incumbent's commission expired January 28, 1913.

Ida Richardson to be postmaster at Donna, Tex. Office became presidential January 1, 1913.

Virgil A. Smith to be postmaster at Kenedy, Tex., in place of Virgil A. Smith. Incumbent's commission expired January 27, 1913.

John R. Southern to be postmaster at Quanah, Tex., in place of Lyman E. Robbins. Incumbent's commission expired January 12, 1913.

George F. Stockton to be postmaster at Howe, Tex., in place of Laban B. Ruth. Incumbent's commission expired April 13, 1912.

E. C. Webster to be postmaster at Alvin, Tex., in place of Marion S. French. Incumbent's commission expired April 28, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1913.

DIPLOMATIC AND CONSULAR SERVICE.

Lars Anderson to be ambassador to Japan.
Theodore Marburg to be minister to Belgium.
Fred W. Carpenter to be minister to Siam.
U. Grant-Smith to be secretary of embassy at Vienna.
Joseph C. Grew to be secretary of embassy at Berlin.
J. Butler Wright to be secretary of legation at Brussels.
Francis Travis Coxe to be secretary of legation at Habana.
Montgomery Schuyler, jr., to be minister to Ecuador.
Nelson O'Shaughnessy to be secretary of embassy at Mexico, Mexico.
Ralph B. Strassburger to be secretary of embassy at Tokyo, Japan.
Henry F. Tennant to be second secretary of embassy at Mexico, Mexico.
Charles Campbell, jr., to be secretary of legation, Roumania, Servia, and Bulgaria.
Cyrus F. Wicker to be secretary of legation at Panama, Panama.
Fred R. Moore to be minister resident and consul general at Monrovia, Liberia.

PUBLIC HEALTH SERVICE.

Senior surgeons.

Hiram W. Austin.
Charles E. Banks.
Duncan E. Carmichael.
Henry R. Carter.
James W. Gassaway.
Arthur H. Glennan.
Fairfax Irwin.
Parker C. Kalloch
Frank W. Mead.
George W. Stoner.

Surgeons.

John F. Anderson.
Milton H. Foster.
Lunsford D. Fricks.
Samuel B. Grubbs.
Claude H. Lavinder.
Leslie L. Lumsden.
John McMullen.
Rudolph H. von Ezdorf.
Mark J. White.
William C. Billings.
John W. Kerr.
Walter W. King.
Dana E. Robinson.
Victor G. Heiser.
Frederick E. Trotter.
Charles W. Vogel.
Benjamin S. Warren.
Clarence W. Wille.
Louis P. H. Bahrenburg.
Joseph R. Ridlon.
John S. Boggess.
Gustav M. Corput.
Donald H. Currie.
Mervin W. Glover.
Edward Francis.
Joseph Goldberger.
Matthew K. Gwyn.
William A. Korn.
Boliver J. Lloyd.
John D. Long.
George W. McCoy.
Allan J. McLaughlin.
Dunlop Moore.
Claude C. Pierce.
Carl Ramus.
Joseph W. Schereschewski.

Passed assistant surgeons.

Rudolph M. Grimm.
Paul Preble.

Assistant surgeons.

Mather H. Neill.
John Sundwall.
Alvin R. Sweeney.

REVENUE-CUTTER SERVICE.

Howard Miles Broadbent to be a senior captain.
Frederick Chamberlayne Billard to be a captain.
George Ellender Wilcox to be a first lieutenant.
Clarence Henry Dench to be a second lieutenant.
Alvan Hovey Bixby to be a second lieutenant.

PROMOTIONS IN THE ARMY.

George P. Scriven to be Chief Signal Officer, with the rank of brigadier general.

CAVALRY ARM.

Colonels.

Augustus B. Blocksom.
James Lockett.

Lieutenant colonels.

Henry T. Allen.
John W. Heard.
Stephen L'H. Slocum.
William W. Forsyth.

Majors.

George T. Langhorne.
Charles Young.
Francis C. Marshall.
James A. Ryan.
Frank M. Caldwell.
James J. Hornbrook.
William F. Clark.

Captains.

George P. Tyner.
Walter F. Martin.
Henry J. McKenney.
Oscar A. McGee.
John S. E. Young.
Oliver P. M. Hazzard.
Charles C. Winnia.

First lieutenants.

Frederick T. Dickman.
Adna R. Chaffee, jr.
George W. De Armond.
John G. Quekemeyer.
Frank M. Andrews.
Joseph C. King.

Second lieutenants.

John Keith Boles.
Terry de la Mesa Allen.
John Chilton McDonnell.
Jerome Willard Howe.
Otto Wagner.
William Trigg Pigott, jr.
Clyde Vincent Simpson.
Joseph Frank Richmond.
Roy Stuart Brown.
Louis Alexander Falligant.
Herbert Merton Ostroski.
Paul Root Davison.
John Bernard Brooks.
John Breitling Coulter.
William Anderson Raborg, jr.
Welton Mathew Modisette.
John Parsons Wheeler.
Russell Brown Patterson.
Carl Peterson Dick.

ENGINEER CORPS.

E. Eveleth Winslow to be a lieutenant colonel.
George B. Pillsbury to be a major.
Francis B. Wilby to be a captain.
Clarence S. Ridley to be a captain.
Lindsay C. Herkness to be a first lieutenant.
Albert K. B. Lyman to be a first lieutenant.
John Carl Gotwals to be a probational second lieutenant.

COAST ARTILLERY CORPS.

First lieutenants.

William N. Porter.
Maurice B. Willett.
George L. Van Deusen.

Belton O'N. Kennedy.
Cary R. Wilson.
Charles G. Mettler.

Second lieutenants.

Stiles Morrow Decker.
Archie Stanton Buyers.
Ernest Leslie Osborne.
William Ayres Borden.
Francis Tuttle Armstrong.
Edwin Bright Spiller.
Cecil George Young.
Carl Andrew Waldmann.
Paul Wesley Evans.
Henry Armstrong Wingate.
William Claude Washington.
Alfred Bixby Quinton, jr.
Harold Aron Strauss.

FIELD ARTILLERY ARM.

Colonel.

Samuel D. Sturgis.

Lieutenant colonels.

Edward F. McGlachlin, jr.
William Kenly.

Majors.

Willard D. Newbill.
Harry G. Bishop.

Captain.

Charles J. Ferris.

First lieutenants.

Samuel R. Hopkins.
Charles P. Hollingsworth.
George M. Marrow, jr.

Second lieutenants.

Bertram Frankenberger.
Raymond Brooks Austin.
Joseph Olden Daly.
Edwin Pearson Parker, jr.
John Macaulay Eager.
Walter F. Winton.
Richard Christian Scott.

ORDNANCE DEPARTMENT.

William W. Gibson to be a colonel.
Tracy C. Dickson to be a lieutenant colonel.

QUARTERMASTER CORPS.

Majors.

David B. Case.
William Elliott.
James A. Logan, jr.
Frederic H. Pomroy.
Julius N. Kilian.
Salmon F. Dutton.

INFANTRY ARM.

Colonel.

Samuel W. Miller.

Lieutenant colonels.

Clarence E. Dentler.
Henry D. Styer.
Waldo E. Ayer.

Majors.

John J. Bradley.
Douglas Settle.
John S. Switzer.
Herbert O. Williams.
George D. Guyer.
William F. Grote.

Captains.

Benjamin H. Pope.
Julian L. Dodge.
Herman Glade.
Frank S. Bowen.
Robert H. Peck.

Second lieutenants.

Hamilton Templeton.
Edward Fuller Witsell.
Alfred Loveday Rockwood.
George Weeks Polhemus.
Floyd Charles Hecox.
Carl Adolphus Hardigg.
Carl Lewis Cohen.
William Rudolph Gruber.
Russell Brown Patterson.
Francis Patrick Regan.
Herbert Joseph Lawes.
Robert Crayton Williams.
Paul Xavier English.
Estil Virgil Smith.
Troy Houston Middleton.
Roland Francis Walsh.
Paul Murray.
Robert George Calder.
William Daniel Faulkner.
Edgar Adair Stadden.
Roy Messick Jones.
Arthur Read Christie.
Percy Edgar Van Nostrand.
Frederic Vinton Hemenway.
Clarence Monroe Dodson.
Virgil Vincent Enyart.
James Merriam Moore.
Frank Hudson Moody.
Percie Cobbs Rentfro.
George Alexander Speer, jr.
Sidney Burkhalter Colquitt.
Carl Jay Ballinger.
Richard Taillefer Taylor.
John Robinson Baxter.

CHAPLAINS.

Ivory H. B. Headley to be a chaplain with the rank of major.

Wallace Hubbard Watts to be a chaplain with the rank of first lieutenant.

Joseph Matthew Kangley to be a chaplain with the rank of first lieutenant.

Alva Jennings Brasted to be a chaplain with the rank of first lieutenant.

Jeremiah Augustine Lenehan to be a chaplain with the rank of first lieutenant.

MEDICAL CORPS.

William D. Crosby to be a colonel.
Champe C. McCulloch, jr., to be a lieutenant colonel.
Perry L. Boyer to be a major.

MEDICAL RESERVE CORPS.

First lieutenants.

Alvin Willis Schoenleber.
Harry Louis Dale.
Charles Clark Hillman.
George Russell Callender.
Oscar Dowling.
Thomas Davies Coleman.
Charles Franklin Strosnider.
John Murdoch Pratt.
Paul H. Ellis.
Donald Guthrie.
Antonio Mayoral, jr.
Eugene Edmund Murphey.
Frederick George Novy.
John Earle Pulver.
Mazyck Porcher Ravenel.
Erik Martin Paulus Sward.
William Otis Bailey.
Herbert Atkins.
Algernon Thomas Bristow.
Howard Milford Brundage.
Edmund Russell Brush.
Burton Chance.
Francis Miles Chisolm.
Warren Coleman.
George Sumner Crampton.
Ernest Charles Dalton.
Verne Adams Dodd.
Harry Quigg Fletcher.
Howard Engler Harman.
Eugene Richards Lewis.
Edward Charles Ludwig.
Francis Randolph Packard.
Herbert Lee Quickel.
George Christian Schaeffer.
Fred Barrington Sutherland.
Gustav Grant Fischlowitz.
William James Mayo.
Walter M. Brickner.
Charles Gilchrist Darling.
Carl Braden Davis.
George Gilbert Davis.
Edward Tyler Edgerly.

Thomas Alfred Fletcher.
Fielding Hudson Garrison.
Leander Johnson Graves.
Edwin Richard Hodge.
William Byrd Hunter.
Ernest Edward Irons.
Isaac Dee Kelley, jr.
Orson Pope Kingsley.
George Earl Orsborn.
Frank Ellis Pierce.
Louis Livingston Seaman.
James Cyrus Tucker.
Russell Morse Wilder.
Wilson Carlisle von Kessler.
Frank Nicholas Cochems.
James Quitman Fountain.
Edward Starr Judd.
Joseph MacDonald, jr.
Justus Matthews.
Charles Horace Mayo.
Irving David Steinhardt.

PROMOTIONS IN THE NAVY.

Francis L. Chadwick to be a commander.
Henry E. Rossell to be an assistant naval constructor.

Lieutenants.

William C. Barker, jr.
George S. Bryan.
August C. Wilhelm.
Roy L. Lowman.
Robert L. Ghormley.
Isaac C. Bogart.
Isaac C. Shute.
Pierre L. Wilson.
Owen Bartlett.
Walter F. Jacobs.
Leo F. Welch.
Carroll S. Graves.
Harry L. Pence.
Ferdinand L. Reichmuth.
Harvey Delano.
Wolcott E. Hall.
Isaac C. Kidd.
Fred M. Perkins.
Robert A. White.
Frank H. Roberts.
Lewis D. Causey.
Henry G. Fuller.
Andrew S. Hickey.
Edward S. Moses.
Stuart W. Cake.
Stephen Doherty.
Charles A. Woodruff.
Ronan C. Grady.
Reuben L. Walker.
Joe R. Morrison.

Ensigns.

Allen H. Guthrie.
Joseph Y. Dreisonstok.

Medical directors.

Francis S. Nash.
Oliver D. Norton.
Andrew R. Wentworth.
Francis W. F. Wieber.

Medical inspectors.

George A. Lung.
Edward S. Bogert, jr.
Leckinski W. Spratling.
Luther L. von Wedekind.
Robert M. Kennedy.

Surgeons.

John L. Neilson.
Frederick W. S. Dean.
Clarence F. Ely.
James R. Dykes.

Assistant surgeons.

Dana C. Post.
William E. Findeisen.
Norman R. Sullivan.

Paymasters.

David G. McRitchie.
Philip J. Willett.
Ben D. McGee.
Neal B. Farwell.
Reginald Spear.
Elijah H. Cope.
Brainerd M. Dobson.
William W. Lamar.
William L. F. Simonpietri.
Fred W. Holt.

Passed assistant paymasters.

John F. O'Mara.
James P. Helm.
Byron D. Rogers.
Edward C. Little.
Frank Baldwin.
Manning H. Philbrick.
Henry L. Beach.
John H. Knapp.
Fred E. McMillen.
Maurice H. Karker.
William R. Van Buren.
Raymond E. Corcoran.
Elwood A. Cobey.
Robert S. Chew, jr.
Omar D. Conger.
Spencer E. Dickinson.
C. Shirley.

Assistant paymasters.

Herman G. Bowerfind.
Richard E. Lambert.
Charles C. Copp.
John J. Gaffney.
Lawrence A. Odlin.
John H. Colhoun.
John A. Byrne.
Richard S. Robertson.
Charles V. McCarty.
Eaton C. Edwards.
David T. Chalmers.
John A. Harman.
John B. Ewald.
Julian H. Maynard.

Chief pharmacists.

Charles E. Reynolds.
John W. Wood.
Alrik Hammar.
John D. Milligan.
Joseph F. Pearson.
Hubert Henry.
Edward R. Noyes.
Frederick W. Breck.
Laurence O. Schetky.
Stephen W. Douglass.

Civil engineers.

Albert A. Baker.
Norman M. Smith.

Assistant civil engineers.

Carl A. Bostrom.
Ralph M. Warfield.

Chief machinists.

Arthur W. Bird.
Willis Dixon.
Adolph Peterson.
Charles Allen.

MEDICAL RESERVE CORPS.

Assistant surgeons.

John C. Da Costa.
Hobart A. Hare.
Morris B. Miller.
William C. Lyon.

MARINE CORPS.

Captains.

Fred D. Kilgore.
William E. Parker.
William M. Small.
William P. Upshur.

First lieutenants.

Clarence C. Riner.
Leon W. Hoyt.
Julian C. Smith.
Charles J. Miller.
Otto Becker, jr.
Leander A. Clapp.
William S. Harrison.
Thomas S. Clarke.
Bernard L. Smith.
Clarence E. Nutting.
Robert W. Voeth.

Second lieutenants.

Philip T. Case.
Paul C. Marmion.
Lowry B. Stephenson.
John L. Mayer.
Benjamin A. Moeller.
Clyde H. Metcalf.
Harold C. Pierce.

POSTMASTERS.

CONNECTICUT.

Matthew E. McDonald, Simsbury.

MINNESOTA.

Robert K. Brough, Alexandria.

RHODE ISLAND.

Walter A. Kilton, Providence.

UTAH.

James Clove, Provo.

VERMONT.

Emory G. Page, Hyde Park.

WITHDRAWALS.

Executive nominations withdrawn, March 1, 1913.

POSTMASTERS.

MASSACHUSETTS.

Charles J. Shepard to be postmaster at Waltham, in the State of Massachusetts.

NORTH DAKOTA.

Ruby Bickford to be postmaster at Bowbells, in the State of North Dakota.

TEXAS.

George Wohleb, jr., to be postmaster at Rogers, in the State of Texas.

WISCONSIN.

Rose M. Kropp to be postmaster at Hilbert, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 1, 1913.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, let Thy spirit come mightily upon us to illumine our minds and cleanse our hearts from guile, that we may be with Thee in thought and purpose and have our portion with those who love God and their fellow men; that all our ways may be ways of pleasantness, and all our paths be paths of peace; for Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair hopes the gentleman will withhold that for a moment.

Mr. HARDWICK. All right, I will withhold it.

INTERSTATE SHIPMENT OF INTOXICATING LIQUORS—VETO MESSAGE.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from Alabama to call up the President's veto message.

Mr. CLAYTON. Mr. Speaker, I move that the House, on reconsideration, pass the bill (S. 4043) divesting intoxicating liquors of their interstate character in certain cases, the objections of the President to the contrary notwithstanding. I move the present consideration and passage of the bill.

Mr. HARDWICK. I make the point of order that that is not in order. The House does that automatically; but I make the point of order that there is no quorum present.

Mr. BURKE of South Dakota. Mr. Speaker, I endeavored to get recognition when the question of the approval of the Journal was up, for the purpose of calling attention to an error in a roll call.

The SPEAKER. But the gentleman did not get recognition.

Mr. BURKE of South Dakota. I ask unanimous consent.

The SPEAKER. The House can not do anything without a quorum when the point is raised.

Mr. BURKE of South Dakota. Perhaps the gentleman will withhold his point.

Mr. HARDWICK. This will be in order as soon as we get a quorum.

The SPEAKER. The gentleman from Georgia makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-seven Members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Ellerbe	Lever	Needham
Ainey	Ferris	Lindsay	Olmsted
Ames	Finley	Littleton	Peters
Ansberry	Gardner, N. J.	Lobeck	Pray
Bates	George	McCall	Ransdell, La.
Brown	Gudger	McGuire, Okla.	Reilly
Carter	Guernsey	McKinney	Riordan
Clark, Fla.	Harris	McLaughlin	Scully
Conry	Hartman	Maher	Sherley
Covington	Haugen	Merritt	Smith, J. M. C.
Crago	Heald	Miller	Stack
Curley	Hill	Moon, Pa.	Taylor, Ala.
Currier	Hinds	Moon, Tenn.	Taylor, Ohio.
Danforth	Hughes, W. Va.	Moore, Tex.	Tilson
Davenport	Kindred	Morgan, Okla.	Vreeland
Davidson	Korbly	Morse, Wis.	Weeks
Dickson, Miss.	Lafean	Mott	Whitacre
Dwight	Lee, Ga.	Murray	

The SPEAKER. Three hundred and eleven Members have answered to their names—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to; and the Doorkeeper was directed to open the doors.

STATEMENT OF VOTES.

Mr. BURKE of South Dakota. Mr. Speaker, yesterday I was necessarily absent from the House attending the conference on the Indian appropriation bill, which lasted until after midnight last night. On page 4408 of the RECORD it shows that I was paired with the gentleman from Texas [Mr. STEPHENS] against the question of suspending the rules and disagreeing to the amendments of the Senate to the Agriculture appropriation bill. I want to say that if I had voted I would have voted for the motion, and that I was in favor of the Senate amendment in relation to migratory game birds.

On the motion of the gentleman from Texas [Mr. BURLESON] to suspend the rules on the District of Columbia appropriation bill and disagree to the Senate amendments with an amendment, the RECORD shows that I was paired as being opposed to the motion. That is correct. Had I been present, I would have voted against it. It shows the gentleman from Texas [Mr. STEPHENS] as being paired for the motion, and I understand he would have voted against it had he been present.

Mr. STEPHENS of Texas. Mr. Speaker, I indorse what the gentleman from South Dakota has said. Had I been present, I should have voted against the amendment offered by the gentleman from Texas [Mr. BURLESON].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 28699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 271) to authorize the collection of the military and naval

records of the Revolutionary War with a view to their publication.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 164. Joint resolution stopping traffic and preventing interference with the suffrage procession.

DIVESTING LIQUORS OF THEIR INTERSTATE CHARACTER.

The SPEAKER. The Chair lays before the House the veto message of the President of the United States on the bill (S. 4043) to divest intoxicating liquors of their interstate character in certain cases.

The Clerk read the veto message.

[For veto message, see Senate proceedings of February 28, 1913.]

The SPEAKER. The Chair also lays before the House the resolution of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
February 8, 1913.

The Senate having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to divest intoxicating liquors of their interstate character in certain cases," returned to the Senate by the President of the United States with his objections and sent by the Senate to the House of Representatives with the message of the President returning the bill.

Resolved, That the bill do pass, two-thirds of the Senate agreeing to pass the same.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Would it now be in order to have the opinion of the Attorney General read in connection with this?

The SPEAKER. It would not.

Mr. HARDWICK. Then I ask unanimous consent.

Mr. CLAYTON. I object.

The SPEAKER. The gentleman from Alabama objects.

Mr. CLAYTON. Mr. Speaker, I move on reconsideration to pass the bill S. 4043, the objections of the President to the contrary notwithstanding, and upon that I demand the previous question.

The SPEAKER. The gentleman from Alabama moves that on reconsideration the House shall agree to pass the bill S. 4043, the objections of the President to the contrary notwithstanding, and on that motion he moves the previous question.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. If the previous question is ordered, will there be debate?

The SPEAKER. There will be 40 minutes debate, 20 minutes on a side.

The previous question was ordered.

The SPEAKER. The gentleman from Alabama has 20 minutes and the gentleman from Louisiana [Mr. DUPRÉ], the ranking member in opposition on the committee, will have 20 minutes.

Mr. CLAYTON. Mr. Speaker, I shall not undertake to say very much at this time on this subject. The debate on this important measure has been long and has been had, not only in the House, but in the Senate and in the committee rooms for years. This body quite understands the question from every viewpoint. Of course, Mr. Speaker, at this time no speech that any Member could make here would change a single vote. Everybody knows that. There is hardly any necessity now for any time to be given to debate.

Mr. Speaker, the President in his message admits, as I understand, from having heard it read, that the Supreme Court has never decided adversely to a measure like this, but many able lawyers think decisions made by that august tribunal from time to time can be quoted to sustain the constitutionality of the pending bill.

One of the latest utterances by the Supreme Court on the power to regulate interstate commerce, consistent with the contention of the friends of this measure that it is constitutional, is the case of Hoke against the United States, decided February 24, 1913.

As I view this question the bill is simply to allow the States to enforce their own police regulations. It is to go back to the ancient doctrine announced in Pierce versus New Hampshire more than 50 years ago, holding that under the police power of the State the State could regulate and control the matter of traffic in intoxicating liquors, according to the sovereign will of the State. That stood as the law of this country for nearly 50 years, and until the case of Leisy versus Hardin was decided, which specifically overruled it. That case led to the enactment of what is known as the Wilson law, and ever since the Wilson law was emasculated the effort has been made by the States, in furtherance of their police power, to let the State have the right to control the liquor whenever it reached the boundary of the State.

Mr. Speaker, while they talk about the history of the commerce clause of the Constitution, and that such clause of the Constitution was the result of a compromise between the States, and was one of the reasons for the formation of the Federal Union under the Constitution, let us not forget that the police power of the State is an older power than the commerce power of Congress, and that the States intended to reserve their police power. That this was intended is manifest from the Constitution, the dual scheme of government, and by the amendments adopted shortly after the ratification of the Constitution itself.

Mr. Speaker, the question here is, Shall this House—and I take it that this House will—pass this particular measure simply further to "*remove* (quoting the language of Chief Justice Fuller) *the impediment to the enforcement of State laws in respect to imported packages in the original condition in the absence of specific utterances on the part of Congress*," by now making a specific utterance that the importation of liquor into a State for illegal purposes is prohibited? Let those who believe that each State has a right to regulate its domestic affairs, to carry out its own internal policy, cast their vote for this measure, whereby the Federal Government is to take its protection away from those engaged in the wrongful traffic of selling liquor contrary to the law of the State.

It will be observed that in this case to which I referred, Hoke versus United States, the commerce clause was considered, and the Supreme Court said:

Congress is given power "to regulate commerce with foreign nations and among the several States." The power is direct; there is no word of limitation in it, and its broad and universal scope has been so often declared as to make repetition unnecessary. And, besides, it has had so much illustration by cases that it would seem as if there could be instance of its exercise that does not find an admitted example of some one of them. Experience, however, is the other way, and in almost every instance in the exercise of the power differences are asserted from previous exercises of it and made a ground of attack. The present case is an example.

This was a white-slave traffic case, and the act forbidding the traffic in white slavery was upheld. It was upheld under the commerce clause of the Constitution. It was decided that the transportation for illegal purposes of women by the interstate railroads was a violation of this law, and that the law was constitutional as a proper means for regulating such interstate traffic even to the extent of prohibiting such transportation of women for such purposes.

I quote further from this opinion:

There, in emphasis of the purpose of the law, we denominated adulterated articles as "outlaws of commerce" and said that the confiscation of them enjoined by the law was appropriate to the right to bar them from interstate transportation and completed the purpose of the law by not merely preventing their physical movement but preventing trade in them between the States.

And the same doctrine was announced in sustaining the pure-food law and the act regulating the transportation of nitroglycerine, the act forbidding the transportation of game birds, the quarantine act against diseased cattle, the act outlawing lottery tickets, and in other acts where Congress has legislated under the commerce clause of the Constitution. The power of Congress is ample in this respect, and here it is. Congress is asked here to say that it withholds the protection afforded by the commerce clause from intoxicating liquors imported into a State to be used in violation of the laws of that State. Will anybody deny that it is a good State rights doctrine to maintain that idea, and will anybody deny that the States in asking this legislation are asking legislation that will enable them to further protect the morals and the health of their citizens according to the ideas and law of each sovereign State?

Mr. Speaker, some gentlemen are very insistent that those who oppose this legislation possess all the reverence for the Constitution. Those of us who support this measure have as much respect for that great instrument as those gentlemen have. The reserved rights of the State are of as much constitutional concern or as much under the protection of the Constitution as the powers delegated to Congress. The tenth amendment of the Constitution says:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

I reserve the balance of my time.

Mr. DUPRÉ. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. STANLEY]. [Applause.]

Mr. STANLEY. Mr. Speaker, this bill is designed to prevent the shipment of alcoholic liquors into certain States and localities which have forbidden their importation or sale. To accomplish this purpose it is proposed that Federal control over such commodities shall cease and that they shall lose their status as

articles of interstate commerce at the boundary lines of such States as have previously interdicted traffic in them, and that thereafter they shall be, while in transit as well as in the hands of the consignee, under the exclusive control of State or local authorities.

To do this it is necessary that the Federal Government shall be divested of the power to regulate such commerce and that the State governments be invested with the jurisdiction formerly exercised by Federal authority.

In so far as interstate commerce in alcoholic liquors is concerned, it will be subject not to any uniform regulation by Congress, but will be forced upon crossing State lines to comply with such conditions as 48 States are pleased to impose.

We are not left to conjecture, as to the effect upon interstate commerce of this delegation to the several States of the power to make their boundary lines barriers to commerce between them, and investing these Commonwealths with the power to halt and inspect such commerce at their borders for the purpose of excluding or confiscating articles considered injurious to the moral or physical well-being of their citizens.

This is not a matter of speculation, but of history. The States originally possessed this power, and only surrendered it after a long and sad experience in its exercise.

The Colonies having declared their independence became separate and distinct sovereignties, acknowledging no allegiance to the mother country and no binding or indissoluble bond among themselves.

The presence of a common enemy and a common danger compelled the formation of a loose league between these States and the organization of a central authority authorized to maintain an Army and Navy, to send and receive ambassadors, to coin money and regulate the value thereof, to establish a standard of weights and measures, and to exercise other functions now delegated to the Federal Government. This alliance, offensive and defensive, provided for the exigencies of war, but it failed to meet the demands of peace.

The Articles of Confederation centralized political power, but made no provision for industrial or commercial cooperation. Each State was free to exercise full and absolute control over trade and commerce within its borders. Embargo provoked embargo, and the industrial development of a Commonwealth was circumscribed by its boundaries. States industrially hostile could not in the nature of things long remain politically united.

In the language of Justice Johnson—

> "For a century the States had submitted with murmurs to the commercial restrictions imposed by the parent State; and now, finding themselves in the unlimited possession of those powers over their own commerce which they had so long been deprived of, and so earnestly coveted that selfish principle which, well controlled, is so salutary, and which, unrestricted, is so unjust and tyrannical, guided by inexperience and jealousy, began to show itself in iniquitous laws and impolitic measures, from which grew up a conflict of commercial regulations, destructive of the harmony of the States and fatal to their commercial interests abroad. *This was the immediate cause that led to the forming of a convention.*" (Gibbons *v.* Ogden, 9 Wheat., 224.)
>
> "It was the want of any power to regulate commerce as between the States themselves and with foreign nations which as much—and I am not sure but I am justified in saying more—than any one thing forced the States to form the present Constitution in lieu of the Articles of Confederation, under which they had won their freedom and established their independence." (Justice Miller's Lectures on the Constitution, p. 433.)
>
> "It is a matter of history that one of the great objects of the formation of the Constitution was to secure uniformity of commercial regulations, and thus put an end to restrictive and hostile discriminations by one State against the products of other States and against their importation and sale." (Bowman *v.* Chicago, etc., Railway Co., 125 U. S., 508.)
>
> "The oppressed and degraded state of commerce previous to the adoption of the Constitution can scarcely be forgotten"—

Says Chief Justice Marshall—

> "* * * Those who felt the injury arising from this state of things and those who were capable of estimating the influence of commerce on the prosperity of nations perceived the necessity of giving the control over this important subject to a single government. It may be doubted whether any of the evils proceeding from the feebleness of the Federal Government contributed more to that great revolution which introduced the present system than the deep and general conviction that commerce ought to be regulated by Congress. It is not, therefore, a matter of surprise that the grant should be as extensive as the mischief and should comprehend all foreign commerce and all commerce among the States." (Brown *v.* Maryland, 12 Wheat., 446.)
>
> "Few things are better known"—

Says Daniel Webster—

> "than the immediate causes which led to the adoption of the present Constitution; and he thought nothing clearer than that the prevailing motive was to *regulate commerce*, to rescue it from the embarrassing and destructive consequences resulting from the legislation of so many different States and to place it under the protection of a *uniform* law. The great objects were commerce and revenue; and they were objects indissolubly connected. By the Confederation divers restrictions had been imposed on the States, but these had not been found sufficient. No State, it was true, could send or receive an embassy nor make any treaty, nor enter into any contract with another State or with a foreign power, nor lay duties interfering with treaties which had been entered into by Congress. But all these were found to be far short of what the actual condition of the country required. The States could still, each for itself, regulate commerce, and the consequence was a perpetual jarring and hostility of commercial regulation. * * * The resolutions of Virginia, in January, 1786, which were the immediate cause of the convention, put forth this same great object. Indeed, it is the *only* object stated in those resolutions. There is not another idea in the whole document. *The entire purpose for which the delegates assembled at Annapolis was to devise means for the uniform regulation of trade.* They found no means but in a general government, and they recommended a convention to accomplish that purpose. Over whatever other interests of the country this Government may diffuse its benefits and its blessings it will always be true, as a matter of historical fact, that it had its immediate origin in the necessities of commerce and for its immediate object the relief of those necessities by removing their causes and by establishing a *uniform* and steady system. * * *
>
> "We do not find in the history of the formation and adoption of the Constitution that any man speaks of a *general concurrent power* in the regulation of foreign and domestic trade as still residing in the States.
>
> "*The very object intended, more than any other, was to take away such power. If it had not so provided, the Constitution would not have been worth accepting.*" (From Webster's argument in Gibbons *v.* Ogden, 9 Wheat., pp. 11–13.)
>
> "If there was any one object riding over every other in the adoption of the Constitution, it was to keep the commercial intercourse among the States *free from all invidious and partial restraints.*" (Gibbons *v.* Ogden, p. 231.)

The Articles of Confederation created a dead political bond between States politically united but industrially divided. There was no autonomy, no industrial union. Each State had the right to levy such imposts and prescribe such conditions as pleased it upon commerce entering its borders. The boundary lines of the States became impenetrable barriers to the course of trade. In order that we might have a vital industrial and commercial Union, in order that the States might be united in aspiration and in interest as well as in political destiny, the Constitution of the United States was ordained and established. First of all, to Congress, and to Congress alone, was given the absolute, supreme, and exclusive control and direction of commerce between the several States and foreign nations. That, Mr. Speaker, was the keystone of the arch; yea, more, it was the arch itself. Around the interstate-commerce clause of the Constitution cluster all other provisions, and, as we have seen, the Supreme Court decisions are replete with references to the fact that the Constitution itself was ordained, that the convention at Annapolis was called for one purpose, one all-compelling purpose, and that was forever to obliterate, forever to remove from the course of commerce any and every barrier that any State might attempt to erect.

To erect State barriers to interstate commerce, to impede and harrass it by hostile and conflicting regulations, is to return to the very condition which prevailed prior to the adoption of the Constitution, to restore the ills that great instrument was

ordained to cure, and to reestablish the conditions it was designed to destroy.

Mr. Speaker, this is not the first time Congress has been asked to reinvest the States with powers delegated by them to the Federal Government. It is exceptional only in this, that in recent years only has such a proposal found serious or favorable consideration by men mindful of their duty to obey and sustain the Constitution of the United States, and to preserve and safeguard the freedom of commerce between the States.

A measure identical in purpose and character was offered by Calhoun in the Twenty-fourth Congress. On June 8, 1836, he introduced in the Senate a bill providing that there should not thereafter be transported into any State any book or paper of an incendiary character touching the question of chattel slavery, and that it should be unlawful, knowingly, to deliver to any person whatever any pamphlet, newspaper, handbill, or other printed paper or pictorial representation touching the subject of slavery "*when by the laws of said State, District, or Territory, their circulation was prohibited.*"

The manifest unconstitutionality of this attempt to turn over to the States the exercise of the control of commerce or the mails, previously exclusively vested in Congress, was earnestly maintained by Benton, Davis, Webster, and Clay.

Henry Clay in the course of a fierce assault upon such legislation, which he characterized as "unauthorized" and "dangerous," declared:

> "But he wanted to know *whence Congress derived the power* to pass this law. *It was said that it was to carry into effect the laws of the States. Where did they get such authority?* He thought that their only authority to pass laws was *in pursuance of the Constitution;* but to pass laws to carry into effect the laws of the States was a most prolific authority, and there was no knowing where it was to stop; *it would make the legislation of Congress dependent upon the legislation of 24 different sovereignties.* He thought the bill was of a most dangerous tendency. The Senator from Pennsylvania asked if the post-office power did not give them the right to regulate what should be carried in the mails. Why, there was no such power as that claimed in the bill; and if they passed such a law it would be exercising a most dangerous power. Why, if such doctrine prevailed *the Government might designate* the persons or parties or classes who should have the benefit of the mails, excluding all others."

Mr. Speaker, were it possible to turn over to the States the arbitrary control of commerce in one commodity and to reserve to the Federal Government the unimpaired power to regulate it in all others, I might waive my inveterate opposition to this measure, but in the words of Henry Clay:

"There is no knowing where it is to stop"—

Or of Portia—

> "'Twill be recorded for a precedent,
> And many an error by the same example
> Will rush into the State."

In the language of Chief Justice Fuller in the Knight case:

> "Acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run in the effort to suppress them of more serious consequences by resort to expedients of even doubtful constitutionality."

If a State, by virtue of an act of Congress, can assume control over one article of commerce, can at its will confiscate or exclude it, then it can by the same means assume control or prescribe regulations for the exclusion of any other article.

The one vital question is, Can Congress refuse to exercise a *uniform* control over *any* article of interstate commerce? Can it remove its protection from *any* part? If so, then it can remove it from *every part.*

It is idle to assert to any lawyer that you can intrust to a State the right to exclude one commodity for a good purpose while withholding from it the power to exclude another for a bad purpose.

"Of course"—

Says Daniel Webster—

> "*there is no limit to the power to be derived from the purpose* for which it is exercised. If exercised for one purpose, it may be exercised for another. No one can inquire into the *motives* which influence sovereign authority." (Gibbons *v.* Ogden, 9 Wheat., 23.)

"Questions of power"—

Says Chief Justice Marshall—

> "do not depend on the degree to which it may be exercised. If it may be exercised *at all*, it must be exercised at the will of those in whose hands it is placed. * * * It will not meet this argument to say * * * that the good sense of the States is a sufficient guaranty against it. The Constitution has not confided this subject to that good sense. It is placed elsewhere. The question is, Where does the power reside? Not, How far will it probably be abused?" (Brown *v.* Maryland, 12 Wheat., 433–447.)

If one State can exclude articles containing alcohol, another can prohibit articles containing nicotine, and so on.

As stated in West *v.* Kansas Gas Co. (221 U. S., 229):

> "*If one State has such a right, all States have it. Embargo may be retaliated by embargo, and commerce will be halted at State lines. And yet we have said that* in matters of foreign and interstate commerce *there are no State lines.* * * * *This was the purpose, as it is the result, of the interstate-commerce clause of the Constitution of the United States.*"
>
> "Can it be supposed"—

Says Justice Matthews—

> "that by omitting any express declarations on the subject, Congress has intended to submit to the several States the decision of the question in each locality of what shall and what shall not be articles of traffic in the interstate commerce of the country? If so, it has left to each State, according to its own caprice and arbitrary will, to discriminate for or against every article grown, produced, manufactured, or sold in any State and sought to be introduced as an article of commerce into any other. If the State of Iowa may prohibit the importation of intoxicating liquors from all other States, it may also include tobacco, or any other article, the use or abuse of which it may deem deleterious. It may not choose even to be governed by considerations growing out of the health, comfort, or peace of the community. Its policy may be directed to other ends. It may choose to establish a system directed to the promotion and benefit of its own agriculture, manufactures, or arts of any description, and prevent the introduction and sale within its limits of any or of all articles that it may select as coming into competition with those which it seeks to protect. The police power of the State would extend to such cases as well as to those in which it was sought to legislate in behalf of the health, peace, and morals of the people. In view of the commercial anarchy and confusion that would result from the diverse exertions of power by the several States of the Union, it can not be supposed that the Constitution or Congress have intended to limit the freedom of commercial intercourse among the people of the several States. 'It can not be too strongly insisted upon,' said this court in Wabash, etc., Railroad Co. *v.* Illinois (118 U. S., 557, 572), 'that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the States might choose to impose upon it that the commerce clause was intended to secure. This clause giving to Congress the power to regulate commerce among the States and with foreign nations, as this court has said before, was among the most important of the subjects which prompted the formation of the Constitution.' (Cook *v.* Pennsylvania, 97 U. S. 566, 574; Brown *v.* Maryland, 12 Wheat., 419, 446.) And it would be a very feeble and almost useless provision, but poorly adapted to secure the entire freedom of commerce among the States, which was deemed essential to a more perfect union by the framers of the Constitution, if at every stage of the transportation of goods and chattels through the country the State within whose limits a part of the transportation must be done could impose regulations concerning the price, compensation, or taxation, or any other restrictive regulation interfering with and seriously embarrassing this commerce." (Bowman *v.* Chicago & North Western R. R. Co., 125 U. S. 493.)

FEDERAL CONTROL OF INTERSTATE COMMERCE SUPREME, EXCLUSIVE, AND INDIVISIBLE.

The transportation of a commodity from the consignor in one State to the consignee in another is one transaction and subject to the sole and exclusive control of the Federal Government.

The shipment may traverse 2 States or 10, but so long as any part of it is interstate every part preserves that status. In the nature of things, *all commerce* between the States is at some time commerce *within a State.*

If each State can subject commerce entering its territorial limits to the same restrictions as commerce originating and end-

ing within them, then there is left *no such thing as interstate commerce.*

"If"—

Says Marshall—

"Congress has power to regulate it, *that power must be exercised whenever the subject exists.* * * * This principle is, if possible, still more clear when applied to commerce 'among the several States.' They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is commerce 'among' them, and how is it to be conducted? Can a trading expedition between two adjoining States *commence and terminate outside of each?* * * * The power of Congress, then, whatever it may be, *must be exercised within the territorial jurisdiction of the several States.*" (Gibbons *v.* Ogden, 9 Wheaton, p. 196.)

A State's control of that part of interstate commerce which may chance to be within her territorial limits is no greater and no less than it is over any other part of it. It is true that a State may in the exercise of its police power exclude from its territorial limits certain harmful or unwholesome articles, but, as will be seen, such things are prohibited *because, and only because, they are not interstate commerce* and form no part of it.

The character and extent of the Federal power over interstate commerce was exhaustively analyzed and defined by Chief Justice Marshall in the first great decision rendered upon this subject.

The State of New York had granted to Robert Fulton and Robert R. Livingston an exclusive right to license vessels propelled by steam upon waters within the boundaries of that State. The importance of the grant and the illustrious character of the litigants alike attracted the widest attention. Both parties to the controversy were represented by the ablest jurists of that day. Wirt wrote to his friend Judge Carr:

"About to-morrow week will come on the great steamboat question from New York. Emmett and Oakley are on one side, Webster and myself on the other. Come down and hear it. Emmett's whole soul is in the case, and he will stretch all his powers. Oakley is said to be one of the first logicians of the age, as much a Phocian as Emmett is a Themistocles, and Webster is as ambitious as Cæsar. He will not be outdone by any man if it is within the compass of his power to avoid it. It will be a combat worth witnessing."

Every argument which has been advanced by the proponents of this bill—claiming for a State the constitutional right to regulate or control commerce within its borders—was elaborated by learned and ingenious counsel in this case. It was claimed that the State of New York could regulate the use of steam upon vessels operated entirely within the territorial boundaries of that State; that since this agency was dangerous to human life and property that, under her inspection and police powers, the State might determine what vessels and upon what conditions steam might be applied as a motive power; that the use of this new and perilous agency was controlled by State regulations binding upon all the citizens of that State, and that Congress could not confer greater powers upon persons living without the State of New York than were enjoyed by her own citizens; that there was no interference with interstate commerce, since there was no regulation of such vessels until after they were entirely within the jurisdiction of the State. It was a novel question then. This vital clause of the Constitution was for the first time to be exhaustively interpreted and the whole range of trade and commerce for the coming empire was swept by the wide and prophetic vision of the great justice.

"The opinion in this case is regarded as one of his (Chief Justice Marshall's) greatest judicial utterances. The path before him was untrodden by any Federal decision save his own in the Brig *Wilson* case, and the questions presented were of the most vital importance. His opinion, in which no authority was cited, was so able, so profound and masterful, that it announced the principle which all future decisions have followed." (Watson On the Constitution, vol. 1, p. 470.)

"We are now"—

Said the court—

"arrived at the inquiry, '*What is this power?*' That question has been raised in the Supreme Court more than a thousand times since then, but the definition of John Marshall still remains unquestioned, complete and conclusive: 'It is the power to regulate. That is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. * * * The power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.'" (Gibbons *v.* Ogden, 9 Wheat., p. 197.)

After a lapse of more than half a century Justice Lamar, in reviewing this great decision, declared:

"This line which separates the province of Federal authority, over the regulation of commerce, from the powers reserved to the States has engaged the attention of this court in a great number and variety of cases. * * * The decisions in these cases have almost uniformly adhered to the fundamental principles which Chief Justice Marshall, in the case of Gibbons *v.* Ogden, laid down as to the nature and extent of the grant of power to Congress on this subject and also of the limitations, express and implied, which it imposes upon State legislation with regard to taxation and to the control of domestic commerce and to all persons and things within its limits of purely internal concern. According to the theory of this great opinion, * * * the power expressly conferred upon Congress to regulate commerce is absolute and complete in itself with no limitations other than are proscribed in the Constitution; is to a certain extent *exclusively vested in Congress, so far free from State action;* is coextensive with the subject on which it acts *and can not stop at the internal boundary of the State* but must enter the interior of every State whenever required by the interests of commerce with foreign nations or among these several States." (Kidd *v.* Pearson, 128 U. S., p. 16.)

"It is"—

Said Justice Bradley—

"over the whole subject unimpeded and unembarrassed by State lines or State laws, and in this matter the country *is one,* and the work to be accomplished is national; State interests, States' jealousies, and State prejudices do not require to be considered. *In matters of foreign and interstate commerce there are no States.*" (Stockton *v.* Baltimore, 32 Fed. Rep., p. 9; Lacy *v.* Hardin, 135 U. S., p. 108.)

This power was not only absolute and supreme but it was *exclusive,* to be exercised uniformly and universally, and to be exercised by the Federal Government *alone.*

No State can assume control over interstate commerce without exercising a forbidden and Federal prerogative.

"When a State proceeds to regulate commerce with foreign nations or among the several States, it is"—

Says Justice Marshall—

"*exercising the very power that is granted to Congress and doing the very thing which Congress is authorized to do.* * * * The sole question is, Can a State regulate commerce with foreign nations and among the States *while Congress is regulating it?* * * * The verb 'to regulate' implies in its nature *full power* over the thing to to be regulated. It excludes, necessarily, *the action of all others* that would perform the same operation on the same thing. That regulation is designed for the entire result, applying to those parts which remain as they are as well as to those which are altered, *it produces a uniform whole,* which is as much disturbed and deranged by changing what the regulating power designs to leave untouched as that on which it has operated." (Gibbons *v.* Ogden, 9 Wheat., 99, 200, and 209.)

"Whenever the law of the State amounts essentially to the regulation of commerce with foreign nations or among the States, as it does *when it inhibits directly or indirectly* the receipt of an imported commodity or its disposition before it has ceased to become an article of trade between one State and another, or another country and this, it comes in conflict with the power which in this particular case has been *exclusively vested* in the General Government, and is therefore void." (Leisy *v.* Hardin, 135 U. S., p. 123.)

"The interstate-commerce clause of the Constitution guarantees the right to ship merchandise from one State into another and protects it until the termination of the shipment by delivery at the place of consignment." (Heyman *v.* Southern Railway Co., 203 U. S., p. 244.)

The gentleman from North Carolina [Mr. WEBB] argues that the vesting in Congress of the control of all articles of interstate commerce necessarily implies the right to exercise so much of that control as it chooses, and that from the nature of the grant it can, with or without cause, "*arbitrarily*" withdraw its protection from any commodity that a State may choose to confiscate or exclude.

"If"—

Says the gentleman from North Carolina [Mr. WEBB]—

> "Congress can *arbitrarily* prohibit the interstate transportation of all intoxicating liquors, then most certainly can Congress prohibit the shipment of any less portion of liquor or any kind or class of liquor for whatever reason it chooses to assign, or without giving any reason whatever. The larger power necessarily includes the smaller."

The gentleman attributes to Congress a kind of power never mentioned in the Constitution and never possessed or delegated by any State. He *assumes without warrant* of law or fact that because Congress has the supreme and exclusive power over interstate commerce, it has *arbitrary* power, and his whole argument is based upon this unwarranted assumption. If Congress possessed "*arbitrary*" power, and chose to exercise it arbitrarily, it could, I admit, make a commodity commerce in one State and contraband in another. It could exercise the whole or any part of the powers delegated, and exercise them directly or by proxy. Such a use or abuse of power is in its essence arbitrary. Arbitrary power was never invested in Congress by the Constitution, and arbitrary power can never be delegated by it to the States. The powers conferred upon Congress may be supreme or limited, exclusive or concurrent, but they are *not* arbitrary. Every power vested in the Federal Government is clearly defined by the organic law. It must be exercised as conferred, and not at the caprice of either the executive or the legislative branches of the Government. Arbitrary power may be exercised regularly or irregularly, uniformly or partially, upon the whole of the country's industries or any part; it may apply impartially to all citizens, or be made to operate as a bounty to a favored few and an intolerable burden to the numberless masses. Arbitrary power is the distinctive mark of the tyrant and of tyranny. "Life, liberty, and the pursuit of happiness" and the security of property are guaranteed to the citizen only by the assurance that all the powers, great or small, vested in Congress must be exerted fairly, uniformly, impartially, and that neither in the Federal nor in the State Government is there one hint of any authority which may be exercised arbitrarily at the caprice either of any President, Congress, governor, or legislature.

Further elaborating the varied and irregular operation of this law, the gentleman from North Carolina says:

> "If a man has the right to cut down an entire tree, he has the right to remove a few limbs. * * * If Congress can arbitrarily prohibit the interstate transportation of all intoxicating liquors, then most certainly can Congress prohibit the shipment of any less portion of liquor. * * * The larger power necessarily includes the smaller."

That is to say, exclusive jurisdiction includes concurrent. The right to prescribe for a just and uniform regulation over the entire field of interstate commerce implies the power to exercise a partial and irregular control over the same territory cut by State lines into segments and unrelated units.

"But"—

Says Webster—

> "what is it that is to be regulated? Not the commerce of the several States, respectively, but the commerce of the United States. Henceforth the commerce of the States was to be *a unit*, and the system by which it was to exist and be governed *must necessarily be complete, entire, and uniform.* Its character was to be described in the flag which waved over it, E pluribus unum. Now, how could individual States assert a right of *concurrent legislation* in a case of this sort without manifest *encroachment and confusion?*"

All the great powers enumerated in the Constitution must be exercised uniformly or not at all. A partial exercise, a partial enforcement, is a perversion of the law, as illegal and as unauthorized as the assumption of authority for which there is no warrant whatever. Congress has power to levy taxes, but it can not tax one State and exempt another. It has power to coin money and regulate the value thereof, but it can not by virtue of this power coin one metal in one State and another in another, make gold a legal tender in one State and silver or copper in another, or delegate to the States the right to do so. Congress has full power over the naturalization of all citizens, but it does not follow that it can naturalize a part of the citizens upon one condition and another part of the citizens, alike in all respects, upon another condition. It can not make one person a citizen after five years' residence in Texas and naturalize another after two years' residence in New York. Congress can exclude obscene matter from the mails, but it can not make the same matter decent in Maine and indecent in Florida, any more than it can make alcohol a legitimate article of commerce in Ohio and contraband in Kentucky. The uniform exercise of a power is an essential, inherent, indestructible part of that power, and when you destroy its uniformity, when you destroy the fairness and equality of its operation, the power itself is void.

> "So long as the State legislature continues to recognize wines, beer, and spirituous liquors as articles of lawful consumption and commerce, so long must continue the duty of the Federal courts to afford such use and commerce the same measure of protection under the Constitution and laws of the United States as is given to other articles." (Scott *v.* McDowell, 165 U. S., 91.)

Congress can no more protect a given article as a legitimate subject of commerce in one State and declare it contraband and defenseless in another than it can protect the integrity of its coin in one State and not in another or the enforcement of one standard of weights and measures in one State and not in another. The great powers of Congress can not be cut into segments. They are units. Their indissolubility, their uniformity, is their essence. To dissever is to destroy them.

> "The subjects upon which Congress can act under this power are of infinite variety. Some of them are national in their character and admit and require *uniformity of regulation* affecting all the States. In this class is included all that operation of commerce with foreign countries or between the States which consists in the transportation, purchase, sale, and exchange of commodities. Here there can of necessity be *only one system* or plan of regulation and that *Congress alone can prescribe.* * * * There would otherwise be no security against conflicting regulations of different States, each discriminating in favor of its own products and citizens and against the products and citizens of other States. And it is a matter of public history that the object of vesting in Congress the power to regulate commerce with foreign nations and among the States was to insure a uniformity of regulation against conflicting and discriminatory State legislation." (County of Mobile *v.* Campbell, 102 U. S., p. 697.)
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> "The object of vesting the power to regulate commerce in Congress was to secure uniform regulations when such uniformity was practicable, against conflicting State legislation." (Western Telegraph Co. *v.* Pendleton, 122 U. S., 358.)
>
> "This power to regulate commerce was given to Congress in comprehensive terms, and it was thus given, so far as it relates to commerce between the States, with the obvious intent to place that commerce beyond interruption or embarrassment arising from the conflicting or hostile State regulations." (Steamship Co. *v.* Port Railways, 6 Wall., pp. 32–33.)
>
> "The commerce clauses of the Constitution had their origin in a wise and salutary policy. They were intended to secure *harmony and uniformity* in the regulations by which they should be governed. The confusions and mischiefs that would ensue if this restriction were removed are too obvious to require comment." (Inman Steamship Co. *v.* Tucker, 94 U. S., p. 245.)
>
> "The power to regulate commerce among the several States was vested in Congress in order to secure *equality* and *fredom* in commercial intercourse against *discriminatory State legislation.*" (Railroad Co. *v.* Richmond, 19 Wall., p. 589.)

If it was manifest to John Marshall in the infancy of the Republic that the industrial development and welfare of the Nation was dependent above all other things upon the absolute freedom of commerce among the States and the justice and uniformity of its regulation, how infinitely more necessary is it now. Then there were 13 Colonies, sparsely populated, separated one from another by mountain ranges and the vast stretches of an unpeopled wilderness. The locomotive and the telegraph were unknown. Trade between these Commonwealths was confined to a few navigable streams or found its slow and tedious course over dirt roads and mountain trails. To-day these Commonwealths are ribbed by 200,000 miles of railroad, laced in every part by quivering fibers of copper and steel. We

have articulated this exquisite system, intricate in its structure, vast in its extent, mighty in its power, embracing the land, the rivers, and the sea, riveted together these States by bolts of iron stronger than any political bond. These Commonwealths are and forever shall remain an industrial union, one in aspiration, in industry, and in commerce. To protect and develop that commerce we have deepened channels, bridged estuaries, dammed rivers, dredged harbors, dug canals across continents. This system is in its power and perfection a living, throbbing thing, and through its vast industrial arteries the produce of toiling millions and the necessaries and comforts of their daily life are borne swiftly to every part.

Now, we are told that the power to create implies the power to destroy, that they who were directed by the mandate of the Constitution to ordain and assemble this vast and splendid commerce were by the same instrument permitted at the caprice of any State to mutilate and dissever it, and that we may at will re-create and restore the very conditions the Constitution was ordained to inhibit and prevent. [Applause.] I do not believe that there is vested in Congress the right to cut the nerves this clause has created, to rend the sinews it has strengthened, to ligate the arteries now swollen and pulsating with the produce to 90,000,000 of people, the necessaries of their lives and the products of their toil [applause], and to consign to atrophy and decay the industrial energies of an empire. I do not believe that in that sense the whole is equal to all of its parts, that you can sever and dismember this thing and then call the mangled and disconnected remains the same symmetrical commercial body this clause has created. [Applause.]

We may not now under the hollow guise of State regulation divide and dissever the whole commercial structure without wrecking the uniform and harmonious creation designed by the fathers, described by Daniel Webster, and preserved by John Marshall. The interstate-commerce clause of the Constitution in its last analysis is something more than the sum total of a conglomeration of confused and conflicting State regulations, into which it can be dissected without injury to commerce or outrage to the law.

CONGRESS CAN NOT INVEST A STATE WITH FEDERAL POWER, MUCH LESS "PERMIT" THE ARBITRARY OR PARTIAL EXERCISE OF SUCH AUTHORITY.

But, says Mr. Dinwiddie:

> "The beauty about this law, as Mr. Webb expressed it to me the other day, is that it *expands and contracts* with the legislation of the State."

I can not comprehend the delight of the gentleman at the handiwork of the gentleman from North Carolina, who has succeeded in giving this chameleon-like quality to what I had considered a fixed and immutable clause of the Constitution of the United States, that instrument which was ordained to provide an impenetrable barrier to all legislation contrary to its provisions, now "contracts and expands" not at the will of Congress but at the whim of any State legislature which may choose to enlarge or restrict its powers. Mr. Dinwiddie shows an exact knowledge of the scope and operation of this law shared by few of my colleagues on this floor.

The gentleman from Alabama [Mr. CLAYTON] informs us:

> "The purpose (of this bill) is to take the protecting arm of the Federal Government, by virtue of the interstate-commerce clause of the Constitution, from around the illicit dealers in liquors, *and is to allow the States*, which have passed police regulations restricting or forbidding the sale of liquor to better enforce those regulations. * * * It will *permit* the State to seize such liquor, intended to be sold or otherwise used in violation of law, before it reaches the hands of the consignee."

If the Federal Government has no authority to control interstate commerce except by a uniform regulation, if it can not give to an article of interstate commerce one status in one State and another in another, it goes without saying that it can not delegate to a State a power which it could not itself have exercised. But even if Congress had, as the gentleman from South Carolina contends, "an arbitrary power" over interstate commerce, it could not delegate such power to a State. This law, in the language of the gentleman from Alabama, "permits" the States to do certain things. But Congress can not "permit" a State to do anything which requires the exercise of Federal power.

If Congress could "permit" the States to exercise one Federal function, it could another. It has the same warrant for "permitting" a State to maintain a navy, or to coin money, or to make a treaty as it has to "permit" it to regulate interstate commerce.

As stated by Mr. Chief Justice Taney in the License cases (5 How., 580):

> "But it is equally clear that as to all future laws by the States, if the Constitution deprives them of the power of making any regulations on the subject, an act of Congress could not restore it.
>
> "For it will hardly be contended that an act of Congress can alter the Constitution and confer upon a State a power which the Constitution declares it shall not possess. And if the grant of power to the United States to make regulations of commerce is a prohibition to the States to make any regulation upon the subject Congress could no more restore to the States the power of which they were thus deprived than it could authorize them to coin money, or make paper money a tender in the payment of debts, or to do any other act forbidden to them by the Constitution."

As stated by the gentleman from Alabama [Mr. CLAYTON], you "take the protecting arm of the Federal Government, by virtue of the interstate-commerce clause of the Constitution, from around" this commerce in order that the State may control a traffic formerly regulated by the Federal Government. But you can not "*take away*" any power vested in the Federal Government by the express terms of the Constitution, except by an amendment to that Constitution.

If the right is admittedly derived from the Constitution, it can not be affected by an act of Congress. The Constitution would indeed be a "rope of sand" if powers solemnly delegated by it to the Federal Government were secure only so long as it did not happen to please Congress to "take them away."

But you propose more than that. After this power is "taken away" from the Federal Government it is to be conferred upon the State, and the State is to be "permitted" to take control of commerce about which the Federal Government *alone* had thrown "its protecting arm" by virtue of a complete and exclusive jurisdiction exercised by virtue of an express provision of the Constitution itself.

> "It will hardly be contended that an act of Congress can alter the Constitution and confer upon the State power which the Constitution declares it shall not possess." (Chief Justice Taney in the License cases, 5 How., 580.)

The very statement of the case demonstrates its manifest and absolute unconstitutionality. As stated in Hall *v.* De Cuir (95 U. S., 57):

> "That power [over interstate commerce] is by the Constitution vested *exclusively* in Congress, as appears by the Constitution itself, and by an unbroken course of decisions of this court covering a period of more than half a century."
>
> "Now, it is a principle which can not be too often brought into view or enforced, that Congress can not delegate to State legislatures the exercise of powers which were given to it exclusively." (Argument of Emmett in Gibbons *v.* Ogden, 9 Wheat., 117.)

The State can not take such control until, by virtue of the "permission" given in this bill its power over interstate commerce has been enlarged. Yet the Supreme Court has emphatically declared:

> "*It does not admit of argument* that Congress can neither delegate its own powers nor enlarge those of a State." (In re Rahrer, 140 U. S., 560.)

INTERSTATE COMMERCE IN ALCOHOLIC LIQUORS NOT SUBJECT TO THE POLICE POWERS OF A STATE.

It is asserted that intoxicating liquors are injurious to the citizen morally and physically, and that a State in the proper exercise of its police powers can prevent the introduction of an article productive of disorder, disease, and pauperism. Or as stated by the gentleman from Texas [Mr. HENRY]:

> "The States of the Union may exercise their sovereign power—the power they never surrendered. They retained the right to control the liquor traffic and to all matters of domestic concern within the scope of police powers."

Now, if it be true that a State, in the exercise of its reserved police powers, can take possession and control of liquors while in transit from a point in one State to their destination in another, then this law is unnecessary. The police power of a State is not determined by Federal legislation. Congress can neither enlarge nor restrict it. Such power as the gentleman suggests was reserved, inherent. Never having been delegated to the Federal Government, it can not be conferred by it. In the nature of things it is absurd and impossible to attempt

by an act of Congress to strengthen a power inherent in a State or to "permit" the State to exercise it.

As stated by Chief Justice Fuller (in re Rahrer, 140 U. S., 554):

> "The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and property, *is a power originally and always* belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States and essentially *exclusive*."

There is no conflict of authority between the police power of a State to protect its citizens from unwholesome substances or objects liable to spread contagious disease and the power of Congress to regulate commerce. The confusion of ideas and apparent conflict of authority is entirely due to a failure to clearly define the term "commerce." Many things may be transported from one place to another by an interstate carrier which are not commerce, and are not exempt from State supervision and control. Commerce between the States is confined to commodities of value legitimately subject to barter and sale, to *property* in some form.

If the thing carried is not *property*, is not intended or suitable for barter or sale, it is not commerce. Decayed meats, putrid and wholesome foodstuffs, vermin, noxious insects, rags infected with disease or poisonous germs are not legitimate subjects of barter and trade, are not *property*, and can not claim any protection as such in the channels of interstate or foreign commerce. Wild animals, such as birds killed out of season, can not be reduced to the status of *property* and are not articles of commerce. All such things are subject to the police power of the State, and the fact that they may happen to be on the cars or boats or in the possession of a carrier engaged in commerce among the States does not affect or lessen in any degree the State's jurisdiction over them.

In determining whether or not a State can seize a given thing at its border or exclude it from interstate commerce, we are met by a simple question *not of law, but of fact.*

If it is not a legitimate article of commerce, the State authorities can confiscate or destroy it. If it is such an article, it is exempt from such police power and beyond its control.

FEDERAL LIMITATIONS UPON POLICE POWER.

The determination of this question of fact must in the nature of things be left to the final determination of the Federal Government. Were the State vested with the unlimited and arbitrary discretion to declare what articles should be subject to its police powers and those powers in turn free from any limitation or control by the Federal Government, then the State could necessarily exclude any and all articles from interstate commerce which were in any way objectionable.

> "Can this exclusive State power be made to rest not on the fact of the state or condition of the article, nor that it is property usually passing by sale from hand to hand, but on the declaration found in the State laws and asserted as part of the State policy that it shall be excluded from commerce? * * * Can they declare that ardent spirits and wines are deleterious to morals and health and cease to be commercial commodities? * * * If this be the true construction of the constitutional provision, then the paramount power of Congress to regulate commerce is subject to a very material limitation, for it takes from Congress and leaves with the States the power to determine the commodities or articles of property which are the subjects of lawful commerce. Congress may regulate, *but the States determine what shall or shall not be regulated.* Upon this theory the power to regulate commerce, instead of being paramount over the subject, would become subordinate to the State police power. * * * The same process of legislation or reasoning adopted by the States and their courts could bring within the police power any article of consumption that the States wish to exclude, whether it might apply to that which was drunk or to food and clothing. * * * And it would be but another step to regulate real or supposed extravagance on goods and clothing." (Bowman *v.* Chicago, etc., R. R. Co., 125 U. S., 490.)

As stated by Mr. Justice Catron in the License cases (5 How., 576–577):

> "It has, indeed, been suggested that if a State deems the traffic in ardent spirits to be injurious to its citizens and calculated to introduce immorality, vice, and pauperism into the State it may constitutionally refuse to permit its importation, notwithstanding the laws of Congress; and that a State may do this upon the same principles that it may resist and prevent the introduction of disease, pestilence, or pauperism from abroad. But it must be remembered that disease, pestilence, and pauperism *are not subjects of commerce*, although sometimes among its attendant evils. They are *not* things to be regulated and trafficked in, but to be prevented, as far as human foresight or human means can guard against them. But spirits and distilled liquors are universally admitted to be subjects of ownership and property, and are therefore subjects of exchange, barter, and traffic like any other commodity in which a right of property exists."

This simple distinction between the things which are subject to the police power of the States and those which are not is clearly drawn in Bowman *v.* Chicago, etc., Railroad Co. (125 U. S., 490):

> "It has never been regarded as within the legitimate scope of inspection laws to forbid trade in respect to any known article of commerce, irrespective of its condition and quality, merely on account of its intrinsic nature and the injurious consequences of its use or abuse. * * * Doubtless States have the power to provide by law suitable measures to prevent the introduction into the States of articles of trade which, on account of their existing condition, would bring in the spread of disease, pestilence, and death, such as rags or other substances infected with the germs of yellow fever or the virus of smallpox or cattle or meat or other provisions that are diseased or decayed or otherwise, from their condition or quality, unfit for human use or consumption. *Such articles are not merchandise; they are not legitimate subjects of trade and commerce.* They may be rightly outlawed as intrinsically and directly the immediate sources of destruction to human health and life. * * * And here is the limit between the sovereign power of the State and the Federal power. *That is to say that which does not belong to commerce* is within the jurisdiction of the police power of the State, and that which *does belong to commerce* is within the jurisdiction of the United States, and to this limit must all the general views come."

If, then, alcoholic liquors are not legitimate objects of barter and sale under the laws of the United States, they can be excluded from interstate commerce without any further legislation; and if they are entitled to a status as property, and are so regarded by the Supreme Court, interstate traffic in them is not subject to the police power of a State, and this act can not make them subject, because Congress can not enlarge or extend in any way the police powers of any State.

But this question of fact is no longer left to our determination, if it ever was. The status of alcoholic liquors as legitimate commodities in interstate trade has been conclusively and repeatedly determined by the Supreme Court:

> "That ardent spirits, distilled liquors, ale, and beer are subjects of exchange, barter, and traffic, like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world is not denied." (Leisy *v.* Hardin, 135 U. S., 110.)

On November 13, 1911, Justice Lurton, in an exhaustive opinion, in which he discussed this exact question, i. e., the power of the State of Kentucky in the exercise of its police power to exclude or prevent the importation of alcoholic liquors into "dry" territory in that State, declared:

> "By a long line of decisions, beginning even prior to Leisy *v.* Hardin (135 U. S., 100), it has been indisputably determined:
>
> "*a.* That beer and other intoxicating liquors are recognized and legitimate subjects of interstate commerce.
>
> "*b.* That it is not competent for any State to forbid any common carrier to transport such articles from a consignor in one State to a consignee in another.
>
> "*c.* That until such transportation is concluded by delivery to the consignee, such commodities do not become subject to State regulation, restraining their sale or disposition.
>
> "The Wilson Act, which subjects such liquors to State regulation, although still in the original packages, does not apply before actual delivery to such consignee, where the shipment is interstate. Some of the many later cases in which these matters have been so determined and the Wilson Act construed, are: Rhodes *v.* Iowa (170 U. S., 412), Vance *v.* Vandercook Co. (170 U. S., 438), Heyman *v.* Southern Railway (204 U. S., 270), Adams Express Co. *v.* Kentucky (214 U. S., 218).

"Valid as the Kentucky legislation undoubtedly was as a regulation in respect to intrastate shipments of such articles, it was most obviously never an effective enactment, in so far as it undertook to regulate interstate shipment to dry points. Pending this very litigation, the Kentucky court of appeals, upon the authority of the line of cases above cited, reached the same conclusion. (C. & N. O. Ry. *v.* Kentucky, 126 Ky., 563.)

"The obligation of the railroad company to conform to the requirements of the Kentucky law, so far as that law prohibited intrastate shipments, is clear, and to this extent its circular notification was commendable. But the duty of this company, as an interstate common carrier for hire, to receive for transportation to consignees upon its line in Kentucky from consignors in other States any commodity which, in an ordinary subject of interstate commerce, and such transportation, could not be prohibited by any law of the State of such consignee, inasmuch as any such law would be an unlawful regulation of interstate commerce not authorized by the police power of the State."

LEGISLATORS CAN NOT VIOLATE THE CONSTITUTION OF THE UNITED STATES UNDER THE SPECIOUS PLEA THAT THE SUPREME COURT WILL RIGHT THE WRONG.

It is not surprising, Mr. Speaker, that able jurists supporting this measure have expressed grave doubts as to its constitutionality. In discussing this bill in the Senate, on February 10, Senator BORAH said:

"I do not believe the second section of the bill is constitutional. * * * *But I want to say, while I am on my feet, just a word in regard to the first section, and why I think in a general way it is not subject to the inhibition of the Constitution. It may not be and perhaps it is not wholly free from doubt, but I think the doubt should be resolved in favor of the bill, in view of the fact that it promotes wholesome legislation. In fact, if it were not for certain decisions of the Supreme Court I might have arrived at a conclusion that it would also be unconstitutional.*

I can not subscribe to the doctrine that because so many good and sincere people favor this measure, believing it to be constitutional and actually calculated to prevent the illicit vending of intoxicating liquors, that I am justified in supporting it. This bill is the deliberate *act* of every man who votes for it. Can or will any Member of this House swear to support the Constitution of his country and then do a thing which may undermine and violate it, in the hope that subsequently it may fall into the hands of men less fearful of popular clamor and more vigilant and courageous in the discharge of their duties, who will undo the work we have done to-day? Are our oaths less binding, our duties less imperative, our responsibilities less grave, than those of a justice of the Supreme Court?

Mr. Speaker, the Chief Justice of the United States can with better grace mangle and surrender the Constitution of his country, at the command of good but misguided men, than can we. Every man is supposed to know the nature and effect of his own acts. We are here to pass laws which are calculated to preserve the Constitution, not those which may probably violate it. We are presumed to understand the organic law of the land, and we are sworn to obey it. An act of Congress is presumed to be constitutional, because it is not to be supposed that high officials will enter that foggy legislative domain which leaves them in doubt as to whether they are performing a sworn duty or just passing a very popular bill, the Constitution to the contrary notwithstanding. The deliberate assent by a legislator to a measure of doubtful constitutionality is in the nature of treason to the security and liberty of his countrymen. The Constitution is the palladium of the safety, freedom, and happiness of all. Better, far better, to heed the sage and solemn warning of Judge Cooley:

"Legislators have their authority measured by the Constitution; they are chosen to do what it permits and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly and affirm things concerning which he was in doubt would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts and give it their support."

It was upon the assumption that no Congress would ever dare to favor any act of doubtful constitutionality, no matter how much it might be supposed to "promote wholesome legislation," that Chief Justice Marshall declared:

"It has been truly said that the *presumption is in favor of every legislative act*, and that the whole burden of proof is upon him who denies its constitutionality." (Brown *v.* Bowman, 12 Wheat., 436.)

There is *more* excuse for the timerous or corrupt judge, who, disregarding his oath, takes a chance on the violation of the constitution of his country, than for a Member of this body. The Supreme Court may assume that you have acted with a clear apprehension of the limitations of the Constitution. You are required to resolve all doubts *against* not in favor of the legality of your own acts. If you *doubt* the constitutionality of a measure you should so amend it as to remove that doubt, and if you can not so amend it you can not sanction it. You are sworn to preserve the Constitution, not to so legislate that you are *probably* supporting it. You are acting under the most sacred oath, you are discharging the most momentous and solemn obligation ever imposed upon mortal man. The "ark of the covenant" is in your keeping; disregard the stern inhibitions of that great instrument, and free government, self-government, has ceased to exist.

In what contempt do you hold a witness who under oath makes a statement while doubting its truth, in the hope that he may secure a judgment which will have a wholesome effect upon the community? Will you assume that by disregarding or destroying the constitutional limitations set upon the powers of the State or Federal Government you can write laws more wholesome than the Constitution itself? If you entertain any such delusion you are sworn not to indulge it.

Who can contemplate that great instrument without a feeling of reverence, of awe? In obedience to its sage provisions the fathers erected the most exquisite, the most perfect, and, may it please God, enduring edifice ever designed by the wisdom of man or dedicated to the liberties of his kind. It has maintained and preserved in concrete form the freedom proclaimed by the Declaration of Independence. Its authors translated the philosophy of Jefferson into law.

The sage of Monticello, with the audacity of genius, turned his back upon all the precedents and finespun fallacies of 4,000 years of civilization. He took a man, a simple citizen, endowed him with inherent and inalienable rights, clothed him with all power and authority, crowned him with a ballot, and the trembling monarchs of the world cowered before the towering creation of this mighty American.

An organized society was formed by having this citizen confer certain authority upon officers of the law, his servants, not his masters, commissioned for a fixed time to discharge specific duties necessary to protect and secure him in possession of property and the enjoyment of life and liberty. The total of the authority thus conferred became the Commonwealth when these Commonwealths, for the sake of mutual protection, "formed a more perfect union," the aggregate of the powers expressly delegated by the States, formed the Federal Government. The individual was surrounded by the precinct or township, the county, the State, the Nation, like so many concentric circles, and each in proportion of its nearness to the citizen was invested with the greatest possible jurisdiction. Each served a double purpose. It prevented the encroachment of one citizen upon the rights of another and presented between all and the ambition of a tyrant a series of stubborn barriers, each of which must be demolished before the liberties of a people could be engulfed in a compact Federal despotism.

This plan, original and sublime in its severe simplicity, crystallized into law, became the priceless legacy of succeeding generations, "the sheet anchor of our liberties," the Constitution of the United States.

Other lands may boast more fertile fields, richer mines, greater wealth, loftier mountains, and a wider domain. The happiness and the liberties of my country depend upon no material thing. Exile Americans from America, and again they will redeem the wilderness and erect a new Arcadia, if they still reverently bear beyond the seas inviolate and secure this immortal guaranty of their liberties. Violate it, trample under foot the Constitution of your country, and all your wealth; your mills and mines; your fields of cotton, corn, and grain;

your great highways; your proud and populous cities; your vaunted and martial array upon the land and the sea will not save you from misery and oppression.

The Constitution is the only enduring barrier to the ambition of rulers, the arrogance of courts, the excesses of popular assemblies swayed by the passions and prejudices of the hour. It is the sanctuary to which endangered liberty must flee; and we, above all, are the sworn—yea, the solemnly ordained—priests in this sacred temple. It can not be endangered by bayonet thrust or cannon shot. It is preserved not by valor but by obedience. It is endangered not by violence but by perfidy. It is dependent upon the intelligence, the integrity, and the lofty patriotism of legislators sworn to protect and preserve inviolate the provisions of the organic law of the land.

For one, I will not give my assent to this thing which so many of you admit *may* deface or desecrate this holy temple. As for myself, Mr. Speaker, there is no uncertainty. I do not doubt, I do not suspect, I do not fear—I am assured of the unconstitutionality of this hybrid piece of congressional advice, half Federal and half State, so vague and flimsy in its provisions that its authors dare not give it strength and force by the imposition of a penalty, the one thing, according to Blackstone, which entitles any legislative act to the dignity of law, to obedience, or respect. And yet we are advised to close our eyes to its glaring defects, to shirk our high obligation, and let the Supreme Court pass upon this measure; that this is no concern of ours.

Mr. CLAYTON. Who said such a thing?

Mr. STANLEY. The gentleman from Alabama is too good a lawyer to voice such a sentiment, but we have heard it intimated in this House, and the sneering intimation is more contemptible than the bold assertion. [Applause.]

I say, sir, it is preposterous that we should delegate to another power, to another branch of this Government, the duty of determining the legality of our own acts. It is the code of a coward and the philosophy of a fool.

No sailor is permitted to tread the deck of a ship, no soldier to shoulder a musket, no officer of the law can be invested with authority until, solemnly and with uncovered head and uplifted hand, he has called God to witness that he will support and defend the Constitution of the United States. [Applause.]

I know the courage and the sacrifice of conscientious jurists here who vote against this measure. I know you will be exposed to the tender mercies of shrewd demagogues, who will denounce you as the apostles of lawlessness and debauch. But for one, Mr. Speaker, I am not prepared to commit perjury because it is popular. [Applause.] Not for all the honors and emoluments of office will I endure this pitiless self-abasement, go out into the solitude of the night and gaze into my own timorous and shrinking soul, knowing full well that in order to hold office, I have ceased to deserve it—in order to a little longer serve my country I have basely betrayed it. I am here prepared to do my duty as I see it and to sustain the veto of the President of the United States. [Applause.]

Mr. CLAYTON. Mr. Speaker, I now yield to the gentleman from Iowa [Mr. KENDALL]. [Applause.]

Mr. KENDALL. Mr. Speaker, I shall vote to pass this bill over the presidential veto, but I intend by that action no disparagement of the Chief Executive of the United States. I have heard it suggested by gentlemen on this floor that while they agreed to this measure when it was originally before the House, and while they still believe that the legislation it embodies is meritorious, they are now disinclined to array themselves in opposition to Mr. Taft. In my opinion, that position is too illogical to command serious attention. In withholding acquiescence in this bill, the President has discharged his duty as he conceives it. In favoring its enactment into law, his objections to the contrary notwithstanding, we are discharging our duty as we conceive it. [Applause.] I support this bill not alone because of the abuses it will prohibit, but because of the friends who have volunteered to advocate it, and the enemies who have appeared to antagonize it. I am not deceived as to its limitations. It will not effectuate all the reform that its sponsors hope, nor all the restraint that its critics fear. But I believe it will fasten another shackle upon the illicit traffic in intoxicating liquors, and that is sufficient for my purpose. It will not fatally cripple that traffic, but it will materially embarrass it, and I shall not allow the occasion to go unembraced to accomplish a result so salutary.

It is significant, Mr. Speaker, that in all the perfervid oratory which has been indulged, in all the insidious literature which has been circulated, in all the voluminous advertisement which has been negotiated, nobody has ventured to extenuate the saloon except as an agency of evil too formidable to be overthrown. This circumstance is not remarkable. As a national institution it is all liability and no asset. As a local enterprise it is all burden and no benefit. The American dramshop can not be defended upon any principle which appeals to the moral sensibility or the business intelligence of the community. It is a rebel against good government. It dictates nominations, purchases elections, corrupts the ballot, and falsifies the returns. It smirches the legislature, soils the executive, and stains the judiciary. It is the foe of organized society. It overawes the pulpit, undermines the platform, and subsidizes the press. It discredits the Constitution, despises the statutes, denounces the Congress, and derides the courts. It is the destroyer of domestic happiness. It brutalizes the husband, desolates the wife, debauches the son, and betrays the daughter. It is without concern for truth, without regard for honor, without reverence for virtue. It has no tolerance for church, no interest in school, no consideration for home, no expectation of heaven, no apprehension of hell. The patience of America is exhausted, and we shall temporize with the infamy no longer. All the manifold forces of sobriety, of decency, of respect for order, of loyalty to law, of love for mankind, are marshaling in invincible phalanx to pulverize the rum power. And they will eventually triumph, because their righteous warfare is sustained by the fervent hopes of all good men and sanctified by the holy prayers of all good women. I regret exceedingly to disagree with the President in the concluding hours of his administration. Upon all political issues I am disposed always to acknowledge allegiance to the leader of my party; but upon a moral question such as this I refuse to surrender my convictions to him or to any other man. [Applause.]

This measure has had elaborate examination in the Senate and in the House. It was discussed in both bodies or hours. Numerous amendments were proposed, some of which were adopted and some of which were rejected. There was no effort manifested to stifle debate, and the most abundant opportunity was afforded its opponents to demonstrate the inexpediency of the provision. It passed the House by a vote of 239 to 64 and the Senate by a vote of 61 to 23. It was transferred to the President and has been returned with his disapproval. It was reconsidered in the Senate and again received the sanction of that body by the decisive vote of 63 to 21. The sentiment of the country and of the Congress is overwhelmingly in favor of this legislation. [Applause.] The bill has failed of Executive indorsement because it has been condemned by the Attorney General as unconstitutional. Mr. Speaker, the day is approaching, and approaching rapidly, when the President of the United States will be stripped of the power to overrule the deliberate judgment of the people's representatives upon that venerable pretext. If this measure is of uncertain validity, there is a suitable tribunal organized and maintained to determine the fact—a tribunal before whose arbitrament every patriotic citizen of the Republic submits with absolute unreserve. If it offends against the organic law of the land, let the Supreme Court so declare. [Applause.]

The SPEAKER. The time of the gentleman from Iowa [Mr. KENDALL] has expired.

Mr. CLAYTON. Mr. Speaker, I now yield to the gentleman from Mississippi [Mr. STEPHENS].

Mr. STEPHENS of Mississippi. Mr. Speaker, the President has vetoed the bill entitled "An act divesting intoxicating liquors of their interstate character in certain cases."

The text of the bill is as follows:

Be it enacted, etc., That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, which said spirituous, vinous, malted, fermented, or other intoxicating liquor is intended by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package, or otherwise, in violation of any law of such State, Territory, or District of the United States, or place noncontiguous to, but subject to the jurisdiction thereof, is hereby prohibited.

The measure had my support when it was originally before the House, and I shall take pleasure in voting now to pass it "the objections of the President of the United States to the contrary notwithstanding."

The bill simply prohibits the shipment of liquors into certain territory and under certain conditions. When it was on its passage in the House an amendment was offered by the gentleman from West Virginia [Mr. DAVIS], for which I voted, believing that it would be materially strengthened if a penalty were prescribed for a violation of the law.

The amendment referred to is in the following language:

Amend by adding, on page 2, line 12, after the word "prohibited," the following:

"And whoever shall knowingly ship, transport, or deliver to any common carrier for shipment or transportation, or shall knowingly cause, induce, or procure to be shipped, transported, or delivered to any common carrier for shipment or transportation from one State, Territory, or District of the United States or place noncontiguous to, but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States or place noncontiguous to, but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States or place noncontiguous to, but subject to the jurisdiction thereof, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, with intent to receive, possess, sell, or use the same therein, or to cause, induce, or procure the same to be received, possessed, sold, or used therein, either in the original package or otherwise, in violation of the laws of such State, Territory, or District of the United States or place noncontiguous to, but subject to the jurisdiction thereof, shall be fined not less than $100 nor more than $5,000 or imprisoned not less than 30 days nor more than 2 years, or both."

The veto of the President is based on the ground of the unconstitutionality of the measure. There is a wide difference of opinion among strong lawyers on this question. I shall not take time to go into a discussion of the legal questions involved, but will say that, in my judgment, it is constitutional.

It is admitted, of course, that the Federal Government has exclusive jurisdiction and control over interstate commerce, and that the States have no right or power to interfere with commerce of that character. It is also true that liquors have been held to be an article of commerce and that the States have no right to interfere with its shipment.

This is an attempt to regulate interstate commerce by Federal law. It does not involve regulation or interference by any State law. Its purpose is to prescribe the termination of an interstate transaction.

Under the law as it now is, an interstate shipment is not completed until it reaches the consignee. If Congress has the power—and it does have it—to regulate interstate commerce, why does it not have the power to prescribe the limits within which an article may retain such character? The power to regulate certainly includes the power to define limits beyond which the article shall no longer be a legitimate article of commerce.

Each State has the right to make its own laws on the subject of prohibition so long as there is no interference with interstate commerce. This bill recognizes that right, and its purpose is to enable the States more completely to regulate the sale and use of intoxicating liquors.

Justice Harlan said, in the Bowman case:

If, consistently with the Constitution of the United States, a State can protect her sound cattle by prohibiting altogether the introduction within her limits of diseased cattle, she ought not to be deemed disloyal to that Constitution when she seeks by similar legislation to protect her people and their homes against the introduction of articles which are, in good faith and not unreasonably, regarded by her citizens as "laden with infection" more dangerous to the public than diseased cattle, or than rags containing the germs of disease.

And he further said:

Does the mere grant of the power to regulate commerce among the States invest individuals of one State with the right, even without the express sanction of congressional legislation, to introduce among the people of another State articles which by statute they have declared to be deleterious to their health and dangerous to their safety? In our opinion, these questions should be answered in the negative.

If the State is given the right to prohibit the shipment of diseased hogs, horses, and cattle into its territory, and also to prohibit persons having infectious diseases from coming into the State, then why not give the State the further right to prohibit the shipment of liquors under the conditions and in the manner attempted here?

The liquor traffic is detrimental to society; it is dangerous to public and private morals; it is injurious to public health; it endangers public safety; it affects the public peace and the good order of society; it produces idleness, disorder, pauperism, and crime; it degenerates and debases man; it destroys the moral sense; it brings woe and misery, poverty and want, heartaches and disgrace, and finally damns to eternal death.

I can use no stronger language in condemnation of the evils of liquor than was used by a former governor of our State in a message to the legislature, in which he said:

If I were called upon to name the one thing that has wrought the most harm in the world, causes more poverty, heartaches, blighted lives, frustrated ambitions, than all other agencies for evil combined, I should say the intemperate use of intoxicating liquors. Whisky taken immoderately is hurtful to man physically, spiritually, mentally, and financially. It is an evil without a mitigating incident. It is the deadly drug into which the jewels of the heart's best love are dissolved and poured into the mouths of men to madden the brain and destroy the soul.

I saw a young man in the morning of life, with the sunshine of hope radiant upon his brow, with the pulses of youthful spring bounding in his veins, in the midst of a world of promise. Life to him was a fair prospect and hope sprang eternal in his breast. I saw him enter the saloon, drawn there by the siren song of temptation. The first drink of the seductive drug passed his lips. I saw the sparkle in his youthful eye turn to a stupid, leaden gaze. He came back from day to day, until the love for the accursed stuff had become a gnawing disease, against whose cravings he was absolutely helpless. The sun of hope and happiness had passed behind the cloud of dissipation and death ere it reached the meridian.

And I said the cause of this man's downfall should be removed. Anything that encourages excessive drinking, which leads to this unhappy end, is an enemy to society and ought to be exterminated.

I have heard a thousand arguments in favor of closing the saloon and not one legitimate argument in favor of it keeping open. Its influence is hurtful in politics. The blear-eyed, soaked-brain, soul-quenched habitues of these dens of iniquity are easy victims for the ward rounder and political bribe giver. They vote for the men who will not enforce the law, but who, like themselves, hold the love of drink and lawless power above the interests of their country.

The saloon is the enemy of Christian religion; it is the destroyer of the happy home; it fills jails with criminals, the insane asylums with lunatics, and the world with idiots and paupers. In a word, it stands for everything that is bad and against everything that is good. It is verily the Circean vortex from whose voluptuous whirl come human swine, to scatter the seeds of sin and death, from which will surely spring the tares of sunless sorrow.

I have said that it will be a pleasure for me to vote for this legislation.

One of the true joys of living comes from good conscience and the knowledge that a substantial affirmative effort has been made to advance the best interests of our fellow men; and I do not believe that action can be taken on any subject that can give us this good conscience and gratifying knowledge in such a high degree as that coming from an effort to destroy the traffic in intoxicating liquors.

Each of us is under an imperative duty to enlist in the great work of lifting up the human race to a higher and better life, and nothing, in my judgment, will so promote this work as will the giving of relief from the evils that flow from the whisky traffic.

A republic, "a government by the people," can be no better than the average of the men and women who give it concrete existence; therefore it is right and proper that we, as legislators, having in view the best interests of our Nation, should remove as far as we can everything that debases, demoralizes, and depraves our citizenship.

In my short service here I have favored measures to reduce the tariff, because the people have been robbed by iniquitous laws in the interest of the few and against the many; a measure to restrict immigration, in order that the great hordes of foreigners who have no true conception of our form of government and who have not been trained to respect law, order, and the highest ideals of civilization and Christianity, should be kept from our borders; a measure to abolish the cotton exchanges engaged in gambling and making an illegitimate profit out of the sweat and toil of the people of the great section of a Nation; measures in the interest of economy, because I believe that it is wrong to withdraw anything more from the pockets of our citizens than is absolutely necessary to defray the expenses of the Government economically administered, and many others that look toward relief for the people of the Nation; but I do not believe that any measure before this Congress is as important as legislation looking to the overthrow of the whisky trade.

This legislation is but a step in the right direction. It is a national disgrace that our Government should be in partnership with the whisky interests. A large part of the revenue is derived from money paid by the men engaged in this traffic. Our revenue should be derived from some other source, and the Government should no longer countenance it as a legitimate business.

The end of all worthy struggle is to establish morality as the basis of individual and national life; to make righteousness prevail; to make justice reign; to spread beauty, gentleness, wisdom, and peace; to widen opportunity; to increase good will; to move in the light of higher thoughts and larger hope; to encourage science and art; to foster industry and thrift, education and culture, reverence and obedience, purity and love, honesty, sobriety, and disinterested devotion to the common good. This is the patriot's aim; this his ideal.

This ideal can never be reached so long as the Government is in league with such a hurtful business. Whisky crushes manhood, it defiles the imagination, and binds debasing fetters upon every faculty of man's being. The usurping demon of appetite and passion puts forth all its cruel might, and if its use is continued will finally destroy the man who uses it.

There is nothing that better suits the malice of the power of darkness in carrying out the purpose of destroying mankind.

I pray that God may speed the coming of the day when instead of being an article of commerce whisky will be declared contraband and that the Government will on longer issue licenses for the sale of whisky. Whenever this is done I believe that the city will be more orderly and healthful, the country more beautiful and productive, the fireside more cheery and bright, and all the rights of man be held more sacred.

I trust that in my day I may see this great change wrought, and then where there are now in many a home tears, sorrow, and sadness there will be in their stead laughter and songs and shouts of gladness.

I trust that the President's veto will be overridden. [Applause.]

Mr. CLAYTON. How many more speeches has the gentleman from Louisiana [Mr. DUPRÉ] on his side?

Mr. DUPRÉ. Three more.

Mr. CLAYTON. I have only two more, and I wish the gentleman would use some of his time.

Mr. DUPRÉ. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. BARTHOLDT].

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] is recognized for two minutes.

Mr. BARTHOLDT. Mr. Speaker, the lucid legal argument of the President makes it entirely plain to the membership of this House that we can not override his veto without at the same time overriding the Constitution of the United States. I am not a constitutional lawyer, Mr. Speaker, but if I were I would perhaps be more strongly inclined to support the President, because I would better understand and appreciate the reasons he gives why this bill is unconstitutional.

Mr. Dinwiddie and the lobby which is now crowding the corridors of this Capitol have not sworn by a solemn oath to support the Constitution. I have. The people at a greater distance who are clamoring for this legislation are not bound by an official oath to support the Constitution. I am. And, Mr. Speaker, it has been the proud boast of the naturalized citizens of this country, of whom I am one, and against whom Members have inveighed recently in discussing the immigration bill—it has been their proud boast that at all critical periods of our history they have been steadfastly loyal to the institutions of the country and to the Constitution. I would be unfaithful to that history if, upon this solemn occasion, I voted to violate the Constitution of the United States in spite of the official oath I have taken solemnly at the Speaker's desk. [Applause.]

It will be conceded, I trust, that it is now no longer a question of prohibition or no prohibition. The question is rather, Shall the Constitution of the country be upheld or not? To vote for the pending measure, the objections of the President to the contrary notwithstanding, means to put political considerations above the oath of office and above the Constitution of the United States. And I venture to say, whether the majority will agree with me or not, when Members, from whatever motives, are willing to adopt such a course, then a most dangerous stage of our history has been reached, namely, the point when the Constitution is no longer safe in the hands of those who have sworn to support and defend it and when a majority proceeds to set at naught the fundamental law of the country.

For one, Mr. Speaker, I propose to obey the injunction of the western poet, who says:

"Stand by the Constitution, men—
The Nation's Constitution—
It is our "Ark of Safety," men,
Our sacred institution.

In conclusion, permit me to read an editorial from to-day's New York World. It is as follows:

A RIGHTEOUS VETO.

The liquor bill which President Taft vetoed yesterday was a weak and cowardly measure. It was passed by Congress in response to a demand that the Nation come to the assistance of the States which have adopted prohibition. It was weak and cowardly, because practically every man who voted for it knew it was of dubious constitutionality and because, even if it were constitutional, it used the Federal power to bolster up State laws which most of those who passed them did not expect to obey.

Like the bill abolishing the Army canteen, it was supported by Members of Congress who did not have the courage to stand for the right. In this case Congress dodged the issue openly, in the belief that the President would meet a situation which it lacked the courage to face.

The boldness with which Mr. Taft killed this humbug shows that this confidence was not misplaced, but no credit attaches to anybody else.

The SPEAKER. The time of the gentleman has expired. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. Mr. Speaker, my distinguished friend from Alabama [Mr. CLAYTON] referred to the decisions of the Supreme Court in the white-slave case and in the pure-food case. I had the honor to draw the white-slave law, and, in the main, the pure-food law; but the principles involved in those laws are entirely different from the principle involved in the pending measure. Those laws provided for the General Government exercising its power over the commerce between the States. The pending proposition provides for the General Government refusing to exercise its power over that commerce and relegating it to the States.

I am in sympathy with the purposes, in the main, of the gentlemen who favor this measure. I voted for it when it passed the House. But it seems to me that the veto message of the President raises such grave constitutional questions, not merely as to the exercise by Congress of the power in this measure, but as to the future exercise of the power of Congress, under the commerce clause of the Constitution, as to all commerce between the States, that it ought to receive further deliberate consideration by a future Congress before Congress shall have determined what it may do under this commerce clause in depriving itself of the power to regulate commerce between the States and relegate that power to the States themselves.

I therefore shall vote to sustain the veto of the President. [Applause.]

I insert herewith, under leave, the opinion of the court on the Mann Act, as follows:

Supreme Court of the United States.

(No. 381.—October term, 1912.)

Effie Hoke and Basile Economides, Plaintiffs in Error, *v.* The United States. In error to the District Court of the United States for the Eastern District of Texas. February 24, 1913.

Mr. Justice McKenna delivered the opinion of the court.

Error to review a judgment of conviction under the act of Congress of June 25, 1910, entitled "An act to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes." (36 Stat., 825.) It is commonly known as the white slave act.

The constitutionality of the act was assailed by demurrer, and as its sufficiency otherwise was not questioned a brief summary of its allegations is all that is necessary.

The charge against Effie Hoke is that she "did, on the 14th day of November, A. D. 1910, in the city of New Orleans and State of Louisiana, unlawfully, feloniously, and knowingly persuade, induce, and entice one Annette Baden, alias Annette Hays, a woman, to go from New Orleans, a city in the State of Louisiana, to Beaumont, a city in the State of Texas, in interstate commerce, for the purpose of prostitution," etc.

The charge against Basile Economides is that he "did unlawfully, feloniously, and knowingly aid and assist the said Effie Hoke to persuade, induce, and entice the said Annette Baden * * * to go in interstate commerce * * * for the purpose of prostitution," with the intent and purpose that the said woman "should engage in the practice of prostitution in the said city of Beaumont, Tex."

The second and third counts make the same charge against the defendants as to another woman, the one named in the third count being under 18 years.

The demurrers were overruled, and after trial the defendants were convicted and sentenced, each to two years imprisonment on each count. (187 Fed., 992.)

The indictment was drawn under sections 2, 3, and 4 of the act, which sections are as follows:

"SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment of not more than 5 years, or by both such fine and imprisonment, in the discretion of the court."

The third section is directed against the persuasion, inducement, and enticement of any woman or girl to go from one place to another in interstate or foreign commerce, whether with or without her consent, to engage in the practices and for the purposes stated in the first section, and provides that "anyone who shall thereby knowingly cause or aid or assist in causing such woman or girl to go or to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia," shall be punished as prescribed in the first section.

Section 4 makes criminal the persuasion, inducement, and enticement of a woman or girl under the age of 18 years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia to engage in the immoral practices enumerated. The person guilty thereof and who shall in furtherance thereof knowingly induce or cause such woman or girl to be carried or transported as a passenger in interstate commerce shall be deemed guilty of a felony, and on conviction the offender's punishment may be a fine of $10,000 or imprisonment for 10 years, or by both fine and imprisonment, in the discretion of the court.

The grounds of attack upon the constitutionality of the statute are expressed by counsel as follows:

"1. Because it is contrary to and contravenes Article IV, section 2, of the Constitution of the United States, which reads: 'The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'

"2. Because it is contrary to and contravenes the following two amendments to the Constitution:

"'ART. IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

"'ART. X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'

"3. Because that clause of the Constitution which reserves to Congress the power (Art. I, sec. 8, subdiv. 2) 'to regulate commerce with foreign nations and among the several States,' etc., is not broad enough to include the power to regulate prostitution or any other immorality of citizens of the several States as a condition precedent (or subsequent) to their right to travel interstate or to aid or assist another to so travel.

"4. Because the right and power to regulate and control prostitution, or any other immoralities of citizens, comes within the reserved police power of the several States, and under the Constitution Congress can not interfere therewith, either directly or indirectly, under the grant of power 'to regulate commerce between the States.'"

We shall discuss at length but one of these grounds; the others will be referred to incidentally. The power of Congress under the commerce clause of the Constitution is the ultimate determining question. If the statute be a valid exercise of that power, how it may affect persons or States is not material to be considered. It is the supreme law of the land and persons and States are subject to it.

Congress is given power "to regulate commerce with foreign nations and among the several States." The power is direct; there is no word of limitation in it, and its broad and universal scope has been so often declared as to make repetition unnecessary. And, besides, it has had so much illustration by cases that it would seem as if there could be no instance of its exercise that does not find an admitted example in some one of them. Experience, however, is the other way, and in almost every instance of the exercise of the power differences are asserted from previous exercises of it and made a ground of attack. The present case is an example.

Commerce among the States, we have said, consists of intercourse and traffic between their citizens, and includes the transportation of persons and property. There may be, therefore, a movement of persons as well as of property; that is, a person may move or be moved in interstate commerce. And the act under consideration was drawn in view of that possibility. What the act condemns is transportation obtained or aided or transportation induced in interstate commerce for the immoral purposes mentioned. But an objection is made and urged with earnestness. It is said that it is the right and privilege of a person to move between States and that such being the right, another can not be made guilty of the crime of inducing or assisting or aiding in the exercise of it and "that the motive or intention of the passenger, either before beginning the journey, or during or after completing it, is not a matter of interstate commerce." The contentions confound things important to be distinguished. It urges a right exercised in morality to sustain a right to be exercised in immorality. It is the same right which attacked the law of Congress which prohibits the carrying of obscene literature and articles designed for indecent and immoral use from one State to another. (29 Stat., 512, United States *v.* Popper, 98 Fed., 423.) It is the same right which was excluded as an element as affecting the constitutionality of the act for the suppression of lottery traffic through national and interstate commerce (188 U. S., 321, 357). It is the right given for beneficial exercise which is attempted to be perverted to and justify baneful exercise as in the instances stated and which finds further illustration in Reid *v.* Colorado (187 U. S., 137). This constitutes the supreme fallacy of plaintiffs' error. It pervades and vitiates their contentions.

Plaintiffs in error admit that the States may control the immoralities of its citizens. Indeed, this is their chief insistence, and they especially condemn the act under review as a subterfuge and an attempt to interfere with the police power of the States to regulate the morals of their citizens and assert that it is in consequence an invasion of the reserved powers of the States. There is unquestionably a control in the States over the morals of their citizens, and, it may be admitted, it extends to making prostitution a crime. It is a control, however, which can be exercised only within the jurisdiction of the States, but there is a domain which the States can not reach and over which Congress alone has power; and if such power be exerted to control what the States can not it is an argument for, not against, its legality. Its exertion does not encroach upon the jurisdiction of the States. We have cited examples; others may be adduced. The pure food and drugs act is a conspicuous instance. In all of the instances a clash of national legislation with the power of the States was urged, and in all rejected.

Our dual form of Government has its perplexities, State and Nation having different spheres of jurisdiction, as we have said, but it must be kept in mind that we are one people; and the powers reserved to the States and those conferred on the Nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral. This is the effect of the decisions, and surely if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women, and, more insistently, of girls.

This is the aim of the law expressed in broad generalization, and motives are made of determining consequence. Motives executed by actions may make it the concern of Government to exert its powers. Right purpose and fair trading need no restrictive regulation, but let them be transgressed and penalties and prohibitions must be applied. We may illustrate again by the pure food and drugs act. Let an article be debased by adulteration, let it be misrepresented by false branding, and Congress may exercise its prohibitive power. It may be that Congress could not prohibit the manufacture of the article in a State. It may be that Congress could not prohibit in all of its conditions its sale within a State. But Congress may prohibit its transportation between the States, and by that means defeat the motive and evils of its manufacture. How far-reaching are the power and the means which may be used to secure its complete exercise we have expressed in Hipolite Egg Co. *v.* United States (220 U. S., 45). There, in emphasis of the purpose of the law, we denominated adulterated articles as "outlaws of commerce" and said that the confiscation of them enjoined by the law was appropriate to the right to bar them from interstate transportation and completed the purpose of the law by not merely preventing their physical movement, but preventing trade in them between the States. It was urged in that case as it is urged here that the law was an invasion of the power of the States.

Of course it will be said that women are not articles of merchandise, but this does not affect the analogy of the cases; the substance of the congressional power is the same, only the manner of its exercise must be accommodated to the difference in its objects. It is misleading to say that men and women have rights. Their rights can not fortify or sanction their wrongs, and if they employ interstate transportation as a facility of their wrongs it may be forbidden to them to the extent of the act of July 25, 1910, and we need go no further in the present case.

The principle established by the cases is the simple one, when rid of confusing and distracting considerations, that Congress has power over transportation "among the several States"; that the power is complete in itself; and that Congress, as an incident to it, may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulations. (114 U. S., 196, 215; Cooley Constitutional Limitations, 7th ed., 856.) We have no hesitation, therefore, in pronouncing the act of June 25, 1910, a legal exercise of the power of Congress.

There are assignments of error based upon rulings on the admission and rejection of evidence and upon the instructions to the jury and the refusing of instructions. The asserted errors are set forth in 25 bills of exceptions, and the special assignment of errors in this court occupy 28 pages of the record and present the constitutional objections to the law in all the aspects that counsels' ingenuity can devise. A like ingenuity has been exercised to represent the many ways in which the conduct of the accused can be viewed and shown to be inconsistent with a guilty purpose. To discuss them all is unnecessary. We shall pass more or less rapidly over those we consider to be worthy of attention.

1. It is contended that there is variance between the indictment and the proof in that the indictment charges that the women were transported over the Texas & New Orleans Railroad Co.'s road and that the Government failed to prove that such road was a line extending from New Orleans to Beaumont, Tex., these places marking the beginning and end of the transportation of the women. Further, that the proof showed that their tickets were purchased over the Southern Pacific Road. The indictment alleges that the Texas & New Orleans Railroad was a part of the Southern Pacific system, and was commonly known as the "Sunset route," and there was through transportation. The variance is not much more than verbal, and that it prejudiced their defense in any way is not shown. If it is error at all it does not appear to have caused even embarrassment to the defense. But was it error? (See Westmoreland *v.* United States 155 U. S., 545, 549; also sec. 1025 R. S.)

2. The evidence does not show that the defendants or either of them induced, etc., the women to become passengers in interstate commerce. The particulars are recited wherein it is contended that the evidence is deficient. It is not necessary to review them. It was for the jury to consider and determine the sufficiency of the evidence, and we can not say they were not justified by it in the judgment they pronounced.

3. It is contended that Florence Baden persuaded her sister Gertrude to go to Beaumont and an instruction of the court is attacked on the ground that it declared the charge of the indictment was satisfied against the defendants if Florence acted for them. There was no error in the instruction under the circumstances shown by the record.

4. Error is assigned on the refusal of the court to give certain instructions requested by defendants. To consider them in detail would require a lengthy review of the evidence, for they present arguments on certain phases of it as to the degree of persuasion used or its sufficiency to induce or entice the women. There was no error in refusing the instructions.

5. The court permitted the women to testify as to the acts of Effie Hoke at her house at Beaumont restraining the liberty of the women and coercing their stay with her. Such testimony was relevant. The acts illustrated and constituted a completion of what was done at New Orleans. They were part of the same scheme and made clear its purpose.

There were other instructions asked by which the jury was charged that they could not convict Effie Hoke for the character of the house she kept or Economides for the business he conducted. The charge of the court sufficiently excluded both views. It explained the act of Congress and the offenses it condemned and directed the attention of the jury to them.

6. Defendants complain that they were not permitted to show that the women named in the indictment were public prostitutes in New Orleans. Such proof they contend was relevant upon the charge of persuasion or enticement. This may be admitted, but there was sufficient evidence, as the court said, of the fact of the immorality of their lives and explicitly ruled that they could be shown to be public prostitutes. The court, however, excluded certain details sought to be proved. Under the circumstances there was no error in the ruling.

In conclusion we say, after consideration of all errors assigned, that there was no ruling made which was prejudicial to defendants.

Judgment affirmed.

True copy.

Test:

_____,

Clerk Supreme Court, United States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McClintock, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

DIVESTING LIQUORS OF THEIR INTERSTATE CHARACTER.

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. LENROOT. Mr. Speaker, I shall vote to pass this bill, notwithstanding the objections of the President. I believe it to be constitutional, but admit that there is some doubt as to how the Supreme Court will hold upon that question. I want to call attention to the paragraph of the President's message that suggests that wherever the constitutionality of a measure is in doubt Members of the Congress should vote against it.

Mr. Speaker, if that had been the rule of action in the past, we never would have had the Interstate Commerce Commission, we never would have had the Sherman antitrust law, we never

would have had the white-slave act, and we never would have had progress of any kind; and if that shall be the rule of action in the future, we never will have legislation enacted which may be imperatively demanded by the country because of changing conditions in economic development.

And, Mr. Speaker, applying this to myself, there is but one consideration with me concerning any measure, and that is, is it just, is it right, is it in the public interest that it pass, is there reason to believe that the Supreme Court will hold it constitutional? And if those questions be all answered in the affirmative, it is my duty to my country, it is my duty to myself, to vote for that measure, and leave the final determination of the legal questions with the Supreme Court of the United States, which now is the final authority, and the only place where they can be definitely settled. [Applause.]

The SPEAKER. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 26, 1913:

H. R. 20102. An act relating to proof of signatures and handwriting;

H. R. 26279. An act granting the Fifth-Third National Bank, of Cincinnati, Ohio, the right to use original charter No. 20;

H. R. 27837. An act to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia; and

H. R. 28187. An act to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

On February 27, 1913:

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict;

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; and

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands.

On February 28, 1913:

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

DIVESTING LIQUORS OF THEIR INTERSTATE CHARACTER.

Mr. DUPRÉ. Mr. Speaker, I yield to the gentleman from Illinois [Mr. GALLAGHER].

The SPEAKER. The gentleman from Illinois [Mr. GALLAGHER] is recognized.

Mr. GALLAGHER. Mr. Speaker, I am sorry to see so many Representatives here taking this class of legislation seriously. The idea of trying to grant powers to the States to prohibit the sale of liquor when there is not a State in this Union that has prohibition laws that has enforced or will enforce the laws that are now upon the statute books of those States. In the language of the street, it is nothing but a flimflam game. [Applause.]

This legislation is obviously provocative of prohibition. And prohibition when practically applied never prohibits. In States which are dry illicit distilleries abound. And it has been authoritatively stated by Mr. Cabell, the Commissioner of Internal Revenue, that the illicit distilleries have produced 5,000,000 gallons a year. And this is largely in prohibition territory.

In view of these facts, officially declared, I am opposed, bitterly opposed, to the measure before the House. It strikes at the legitimate traffic and promotes the illicit traffic. It will make a farce of the excise laws of every Commonwealth of the Union, and will breed contempt for legitimate regulation of the liquor traffic.

Mr. DUPRÉ. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. DUPRÉ. I yield that time to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I think this proceeding began in a most fitting manner. The proceedings upon this proposition were begun by objection on the part of the distinguished gentleman from Alabama [Mr. CLAYTON], who is in charge of this measure, to the simple reading of the opinion of the Attorney General of the United States. No wonder the gentleman objected. No wonder he did not wish this House to know the convincing reasons advanced by the Attorney General of the United States upon this question. No wonder he did not want the light turned on.

Mr. Speaker, when this bill was first put upon its passage in this House I voted, as I expect to vote now, against this proposition, because I was convinced then, as I am convinced now, that it is not within the constitutional power of this body to enact this legislation. I do not believe that the General Government can delegate to any State, or to any subdivision of any State, any of the powers that belong to it any more than I believe that the State can delegate, either by misuser or nonuser, any power that it has to the Federal Government. As a strict constructionist, as a believer in the doctrine of State rights, I utterly repudiate the doctrine that these two powers or classes of power can be surrendered at will by the jurisdiction in which each adheres to the other whenever the circumstances of a particular case seem to make it popular. [Applause.]

Mr. Speaker, only rarely have I been able to agree with the President of the United States in his political policies; but I want to say now that, in my judgment, the time will come, when the history of this entire transaction is written, if this House shall vote to pass this bill, the objections of the President to the contrary notwithstanding, when the courts have taken deliberate, impartial judgment on this question, when all the honor and credit and glory that attaches to this transaction will be with the President of the United States and not with this Congress. [Applause.] The action of the President is a brave and manly action, and, although he does not belong to my political party, and although I have rarely agreed with him about political questions, I want to say here and now that, in my judgment, his conduct in vetoing this bill will increase his stature immeasurably in the eyes of the future historian of this country who records the doings of this administration with an impartial hand, uninfluenced by passion and unawed by the prejudices of this hour. [Applause.]

I yield back the remainder of my time.

The SPEAKER. The gentleman has yielded back one minute.

Mr. CLAYTON. Does the gentleman from Louisiana [Mr. DUPRÉ] wish to use that one minute?

Mr. DUPRÉ. I do not.

Mr. CLAYTON. Then, Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER. The gentleman has four minutes.

Mr. CLAYTON. I yield the remainder of my time to to the gentleman from North Carolina [Mr. WEBB], the author of this bill. [Applause.]

Mr. WEBB. Mr. Speaker, the President gives as one reason why he vetoes this bill that liquor and beer are legitimate articles of commerce. That was once true of liquor that was shipped into the Indian Territory before Congress put its hand upon it. That was true of opium before Congress put its hand upon it. That was true of nitroglycerin before Congress put its hand upon it. That was true of lottery tickets before Congress put its hand upon them. That was true of 25 or 30 other different articles before Congress put its hand upon them. In the beginning of the Government everything that could be bought and sold and transported was legitimate interstate commerce, but Congress having the plenary power to cover the whole field of interstate shipment, has the right to exclude certain articles which in the judgment of Congress it deems proper to exclude. It is admitted by all that Congress has the power to exclude the shipment of all liquor from interstate commerce. That being true, it certainly has the right to exclude the shipment of liquor in interstate commerce if it is found that it is intended to be used in violation of the law of a State of the Union.

The other reason assigned by the President for vetoing this bill is that it is a delegation of commerce power to the States. On that I respectfully dissent from the opinion of the President. The old Hepburn-Dolliver bill might have been open to that objection, but this bill is not, and the President's excerpts from the Knox report were written by Mr. Knox in assigning objections to the principle in that bill. The bill we now consider prohibits the shipment in interstate commerce of liquor intended to be used in violation of law of the State into which it is shipped. Congressional power never takes its hands off of

such shipment; but the minute it is determined by a competent tribunal that that is the fact, then Congress takes that shipment out of legitimate commerce and subjects it to the law of the State, as C. O. D. shipments of liquor are to-day treated. If a shipment of liquor is sent C. O. D. to-day it can be seized by the State, because it is not legitimate commerce. If it is not marked "whisky" it can be seized by the State for the same reason. Liquor shipped to a fictitious person to-day is not legitimate commerce, because the moment those three injunctions are violated the State can seize it: First, if it is shipped C. O. D.; second, if it is shipped to a fictitious person; and, third, if it is shipped and not marked "whisky."

Pray tell me why Congress has not the power to exclude from the channels of commerce whisky intended to be used in violation of the law of any State whether the State be wet or dry? Congress has plenary power over the entire field and can take out of commerce whatever it sees fit.

Mr. Speaker, the States at one time had the power—before the Constitution was formed—to prohibit the importation of liquor intended to be used in violating the law of these States. After the Constitution was formed is it going to be argued that the States, after the transfer of that power to Congress, that somewhere between the transfer that power was lost? If the State could prohibit the importation of liquor in violation of her laws, Congress can do it, otherwise the States have given up the power that they once had and sovereignty has been lost or suspended somewhere. Congress now has the same power over interstate commerce as each and every State had prior to the formation of the Constitution. Surely, gentlemen, Congress and the States combined have the power to control the liquor question. The courts say that the States now can not control or regulate interstate commerce, for that power now reposes absolutely in Congress. The States once could do it, but they transferred that power to Congress, and that is the legislative body to control interstate shipments now.

The act of 1897 directs the Secretary of the Treasury to make and maintain a standard for imported tea, and the importation of any tea that does not come up to that standard is prohibited. The syllabus of the case of Butfield (192 U. S., 470) reads as follows:

> The power to regulate foreign commerce being an enumerated power, is complete in itself, acknowledging no limitations other than those prescribed in the Constitution, and Congress can, without violating the due process clause, establish standards and provide from considerations of public policy that no right shall exist to import an article of food not equal thereto.

The court upholds the constitutionality of the measure, though the power to fix the standards and apply the imported tea to those standards is committed to individuals, and when such tea fails, in the judgment of the officials, to come up to those standards, the tea must be returned to the country whence it came or it is confiscated.

The power of Congress over interstate commerce is the same as over foreign commerce, and surely Congress can fix a standard or rule by which whisky may be shipped in interstate commerce, viz, that it must not be transported for the purpose of being used to violate the sovereign law of a sovereign State, and there is no delegation of commerce power to any State, but Congress condemns such a shipment of liquor and withdraws it from the sphere of legitimate commerce.

Surely Congress has this power, and therefore the bill is constitutional, and I hope this House will pass the bill in spite of the President's veto.

Mr. Speaker, I ask unanimous consent that all gentlemen who have made speeches on this bill may have the privilege of extending their remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that all gentlemen who have made speeches on this bill may extend their remarks in the RECORD. Is there objection?

There was no objection.

[Mr. DYER addressed the House. See Appendix.]

The SPEAKER. The question is, Will the House, on reconsideration, agree to pass the bill S. 4043, the objections of the President notwithstanding? and the Clerk will call the roll. All those in favor of passing the bill over the President's veto will answer "aye" and those opposed will answer "no."

The question was taken; and there were—yeas 246, nays 95, answered "present" 2, not voting 39, as follows:

YEAS—246.

Adair	Anderson	Beall, Tex.	Butler
Adamson	Andrus	Bell, Ga.	Byrnes, S. C.
Aiken, S. C.	Anthony	Boehne	Byrns, Tenn.
Ainey	Ashbrook	Borland	Calder
Akin, N. Y.	Austin	Bradley	Callaway
Alexander	Ayres	Burke, S. Dak.	Campbell
Ames	Barnhart	Burnett	Candler
Carlin	Hamilton, Mich.	Loud	Scott
Claypool	Hamilton, W. Va.	McCreary	Sells
Clayton	Hamlin	McGillicuddy	Shackleford
Cline	Hammond	McGuire, Okla.	Sharp
Collier	Hardy	McKenzie	Simmons
Covington	Harrison, Miss.	McKinley	Sims
Cox	Harrison, N. Y.	McKinney	Sisson
Crumpacker	Haugen	McLaughlin	Slemp
Cullop	Hawley	Macon	Sloan
Daugherty	Hay	Maguire, Nebr.	Small
Davis, Minn.	Hayden	Martin, Colo.	Smith, Saml. W.
Davis, W. Va.	Hayes	Martin, S. Dak.	Smith, Tex.
Denver	Heald	Matthews	Sparkman
Dickinson	Helgesen	Mays	Speer
Dies	Helm	Mondell	Stedman
Difenderfer	Henry, Conn.	Moon, Tenn.	Steenerson
Dixon, Ind.	Henry, Tex.	Morgan, La.	Stephens, Cal.
Dodds	Hensley	Morrison	Stephens, Miss.
Doremus	Higgins	Moss, Ind.	Stephens, Nebr.
Doughton	Hinds	Murdock	Stephens, Tex.
Draper	Hobson	Needham	Sterling
Edwards	Holland	Neeley	Stone
Ellerbe	Houston	Nelson	Sweet
Faison	Howard	Norris	Taggart
Farr	Howell	Nye	Talbott, Md.
Fergusson	Howland	Oldfield	Taylor, Ala.
Fields	Hughes, Ga.	O'Shaunessy	Taylor, Ark.
Finley	Hull	Padgett	Taylor, Colo.
Flood, Va.	Humphrey, Wash.	Page	Thayer
Floyd, Ark.	Humphreys, Miss.	Palmer	Thomas
Focht	Jackson	Patton, Pa.	Towner
Foss	Jacoway	Payne	Tribble
Foster	Johnson, Ky.	Pepper	Turnbull
Fowler	Johnson, S. C.	Pickett	Tuttle
Francis	Jones	Plumley	Underwood
French	Kendall	Porter	Vare
Fuller	Kennedy	Post	Volstead
Gardner, Mass.	Kent	Pou	Warburton
Garner	Kinkaid, Nebr.	Powers	Watkins
Garrett	Kitchin	Pray	Webb
Gillett	Knowland	Prince	Weeks
Glass	Kopp	Prouty	Whitacre
Godwin, N. C.	Lafferty	Rainey	White
Good	La Follette	Raker	Wilder
Goodwin, Ark.	Lamb	Randell, Tex.	Willis
Gould	Langham	Ransdell, La.	Wilson, Ill.
Graham	Langley	Rauch	Wilson, Pa.
Gray	Lawrence	Rees	Witherspoon
Green, Iowa	Lenroot	Richardson	Wood, N. J.
Greene, Vt.	Lever	Roddenbery	Woods, Iowa
Gregg, Pa.	Lewis	Rubey	Young, Kans.
Gregg, Tex.	Lindbergh	Rucker, Colo.	Young, Mich.
Griest	Linthicum	Rucker, Mo.	Young, Tex.
Gudger	Littlepage	Russell	
Guernsey	Lloyd	Saunders	

NAYS—95.

Allen	Curley	Hardwick	Peters
Barchfeld	Dalzell	Hart	Pujo
Bartholdt	Davidson	Hill	Redfield
Bartlett	De Forrest	James	Reilly
Bates	Dent	Kahn	Reyburn
Bathrick	Donohoe	Kinkead, N. J.	Roberts, Mass.
Berger	Driscoll, D. A.	Konig	Roberts, Nev.
Blackmon	Driscoll, M. E.	Konop	Rodenberg
Brantley	Dupré	Lafean	Rothermel
Broussard	Dwight	Lee, Pa.	Rouse
Browning	Dyer	Levy	Sabath
Buchanan	Esch	Longworth	Sherley
Bulkley	Estopinal	McCoy	Sherwood
Burgess	Evans	McDermott	Slayden
Burke, Pa.	Fairchild	McKellar	Stanley
Burke, Wis.	Fitzgerald	McMorran	Stevens, Minn.
Burleson	Fordney	Madden	Switzer
Cannon	Fornes	Mann	Talcott, N. Y.
Cantrill	Gallagher	Moore, Pa.	Taylor, Ohio
Cary	Gill	Moore, Tex.	Thistlewood
Cooper	Goeke	Murray	Tilson
Copley	Goldfogle	Olmsted	Townsend
Crago	Greene, Mass.	Parran	Underhill
Cravens	Hamill	Patten, N. Y.	

ANSWERED "PRESENT"—2.

Booher	Heflin

NOT VOTING—39.

Ansberry	Ferris	Littleton	Riordan
Brown	Gardner, N. J.	Lobeck	Scully
Carter	George	McCall	Smith, J. M. C.
Clark, Fla.	Harris	Maher	Smith, N. Y.
Conry	Hartman	Merritt	Stack
Currier	Hughes, W. Va.	Miller	Sulloway
Curry	Kindred	Moon, Pa.	Vreeland
Danforth	Korbly	Morgan, Okla.	Wilson, N. Y.
Davenport	Lee, Ga.	Morse, Wis	
Dickson, Miss.	Lindsay	Mott	

So (two-thirds having voted in the affirmative) on reconsideration the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. HUGHES of West Virginia and Mr. DAVENPORT (in favor of overriding President's veto) with Mr. MERRITT (in favor of sustaining).

Mr. MOTT and Mr. FERRIS (in favor of overriding President's veto) with Mr. SCULLY (against).

For the session:

Mr. CLARK of Florida with Mr. CURRY.

Until further notice:
Mr. CONRY with Mr. J. M. C. SMITH.
Mr. CARTER with Mr. GARDNER of New Jersey.
Mr. ANSBERRY with Mr. DANFORTH.
Mr. BOOHER with Mr. SULLOWAY.
Mr. SMITH of New York with Mr. MOON of Pennsylvania.
Mr. KINDRED with Mr. CURRIER.
Mr. BROWN with Mr. HARRIS.
Mr. RIORDAN with Mr. VREELAND.
Mr. LOBECK with Mr. MILLER.
Mr. LEE of Georgia with Mr. HARTMAN.
The result of the vote was announced as above recorded.

HOURS OF LABOR ON PUBLIC WORK, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

In compliance with the request of the House of Representatives (the Senate concurring therein) of February 28, 1913, I return herewith House bill No. 18787, entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia."

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the conference report upon the bill was agreed to, to disagree to the conference report, and to ask for a further conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to reconsider the vote by which the conference report on the bill referred to was adopted, to disagree to the same, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. WILSON of Pennsylvania, Mr. BUCHANAN, and Mr. GARDNER of New Jersey.

2-CENT POSTAGE RATE TO NORWAY (H. DOC. NO. 1441).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Post Office and Post Roads and ordered printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of February 20, 1913, requesting the President of the United States, "if not incompatible with the public interest, to transmit to the House of Representatives all information that may be in his possession or the possession of the Department of State or the Post Office Department as to the practicability of extending a 2-cent letter postage rate, similar to that in force with Great Britain and Germany, to Norway, Sweden, Denmark, and the Netherlands, and whether offers or intimations of a willingness on the part of any of said countries to establish such postal rates have been received, and if received, what action was taken in that behalf and the reason therefor," I transmit herewith reports by the Secretary of State and the Postmaster General upon the subject matter.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEE of Georgia, indefinitely, on account of illness.

To Mr. MCKINNEY, indefinitely, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. ANTHONY to withdraw from the files of the House, without leaving copies, the papers in the case of M. R. William Grebe, H. R. 4474, first session Fifty-seventh Congress, adverse report having been made thereon.

To Mr. KAHN, to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 25524, a bill for the relief of Ellen B. Monahan, Sixty-second Congress, no adverse report having been made thereon.

To Mr. NORRIS, to withdraw from the files of the House, without leaving copies, the papers in the cases of H. R. 25416, H. R. 54641, H. R. 23098, H. R. 16252, and H. R. 17641, no adverse report having been made thereon.

To Mr. CAMPBELL, to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 2981, Sixty-second Congress, no adverse report having been made thereon.

To Mr. TAYLOR of Ohio, to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse report having been made thereon:

Committee on Military Affairs: Nos. 23456, 21881, 20057, and 22550.

Committee on War Claims: Nos. 7016 and 12523.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 28669) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, with Senate amendments thereto.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. HAY, Mr. SLAYDEN, and Mr. KAHN.

NAVAL APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, with Senate amendments thereto.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-three Members present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Dickson, Miss.	Langley	Payne
Ainey	Dixon, Ind.	Lawrence	Porter
Ames	Dodds	Lee, Ga.	Prince
Andrus	Doremus	Lever	Ransdell, La.
Ansberry	Driscoll, M. E.	Lindsay	Reilly
Barnhart	Dwight	Littleton	Riordan
Berger	Esch	Lobeck	Rucker, Mo.
Boehne	Ferris	Loud	Saunders
Brown	Focht	McCall	Scully
Burleson	Francis	McLaughlin	Shackleford
Burnett	George	McMorran	Sherley
Byrnes, S. C.	Gill	Maher	Smith, J. M. C.
Carter	Graham	Martin, S. Dak.	Stack
Claypool	Greene, Mass.	Matthews	Stephens, Cal.
Cline	Gregg, Tex.	Merritt	Sulloway
Conry	Hamlin	Miller	Switzer
Covington	Harris	Mondell	Taylor, Ark.
Cravens	Hart	Moon, Pa.	Townsend
Crumpacker	Hartman	Morgan, Okla.	Vreeland
Currier	Heald	Morse, Wis.	Warburton
Dalzell	Higgins	Mott	White
Danforth	Hughes, W. Va.	Needham	Wilson, Ill.
Daugherty	Jackson	Nelson	Wilson, N. Y.
Davenport	Kindred	Olmsted	Young, Mich.
Davidson	Korbly	O'Shaunessy	
Denver	Lamb	Patton, Pa.	

The SPEAKER. On this vote 279 Members answered to their names, a quorum. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

Mr. PADGETT. Mr. Speaker——

Mr. JOHNSON of South Carolina. Mr. Speaker——

The SPEAKER. The gentleman from South Carolina.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative bill——

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from South Carolina to yield to me. I desire to offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That during the remainder of this session it shall be in order for the Speaker to entertain motions to suspend the rules without calling the Calendar for Unanimous Consent.

Mr. UNDERWOOD. Mr. Speaker, I——

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The roll has just been called and a quorum developed.

Mr. HARDWICK. Mr. Speaker, it is perfectly evident that there is no quorum present to act on this matter.

Mr. MANN. Mr. Speaker, I make the point of order against the motion, or reserve it——

Mr. HARDWICK. I also reserve the point of order against the resolution.

Mr. UNDERWOOD. Mr. Speaker, I move to suspend the rules——

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HARDWICK. I make the point of order against the motion that under clause 3——

The SPEAKER. The gentleman has not made his motion yet.

Mr. HARDWICK. The gentleman has made his motion, as I understand it.

Mr. UNDERWOOD. If the gentleman will allow me——

Mr. HARDWICK. Suppose the gentleman states it, then.

Mr. UNDERWOOD. Mr. Speaker, I move to suspend the rules and pass the order sent to the Clerk's desk.

Mr. HARDWICK. Now I raise the question of order, Mr. Speaker.

The SPEAKER. The gentleman from Georgia raises the question of order, and the Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, I should like to be heard on the point of order.

The SPEAKER. Before this debate on the point of order takes place the Chair is going to take the liberty of making a statement, and that is unless Members come into this Hall and stay here one-half of these great supply bills are going to fail. They will come in and answer and then dodge out.

The Chair has not any authority to go out and pull them in, or he would do it. [Applause.] It would be a very serious reflection on this House if the supply bills failed through the negligence of the House. The Chair wishes the Members who are here would convey his remarks to those who are not here. [Applause.]

The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Speaker, I wish to state——

The SPEAKER. The Chair will hear the gentleman from Georgia [Mr. HARDWICK] to state his point of order.

Mr. HARDWICK. Mr. Speaker, the point of order is that, under clause 3 of Rule XIII, this motion can not be entertained by the Speaker. Also, that this motion ought to be referred to the Committee on Rules.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Alabama [Mr. UNDERWOOD] first.

Mr. UNDERWOOD. Now, Mr. Speaker, there are two rules for suspending the rules and passing bills. One of those rules has been in the Book of Rules for many years, and that provides that it shall be in order on the last six days to suspend the rules and pass bills. The purpose of that rule, Mr. Speaker, has always been that this House may do business, that the great supply bills on which the Government must depend shall not fail. It is a rule that goes above partisanship, because it is rarely that either party has a two-thirds majority in this House. It is a rule directed to, and an appeal to, the patriotism of the membership of this body. [Applause.] It is an effort to take care of the great public business of this country.

Mr. HARDWICK. Will the gentleman from Alabama yield?

Mr. UNDERWOOD. For a question; yes.

Mr. HARDWICK. Does not the gentleman know that under the rulings of the Chair and under the practice of the House, there has been no effort whatever to apply this rule to the detriment of either appropriation bills or conference reports? There has been an effort to have a quorum present, and it is the constitutional right of even the youngest and humblest Member in this Chamber, on either side of it, to have a quorum present in transacting this great business, and that is the right of the people of the United States.

Mr. UNDERWOOD. The gentleman from Georgia [Mr. HARDWICK] may think so, but I do not think his colleagues on the floor of this House agree with him or the position that he has taken. [Applause.]

Mr. HARDWICK. I will leave that to my colleagues and not to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. HENRY of Texas. I think the gentleman will agree that no one has tried to stand in the way of any supply bills. Now, will he state to this House that the order that he has just proposed is in the interest of passing the supply bills and not for the purpose of passing the workmen's compensation bill?

Mr. UNDERWOOD. Mr. Speaker, it is in the interest of clearing this calendar, so that the supply bills may pass. [Applause.]

Mr. HENRY of Texas. Will the gentleman yield further?

Mr. UNDERWOOD. Let me finish my speech. So far as I am individually concerned, I am in favor of the workmen's compensation act, but I am no more in favor of pushing that to the front than other meritorious matters before this House. But it appears to me that there is a deliberate filibuster in this House to prevent its transacting public business. Now, what I have to say——

Mr. SISSON. Mr. Speaker——

Mr. UNDERWOOD. Will my friend from Mississippi allow me to finish?—and then I will answer his statement.

Mr. Speaker, the new rules we have adopted for suspending the rules and the Unanimous Consent Calendar were adopted for giving the right of way for the Unanimous Consent Calendar during the ordinary process of business in this House and on unanimous-consent days to let the gentlemen who had private bills have the opportunity to submit them to the unanimous consent of their colleagues before other business interfered with them. But I contend that you can not repeal a law by indirection; that the presumption is that you do not amend a rule unless the Congress directly states that it is amended or rejected.

Mr. Speaker, I contend that it was not the sentiment of this House to pass a rule in adopting the Unanimous Consent Calendar to reject or hamper the old rule that was in the House and which permitted us by two-thirds vote to suspend the rules and attend the public business on the last six days of a session. If we do not clear this calendar it means that public supply bills will fail. They will not fail by my aid. There were bills in here in the last few weeks that I endeavored to push for a consideration in this House that carried matters that I did not believe in myself. But I believed that it was my patriotic duty to have them acted on, and I believe it is yours now. [Applause.]

Now, Mr. Speaker, there is no man on the floor of this House who has a higher regard for the Speaker of this House than I have. [Applause.]

There is no man on the floor of this House that believes in the integrity and fair-mindedness of the Speaker more than I do. [Applause.] I believe that the Speaker of this House almost universally in his decisions from the chair has been correct [applause], and I am ready to sustain him in those decisions. But I want to say to the Speaker that, although I know that his ruling that the Unanimous Consent Calendar must be called before we can suspend the rules is the deliberate and honest and sincere judgment of the Chair, I differ with him in that judgment, and I believe if that decision is carried out it will seriously hamper the transaction of the public business.

Mr. FLOYD of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. In just one moment. I offer this resolution; I do not want to appeal from the decision of the Chair, and will not do so; but I offer the resolution to bring this question before the House, and ask the Speaker to determine in the decision whether or not this rule to suspend the rules has been set aside by the Unanimous Consent Calendar, or whether it is in order for me to offer this resolution now. Whether it is in order or not, I ask the Speaker to submit that question to the judgment of my colleagues and his colleagues on the floor of the House so that the House may determine.

Mr. FLOYD of Arkansas and Mr. SISSON rose.

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. UNDERWOOD. To the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. I would like to ask the gentleman from Alabama, Mr. Speaker, if the situation in the House is not occasioned now by the unjust, unfair, and unscientific method pursued at the other end of the Capitol in putting on supply bills measures that ought not to be there?

Mr. UNDERWOOD. I will say to my friend that I do not believe in legislating upon appropriation bills. But it is not my province or that of my friend from Mississippi, under the rules of this House, to criticize the body at the other end of the Capitol. Whether it is their fault or not, we are facing a condition——

Mr. SISSON. Does not the gentleman believe that the very dignity of this House is involved in all of these propositions when the Senate has put upon these appropriation bills matters that are totally foreign to them, endeavoring to drive through this House matters that they could not otherwise get through

perhaps, especially at the short session, which is called for the purpose of passing the supply bills?

Mr. UNDERWOOD. All that I can say to my friend is what I said before, that I do not believe in legislating upon appropriation bills, and I must refrain from criticizing the action of gentlemen at the other end of the Capitol.

Mr. SISSON. Then if the Senate does those things which the House has the right to question, how can we object unless we do criticize that method of legislation?

Mr. UNDERWOOD. I say let us criticize, if it is necessary and we do not agree with what they propose, by our vote and by our——

Mr. SISSON. Just another question. Does the gentleman believe that any Member of this House is acting from an unpatriotic motive when he is endeavoring to prevent that sort of disorderly and unwise legislation?

Mr. UNDERWOOD. I say to my friend that we should endeavor to prevent it by our votes and by our arguments and by our making the proper protest; but I do not think we are justified in engaging in a filibuster to prevent it. [Applause.]

Mr. SISSON. There are a number of bills here that are most important to the country. But if they are taken up under suspension of the rules there is no opportunity given to consider them section by section at a time, and no opportunity for this House to amend them, and these bills must go through with those riders on them, without giving a representative Member the right to represent his constituents or be heard on those bills, and that is my objection to it. The House of Representatives is entitled to be heard on these matters.

Mr. FLOYD of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Arkansas.

Mr. FLOYD of Arkansas. I would like to ask the gentleman from Alabama this question: What higher rights have those Members who desire to call up bills under suspension than those Members who have complied with the rules of this House and placed their bills on the Unanimous Consent Calendar?

Mr. UNDERWOOD. That is a matter of recognition that the Chair must govern himself, and I would not say that I think the gentleman from Arkansas or any other Member on this floor will question for one moment the fairness and equal justice that have been accorded to all the Members of the House by the gentleman who presides over the proceedings of this House. [Applause.]

Mr. FLOYD of Arkansas. I do not question that, but I question the fairness of the gentleman from Alabama in these closing hours, in offering a resolution here to change the rules that we have solemnly adopted for the government of this House.

Mr. UNDERWOOD. I am not attempting to change the rule. I am attempting to have a declaration by this House as to whether this rule is in effect or not. I have not made a single offer to change the rules. I have no doubt the gentleman from Arkansas is willing to submit to the decision of his colleagues as to whether this rule is in order or not.

Mr. FLOYD of Arkansas. The gentleman has expressed his high regard for the Speaker of this House. I have a higher regard for rulings of the Speaker of this House than does the gentleman from Alabama. I am willing to submit to the ruling already made by the Speaker of this House. Can the gentleman from Alabama say as much?

Mr. UNDERWOOD. I stated that I think if the ruling stands we can not legislate, and I am anxious that the wheels of legislation may not be blocked.

Mr. SISSON. They will not be blocked.

Mr. RODDENBERY. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. RODDENBERY. In view of the statement the gentleman has made, will not the gentleman so modify his proposed order that it will make only the great supply bills more highly privileged than the Unanimous Consent Calendar?

Mr. UNDERWOOD. I do not think that is necessary. I do not question for a moment that the Speaker of the House will give preference to the great supply bills from now until the end of the session. When that is done, if there is other meritorious legislation that should come before the Congress, I see no reason why it should not be presented to the House for action.

Mr. RODDENBERY. Perhaps I did not quite catch the gentleman's proposition. As I understood him in his opening statement, he said that the object of presenting this order now was because unless this or something similar is done, this Congress will close and some of the great supply bills will fail to pass.

Now, what I want to invite the gentleman's attention to is this: If that is the object of this order, why would not that danger be averted by permitting this order distinctly to give preference and high privilege to the supply bills over the Unanimous Consent Calendar, leaving it so that Members who have bills on the Unanimous Consent Calendar will not have to stand aside and let some other measure that has never gone to the Unanimous Consent Calendar come in under suspension of the rules and consume the time? The workmen's compensation bill is one that clearly illustrates the point I desire to bring out. It comes from the Senate, and is reported from the House committee with a vast number of amendments upon it.

Mr. HARDWICK. About 150.

Mr. RODDENBERY. Over 100 amendments upon it. Now, if it is sought to consider the workmen's compensation bill by virtue of this order it puts this House, in the very last days of the Congress, up to passing under suspension of the rules an innovation of legislation, a complete revolution of our system of damage or injury compensation in the United States, confessedly a withdrawal from the employees of the country of their right to litigate in the courts. And however wise a bill it might be, is it fair to the Members of this House to force them to vote yea or nay on a bill from the Senate reported to the House with over 100 amendments, without right of considering amendments separately and without debate?

Mr. UNDERWOOD. I will say to the gentleman from Georgia that I am not proposing to pass the workmen's compensation bill. I stated in the beginning that if it comes before this House I intend to vote for it, because I believe in its principles; but what I am proposing it for is to enable the House to get back to the position it has occupied since the beginning of the Government, where it may use the two-thirds rule to transact the business of this House.

Now, as to particular bills, it has been assumed in the past that it was not dangerous to pass any bill under suspension of the rules if a two-thirds vote could be obtained; and I take it, in reference to this particular bill or any other, if it is a vicious or dangerous bill it will not receive a two-thirds vote in this House and will not be passed.

Mr. RODDENBERY. Is there any particular reason, parliamentary or otherwise, why the gentleman from Alabama at this time requests the Speaker of the House to submit a parliamentary proposition to the judgment of the Members, rather than rule upon it directly in this instance, as he has already done and has been the invariable custom heretofore?

Mr. UNDERWOOD. To be candid, I will say that I think the membership of this House has the same high regard for the Speaker that I have.

The membership of this House would not want to overrule the decision of the Speaker. I do not want to overrule the Speaker's decision, but this question having become vital, I ask the Speaker not to put us in an embarrassing position on this matter, but leave it to his colleagues under the rule of the House.

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. LONGWORTH. I want to ask the gentleman if he did not have much to do with the original draft of the rule, and does he believe it was the intention of the framers to provide that the Unanimous Consent Calendar should be called in the last six days of the session?

Mr. UNDERWOOD. Not at all.

Mr. LONGWORTH. And that is the object of this resolution?

Mr. UNDERWOOD. Yes. I do not think that thought was in the minds of any individual.

Mr. MANN. Mr. Speaker, I do not think that the gentleman from Alabama had much to do with the original draft of the rule. The gentleman from New York [Mr. FITZGERALD] and myself prepared the unanimous-consent rule.

Mr. UNDERWOOD. I am speaking of the rule where the unanimous-consent rule and the suspension and the discharged calendar were all put together.

Mr. MANN. What is the situation here now? I do not understand that the Speaker has directly ruled upon this question yet.

Mr. HARDWICK. If the gentleman from Illinois will allow me.

Mr. MANN. Certainly.

Mr. HARDWICK. The gentleman from Alabama [Mr. CLAYTON] was recognized to call up a motion to suspend the rules and pass this very bill. I made a point of order and the Speaker sustained the point of order.

Mr. MANN. I was not in the Chamber when the Speaker made that ruling.

The SPEAKER. The Chair simply ordered the call of the Unanimous Consent Calendar.

Mr. MANN. This is the situation: The old rule provides for a suspension on suspension days, of which this is one. Then came along the rule providing for the Unanimous Consent Calendar to be called immediately after the approval of the Journal. I remember very distinctly that when that rule was put in operation and the Unanimous Consent Calendar was called among the first bills which were reached on the calendar was one to which objection was made. Thereupon the gentleman in charge of the bill sought to receive recognition to move to suspend the rules and pass the bill, and that was done. It was done on more than one occasion, and it was always considered during the last Congress that the right of the Speaker to recognize for a suspension of the rules was a right of recognition at any time, and if the motion prevailed it set aside the rule for the Unanimous Consent Calendar in the same way that it set aside the other rules.

I think the difficulty has arisen in the minds of gentlemen because of the change of the rules at the beginning of this Congress. We had a rule for unanimous consent and a rule for suspension and a rule for discharge of committees. The rule for the committee discharge expressly provided that the motion to discharge a committee should take precedence over a motion to suspend the rules. So that during the entire last session of Congress I sat here with motions on the calendar to discharge committees ready at any time to call up the preferential motion to discharge a committee if the Speaker would give recognition to anyone to suspend the rules.

We were in the position that the Unanimous Consent Calendar was being called with the right of the Speaker to recognize for the suspension of the rules, but if the prior right for a motion to discharge a committee was entered, that cut off the suspension and you could not make a motion to discharge a committee until the Unanimous Consent Calendar had been called. That is where the impression grew up in this House that the Unanimous Consent Calendar must be called before you could recognize for the suspension.

But the rule was abrogated or changed by the House some time ago, and suspensions were given priority over motions to discharge committees.

While the Speaker, it appears, has ruled otherwise, I am very clear in my own mind that all the time the right of the Speaker to recognize for a suspension was the right which, if made and the motion prevailed, set aside the Unanimous Consent Calendar just as much as it did any other portion of the rules. But since the rules have been changed so that suspension is ahead of a motion to discharge a committee, I think the motion to suspend is in order at any time.

The SPEAKER. The gentleman does not mean to make that broad statement?

Mr. MANN. I mean on suspension days.

The SPEAKER. That is a qualification.

Mr. MANN. At any time during the last six days. The Unanimous Consent Calendar is never called except on suspension days, so that my statement is literally correct.

The SPEAKER. The question that the Chair asked is this: Does the gentleman contend that on the first and third Mondays, leaving this particular difficulty out of consideration for the moment, when somebody objects to a bill that is called the Chair ought to recognize the Member then to suspend the rules?

Mr. MANN. I do not contend that the Chair ought to recognize the Member. Quite the contrary. I do contend that the Chair has the right to recognize him.

The SPEAKER. That question has never been raised while the present occupant of the Chair has been Speaker.

Mr. MANN. It was raised while Mr. CANNON was Speaker, and recognition was given. Of course, it is not intended by the Unanimous Consent Calendar to allow bills to be placed on the calendar which, when objected to, gives the right to a motion to suspend the rules, because the right to recognize for suspension has always been considered arbitrary in the Speaker, and, I take it, is necessarily so. We are in this position just now: If the motion offered by the gentleman from Alabama [Mr. UNDERWOOD] is in order, it is not necessary. If it is not in order, of course it can not prevail.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will permit, I recognize that, and I offer it for the purpose of bringing the matter before the House and for the purpose of letting the House decide.

Mr. MANN. I understand the position of the gentleman. I take it that if the Speaker holds the motion is in order the gentleman will withdraw it. If the Speaker holds the motion is out of order, then some one will take an appeal from the decision of the Chair. Or if the Speaker submits the matter to the House and the House decides that the motion is in order, then I apprehend the gentleman will withdraw the motion, because then the House will have stated that suspensions are in order, and the motion amounts to nothing whatever.

Mr. UNDERWOOD. That is the purpose.

Mr. FITZGERALD. Mr. Speaker, I was not present when this question was originally raised by the gentleman from Georgia [Mr. HARDWICK] on yesterday or the day before. Had I been here, I would have called the attention of the Chair to several of the rules, which make it quite clear to me that the motion to suspend the rules is in order on suspension days, regardless of whether the Unanimous Consent Calendar has been called. Rule XXVII provides:

> No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

The Unanimous Consent Calendar rule provides, after provision for the placing of the bills on the calendar:

> On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.

There is nothing in that rule which prohibits the setting aside of the rule by suspension, or which prohibits the Speaker from giving recognition to a Member to move to suspend the rules. I believe that Members have been misled by the wording of the rule, which is:

> Immediately after the approval of the Journal the Speaker shall direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.

That language was carefully and designedly inserted in the rule. Its purpose was to insure the calling of the Calendar for Unanimous Consent on the days fixed, unless the rules were suspended, and the necessity for that particular language arose out of the language of paragraph 9 of Rule XXVI, which reads as follows:

> At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

To make the Unanimous Consent Calendar preferential over the highly privileged motions to go into the Committee of the Whole House on the state of the Union at any time after the approval of the Journal for the consideration of such bills, it was necessary to insert some language which would make that clear. That was done by the insertion of the words "immediately after the approval of the Journal," so as to cut out the highly privileged motions to go into the Committee of the Whole House on the state of the Union to consider revenue and appropriation bills on suspension days. All of the rules of the House can be suspended under the suspension rule, with the exception of one or two. There is a rule which prohibits the Speaker from entertaining any motion to suspend a rule which excludes from admission to the floor all except certain designated persons. It has been held that that rule can not be suspended, because the Speaker is expressly prohibited from entertaining the motion. The same language was inserted in the rule which prohibits the Speaker from entertaining a motion to take a recess on Tuesday of any week, the purpose being to prevent by indirection the elimination of Calendar Wednesday. There is no inhibition upon the Speaker from entertaining a motion to suspend the rules on a day when the Unanimous Consent Calendar is called, and the language of the rule was purposely framed merely to eliminate other motions, which under a different wording would have been preferential in character.

I believe that the peculiar wording of the rule and the situation described by the gentleman from Illinois accounts for whatever confusion there may be in this matter. It would be very easy, Mr. Speaker, if the House were to determine that during the last six days of the session it would not be in order to suspend the rules until the Unanimous Consent Calendar had been called to arrange for the most effective filibuster ever seen in the history of the House. All that it would be necessary to do would be to file with the Clerk notices to place upon the Unanimous Consent Calendar all bills reported from committees, whether entitled to go upon the Unanimous Consent Calendar or not, and so long as it would be necessary to call the calendar and objections to the bills that under the rule could not be placed upon it, sufficient time could be consumed to utilize all of the six days at the end of any session. There is one thing about the procedure of the House that is highly important, and that is, that the procedure, whatever it be, be definite and not variable. For that reason I should not care to

appeal from the decision of the Speaker construing the rules of this House unless it were a matter of such fundamental importance that I would prefer to have it settled by the House and have necessarily a vote on it. Since the gentleman from Alabama has made the suggestion at the beginning of his remarks that this matter is of such vital importance that the Speaker might properly, following the course of Mr. Speaker CANNON in construing a different provision of this rule on a former occasion, submit the question to the House and let the House fix a definite construction upon the rule for future observance, I trust that such a course will be followed in this instance.

Mr. HARDWICK. Of course, if the Chair has made up his mind——

Mr. HENRY of Texas. Mr. Speaker——

Mr. HARDWICK. I say if the Chair is willing to hear the gentleman from Georgia——

The SPEAKER. The Chair will recognize the gentleman from Georgia.

Mr. HARDWICK. Well, the gentleman from Texas rose, and I will yield to him.

The SPEAKER. The Chair will hear the gentleman from Texas.

Mr. HENRY of Texas. Mr. Speaker, this is a very important matter, and I am sure the Speaker wants his position to be exactly correct. The gentleman from Alabama [Mr. UNDERWOOD] has no higher regard for the Speaker of this House than that entertained by me. I believe the Speaker is going to decide this question in accordance with his convictions. Ordinarily the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] and the gentleman from Alabama [Mr. UNDERWOOD] are correct, but in this instance they can not by any process of reasoning construe away the English language. Let us deliberately for a moment or two examine the provisions of this order. Mr. Speaker, suppose this were the first or third Monday, which are suspension days, and the gentleman from Alabama should offer this resolution. Let us see what would be the effect of it. He and the gentleman from New York have argued that there is nothing in the rules to prevent submitting the proposition of the gentleman from Alabama. I take issue with them. We found it necessary to amend that rule providing for the Discharge Calendar and motions to discharge on that day. The gentleman from Illinois did not read from that rule, but stated what it was; but I want to read to the Speaker two or three lines and see what is the plain meaning. Clause 4 of Rule XXVII reads:

After the Unanimous Consent Calendar shall have been called on any Monday and motions to suspend the rules have been disposed of—

A plain, positive provision—"after the Unanimous Consent Calendar has been called" then motions to suspend may be entertained. Now, Mr. Speaker, we have a plain provision in Rule XXVII that on the first and third Mondays motions to suspend the rules can be entertained, and an express provision, written by the gentleman from New York [Mr. FITZGERALD], providing for a Unanimous Consent Calendar, and we now have six suspension days during the last days of this session which are on an exact parity with the suspension days on first and third Mondays, and the language of the rule is plain that the Unanimous Consent Calendar shall be first disposed of. Now, why the necessity of the proposition of the gentleman from Alabama? He says it is for the purpose of expediting the business of this House and passing the supply bills. I have been here almost as long as the gentleman from Alabama and have never stood in the way of transacting the legitimate business of this House, and no one who is cooperating with me on this occasion is standing in the way of considering any supply bill and will not impede consideration of any supply bill during the last hours of this session. Why the haste——

Mr. MANN. Will the gentleman yield for a question?

Mr. HENRY of Texas. No; I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. The gentleman ought to yield out of courtesy for a question.

Mr. HENRY of Texas. Not at the moment—yes; I will.

Mr. MANN. The gentleman says he is not standing in the way of supply bills, but if it is not in order to move to suspend the rules until the Unanimous Consent Calendar is called, is it in order to move to suspend the rules on a supply bill before the Unanimous Consent Calendar is called?

Mr. HENRY of Texas. That is for the Speaker to determine. I think it is, and will not stand in the way of it, anyway.

Mr. MANN. I will, if that is the rule.

Mr. HENRY of Texas. Now, Mr. Speaker, I say the ruling of the Chair was correct, and I believe in the integrity of the Speaker of this House, and think he will adhere to the rules as they are plainly written. Why the necessity of the proposition of the gentleman from Alabama [Mr. UNDERWOOD]? Heretofore these orders which he proposes have been considered by unanimous consent. Now he proposes to change the rules of this House without submitting his resolution to the Committee on Rules, that should report all such resolutions as this. The Committee on Rules can take care of the matter if it is referred to them. Why not pursue the orderly course? Ah, but they say it is in the interest of the dispatch of public business. Mr. Speaker, I am standing here, and we might as well be candid with one another, and let this House understand it, and let the country understand it, to contest every inch of ground against the railroad employees' compensation act which some of these gentlemen are trying to put through this House. [Applause.] I have tried to deal fairly with my colleagues and with the country. I served on the Committee on the Judiciary for more than 10 years, and say to my brethren here that after examining the employees' compensation act, I have convinced myself that it is an act more in behalf of the great railways of this country than in the interest of the men who work for them. [Applause.] I shall raise my voice against it.

Mr. MANN. Mr. Speaker, I rise to a question of order.

The SPEAKER. What point does the gentleman make?

Mr. MANN. I make the point of order that the gentleman from Texas [Mr. HENRY] is not discussing the point of order before the House.

The SPEAKER. The point is well taken.

Mr. HENRY of Texas. With all due deference to the Speaker and the gentleman from Illinois [Mr. MANN], I was endeavoring to explain that I am not engaging in a filibuster.

The SPEAKER. That might be a question of personal privilege, but it is not an argument on a point of order.

Mr. HENRY of Texas. I do not care to rise to a question of personal privilege, but, Mr. Speaker, will say that I shall expect the Speaker to construe these rules as they are written, and believe he will do it, and without intending to engage in a filibuster, intend to stand here until the end of this session and resist the passage of the proposed compensation bill. I am for the principle of an employees' compensation bill, but desire it to contain the optional feature so that those having rights may have the privilege of electing remedies and going into the courts for redress.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized.

Mr. HARDWICK. It is impossible for me, Mr. Speaker, to permit the gentleman from Alabama [Mr. UNDERWOOD] to leave me in the attitude that he seeks to leave me in before this House. Of course the gentleman understands full well, as the Speaker does, and as my colleagues do, that I will not, either now or later, submit to be lectured by him on any occasion or about any subject.

The SPEAKER. The gentleman will address himself to this point of order. The question has been raised once——

Mr. HARDWICK. The Speaker raised it with the gentleman.

The SPEAKER. If the gentleman from Georgia [Mr. HARDWICK] had raised that point against the gentleman from Alabama [Mr. UNDERWOOD] the Chair would have sustained him.

Mr. HARDWICK. The gentleman from Alabama did not raise the question on "the gentleman from Georgia." It was raised by the gentleman from Illinois against the gentleman from Texas [Mr. HENRY].

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] will proceed.

Mr. HARDWICK. I want to say this, that under the rules and under the Speaker's rulings there has not been the slightest attempt to interfere with any of the great supply bills that are now before this House or may hereafter come before this House. Conference reports, under another rule that must be given equal force with the rules to which we appeal, have been given the right of way over everything. Under another rule, the general appropriation bills, the great supply bills of this House, have got the right of way, too. Construing those rules together, "the gentleman from Georgia" has not made the slightest attempt, and the gentleman from Alabama [Mr. UNDERWOOD] knows full well, as the Speaker knows it, to make one single effort to delay them.

Indeed, Mr. Speaker, I want to say, as a matter of justice to myself, that not even my distinguished friend who made that speech has done more than I have to help the supply bills through. I have been here for days and nights, when the gentleman was not even here, helping them and voting that way, and I do not rest under any such charge, because its injustice is apparent.

Mr. HEFLIN. Mr. Speaker, I will have to raise the point of order that the gentleman from Georgia [Mr. HARDWICK] is not speaking to the point of order.

Mr. HARDWICK. The gentleman did not raise that point against his colleague [Mr. UNDERWOOD].

The SPEAKER. The point of order is sustained.

Mr. HARDWICK. Now, Mr. Speaker, so much for that phase of the question. On the rule itself, the question of order itself, unless the Chair is prepared to take back at least two rulings—and the intimation came from the occupant of the chair that it was not a ruling, because he directed the business of the House to proceed in accordance with the point of order made—I do not think that would be seriously insisted upon, upon reflection on the part of the Chair. Unless the Chair is prepared to reverse his rulings on two separate occasions in the last 48 hours, and unless the Chair is prepared to bow gracefully and ask the House to reverse him in a graceful way, in the smooth, suave way suggested by the gentleman from Alabama [Mr. UNDERWOOD], this point of order I make must be sustained.

Now, Mr. Speaker, under Rule XI the gentleman from Alabama [Mr. UNDERWOOD] can not present this matter as a matter of privilege, because under the rules of the House that motion can not be made as a matter of privilege. That has never been done except in the one instance of "the revolution," in which we overthrew the power of the distinguished gentleman from Illinois [Mr. CANNON]. That is the only precedent. Under the rules and precedents, I say, that motion can not be made as a matter of privilege from the floor, but goes in the ordinary course of events to the Committee on Rules, to be reported on by it.

Therefore, the gentleman presents it craftily. Of course, I do not mean "craftily" in an unfair sense, but it is a pretty smooth proposition that the gentleman has worked out, apparently with common consent in some quarters, for the House and for the Speaker. He presents it as a sugar-coated pill, to reverse the Speaker by indirection and to save him from the mortification of reversing himself.

I, however, raise the question here and now that the gentleman's motion is not in order, on exactly the same ground as that upon which the Chair has twice sustained me, because before the Chair can put any motion to suspend the rules he must, under the plain language of this rule, first have the Unanimous Consent Calendar called. Any motion to suspend the rules is out of order; even a motion to alter the practice and rules of this House is out of order; in fact all motions to suspend the rules are out of order until that Unanimous Consent Calendar is called.

But the gentleman from New York [Mr. FITZGERALD] goes into a scholarly disquisition as to how these things happened to get into the rules, and he tells us there is a great difference, because a certain rule says the Speaker shall be prohibited from offering a motion to suspend the rules as to admission to the floor. Why, Mr. Speaker, can the Committee on Rules or the House make a rule that the House can not undo, to apply the gentleman's own argument to his own proposition? Can the House and the committee say that the House may not suspend that rule? And yet we have said so, and the precedents are that way. He calls attention to the fact that the Speaker of this House is not permitted under the rules to entertain a motion to take a recess on Calendar Wednesday.

Now, Mr. Speaker, although the language in one rule is negative, in the other it is positive, and I can not see, to save my life, the force of the gentleman's finespun logic, when he contends that when the rule says the Speaker shall not do a thing, the Speaker must not do it, and when the rule on the other hand says the Speaker shall do a thing, the Speaker can disobey it. The gentleman from New York [Mr. FITZGERALD], a profound logician; the gentleman from Alabama [Mr. UNDERWOOD], a great leader, and the gentleman from Illinois [Mr. MANN], a hairsplitter from Chicago [laughter], may be able to figure that out; but I can not see, to save my life, how the Chair is bound to obey rules which say he shall not do something and at the same time has full license to disobey rules which say he shall do something. [Applause.]

Mr. POU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POU. I would like to inquire what the proposition is that is now pending before the House?

The SPEAKER. The proposition pending is the point of order made by the gentleman from Georgia [Mr. HARDWICK] against the motion of the gentleman from Alabama [Mr. UNDERWOOD].

Mr. MANN. Against the motion to suspend the rules.

The SPEAKER. Yes. Now, the situation about this thing is this: The main proposition is that this rule about unanimous consent and suspension of the rules and discharges of committees, and so forth and so on, needs overhauling, and needs to be put into a plain, consistent statement that anybody can understand. When this point was first raised the other day, the Chair said that if the rule were strictly construed, the contention of the gentleman from Georgia [Mr. HARDWICK] is correct, but that he did not believe that the authors of that rule ever intended to work the Unanimous Consent Calendar ahead of the suspensions in the last six days of the session.

Inasmuch as the House has the right to do absolutely what it pleases at any time, and the Chair has no pride of opinion whatever about that quasi ruling, the Chair submits to the House itself the question whether on the last six days of a session the Unanimous Consent Calendar shall take precedence of motions to suspend the rules.

Mr. HARDWICK. On that question I demand the yeas and nays.

Mr. MANN. The Chair can only submit to the House the point of order raised by the gentleman.

The SPEAKER. That is what the Chair is trying to do.

Mr. MANN. That does not involve the last six days. The point of order made by the gentleman from Georgia is that the motion to suspend the rules is not now in order. There is no use going beyond that.

The SPEAKER. The Chair will state it that way. The motion of the gentleman from Alabama [Mr. UNDERWOOD] is to suspend the rules.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will allow me, my motion is only for the purpose of bringing this matter before the House. I intend to withdraw it, whichever way the House decides; but my motion is to suspend the rules and pass the resolution. The gentleman from Georgia makes the point of order that that is not in order, and the question before the House is whether a motion to suspend the rules is in order at this time.

Mr. HARDWICK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Is not that what the Chair first stated, in a different way?

The SPEAKER. It may be or may not. The Chair is not going to split hairs about that. No difference how this vote goes, the Chair announces that he is going to recognize gentlemen in charge of conference reports and appropriation bills, in order to get through with the business of the House. [Applause.]

Mr. HARDWICK. I certainly agree with that.

The SPEAKER. The Chair submits to the House the point of order made by the gentleman from Georgia.

Mr. MANN. Is not the question to submit to the House the question whether the motion offered by the gentleman from Alabama [Mr. UNDERWOOD] is in order?

The SPEAKER. Is the motion made by the gentleman from Alabama to suspend the rules in order at this time? Those who believe that will say "aye."

The affirmative vote was taken.

Mr. HENRY of Texas. I make the point of order that no quorum is present.

The SPEAKER. The Chair will put the other half of the question. Those opposed will say "no."

The negative vote was taken.

The SPEAKER. Now, the gentleman raises the point of order that no quorum is present. The Chair will count. [After counting.] Two hundred and three Members present—a quorum.

Mr. HARDWICK. Mr. Speaker, I demand the yeas and nays.

Seventeen Members rose to second the demand for the yeas and nays.

Mr. HARDWICK. The other side.

Mr. UNDERWOOD. I submit that the gentleman is not entitled to that.

Mr. HARDWICK. We did not have tellers on this. I submit that I am entitled to the other side.

The SPEAKER. The gentleman is entitled to the other side. Those opposed to ordering the yeas and nays will rise. [After counting.] One hundred and fifty-six in the negative. The yeas and nays are refused. On the question, Is the motion made by the gentleman from Alabama [Mr. UNDERWOOD] to suspend the rules in order at this time? the ayes have it.

Mr. UNDERWOOD. Mr. Speaker, as this is a decision that ought to go into the RECORD as final in this matter, I ask for a division of the House.

The SPEAKER. The gentleman from Alabama demands a division. Those in favor of the proposition that the motion of the gentleman from Alabama is in order will rise and stand until they are counted.

The question was taken; and on a division there were—ayes 189, noes 23.

The SPEAKER. The ayes have it, and the House decides that the motion of the gentleman from Alabama [Mr. UNDERWOOD] to suspend the rules is in order at this time.

Mr. HARDWICK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Do I understand the Chair to rule that under the rules as now construed the first thing in order will be conference reports and appropriation bills?

The SPEAKER. The Chair stated that he would give preference to them.

Mr. HARDWICK. That they will be first in order?

The SPEAKER. That they will be given preference.

Mr. UNDERWOOD. Mr. Speaker, I offered the motion in order that the House might decide the question as to whether a motion to suspend the rules was in order. The House having decided that, my motion is of no further avail, and I ask permission to withdraw it.

The SPEAKER. The gentleman can withdraw it without any permission.

Mr. UNDERWOOD. I withdraw it.

Mr. HARDWICK. I raise the point of order that the gentleman can not withdraw his motion except by unanimous consent.

Mr. FITZGERALD. Under the rule he can.

The SPEAKER. He can in the House, although he could not in Committee of the Whole. In the House a Member making a motion may withdraw it at any time before it is voted on or amended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McClintock, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21714. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia; and

H. R. 8921. An act for the relief of William H. Seward.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. 8178. An act granting pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 143. Joint resolution authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the legislative, executive, and judicial appropriation bill for the purpose of making a motion upon it.

The SPEAKER laid before the House the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. MANN. What is the gentleman going to do with this bill? I thought we had disposed of it.

Mr. FITZGERALD. The Senate rejected the conference report.

Mr. JOHNSON of South Carolina. I move that the House further insist upon its disagreement to the amendments of the Senate and consent to the conference asked for.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreements to the Senate amendments and agree to the conference asked for.

Mr. MANN. May I ask the gentleman from South Carolina if all of the amendments are in disagreement? We have adopted two conference reports. I understand the Senate rejected all of the last conference report.

Mr. JOHNSON of South Carolina. All the amendments involved in the last conference report are in disagreement. The amendments in the first report have been agreed to both by the House and the Senate, and are no longer in disagreement.

Mr. MANN. That is the reason I made the inquiry.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreements to the amendments included in the last conference report and agree to the conference asked for.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is it not necessary that the gentleman from South Carolina should ask unanimous consent to consider the amendments en bloc?

The SPEAKER. No; the Chair thinks it has passed that stage.

Mr. RAKER. Mr. Speaker, I would like to ask the gentleman from South Carolina a question.

The SPEAKER. Does the gentleman from South Carolina yield to the gentleman from California?

Mr. JOHNSON of South Carolina. Yes.

Mr. RAKER. In regard to the conference report filed February 21, leaving these items that were in disagreement, do I understand these matters are all in disagreement now between the House and the Senate?

Mr. JOHNSON of South Carolina. All in disagreement.

Mr. RAKER. And open for consideration by the two bodies?

Mr. JOHNSON of South Carolina. They are open for consideration between the two bodies.

Mr. SABATH. Is the gentleman in a position to state the various amendments that are in disagreement?

Mr. JOHNSON of South Carolina. I am in a position to state the various amendments that are in disagreement. As a matter of fact, the Senate rejected the conference report because we had not provided for a worthless little assay office up in Nevada; that leaves them all open.

Mr. RAKER. Mr. Speaker, am I entitled to a few moments of time on this matter?

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. RAKER. I think five minutes will do.

Mr. JOHNSON of South Carolina. I will yield five minutes to the gentleman from California, although I think it is more important to get the bill into conference than it is to talk.

Mr. RAKER. Mr. Speaker, I do not want to say anything in response to that, but I do believe that a man has a right—not only his right, but his duty as a Representative of a great State like California—to raise his voice when that State has unanimously, by its legislature and governor, asked and insisted that the proper offices and officers be provided in that State for the purpose of dealing fairly and squarely with its citizens relative to the collection of the internal revenue of that State. The Legislature of California unanimously passed the following resolution on this important question, namely:

SACRAMENTO, CAL., *February 18, 1913.*

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.:

I am forwarding herewith, as per instructions embodied therein, the following resolution. Kindly acknowledge receipt.

Resolution by Senator Boynton.

Whereas the fourth internal-revenue district of California, with headquarters in Sacramento and serving all the counties north of San Francisco to the Oregon line, and also the entire State of Nevada, was abolished on the 1st day of October last; and

Whereas said district did an annual business of nearly $800,000; and

Whereas said district was also consolidated with the first collection district of California, with headquarters in San Francisco, which district was so large that the Los Angeles district was separated from it two years ago; and

Whereas the loss of the fourth district will work injury to this section of California and Nevada without any corresponding benefit to the first district; and

Whereas an amendment known as Senate amendment No. 68 to the House of Representatives bill No. 26680, providing for the reestablishment of the aforesaid fourth revenue collection district of the State of California, has been approved by the Senate of the United States Congress, and now goes to conference: Therefore be it

Resolved by the senate and assembly jointly, That the Legislature of the State of California approves all of the provisions of said amendment, and our Senators in Congress are hereby instructed and our Representatives requested to vote for and use every honorable means to secure the passage of said amendment to said bill; and be it

Resolved further, That copies of this resolution be sent by telegraph to each of our Senators and Representatives in the Congress of the United States.

WALTER N. PARRISH,
Secretary of State.

It never was intended that the amendment to the sundry civil bill which passed the House in 1912 should eliminate from the northern part of California and Nevada the fourth internal-revenue district for the purpose of collecting internal revenue, but when this bill has amendment 68 placing the revenue districts back as they were, and when the entire State of California, paying millions of dollars internal revenue, is asking and demanding that this House give their citizenship their

representation in the collection of their revenue in the method of business, I say it is not economy for this House to set aside these offices and officers to the end that this Government should lose hundreds of thousands of dollars for want of proper officers to collect its revenue.

I ask this House to read the testimony of Mr. Cable, given before the Committee on Appropriations, where he says that this Government loses hundreds of thousands of dollars annually because of insufficient officers to collect the revenue. While I stand for economy, I do not believe in economizing by dispensing with officers necessary to collect the revenue of the country.

Irrespective of the time, irrespective of other appropriation bills, this State ought to have an opportunity to see that its business is provided for. I am satisfied that the conferees of the House will give this matter fair and full consideration, as they do other matters, and I trust they will see their way clear to protect the State of California, so that it will be properly represented in this matter. I have the utmost confidence in the gentlemen acting as conferees on the part of the House, and I submit it to the conferees for their careful consideration. This amendment 68 should be agreed to by the House conferees, and the fourth internal-revenue district reestablished. It is in the interest of proper administration of the laws.

Mr. JOHNSON of South Carolina. Mr. Speaker, the legislative bill does not provide how the revenue districts in the United States shall be arranged. That is a matter of Executive order. We have provided for a sufficient number of revenue districts. It is for the administrative department of the Government to so arrange these districts as to collect the revenues. When the President discontinued the four revenue districts in October, 1912, he did not inquire what districts were not needed in the interest of the public service, but the sole question that confronted him was, what districts could best be dispensed with without political embarrassment.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MOORE of Pennsylvania. Of what earthly use to California will these revenue collectors be, in view of the fact that the House has just voted to keep all of the wine manufactured in California within the limits of the State, the gentleman from California having voted that way?

Mr. FOSTER. Oh, they can send the wine to Philadelphia.

Mr. JOHNSON of South Carolina. Mr. Speaker, we have provided ample money for the collection of the internal revenue. The district in the State that I have the honor in part to represent was discontinued at the same time.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. RAKER. Is it not a fact that under the law as it existed before the amendment on the legislative, executive, and judicial appropriation bill for 1912 the President had absolute power and discretion, whenever he saw a district was unnecessary, to consolidate it with some other district. If that is the case, why the necessity for putting the limit upon this bill, to curtail?

Mr. JOHNSON of South Carolina. Because he had not, in the judgment of the committee, exercised the power that he had and ought to have exercised, and we put a provision in the bill that would force him to reduce the number of internal-revenue districts. Mr. Speaker, I demand the previous question.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. FARR. Mr. Speaker, I desire to ask the chairman if the President abolished the districts that the committee intended he should abolish?

Mr. JOHNSON of South Carolina. Mr. Speaker, our information is that the President never inquired at the Treasury Department what districts ought to be abolished, but that he abolished those that could be abolished without political embarrassment.

Mr. FARR. Mr. Speaker, I would like to be heard upon this question.

The SPEAKER. The gentleman from South Carolina has the floor.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. FARR. Three or four minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman five minutes.

Mr. FARR. Mr. Speaker, the chairman of the committee states, if I properly understood the gentleman, that the President did not abolish the four internal-revenue districts that the committee intended the President should abolish. I want to ask the chairman of the committee and the gentlemen of this House, inasmuch as the President discontinued the districts not intended to be eliminated, why they were not willing to write this bill so as to restore the four districts; one in California, one in the gentleman's district, one in Texas, and the other in Pennsylvania? Every one of them is needed for the good of the service. Their abolishment is a loss to the Government, an inconvenience to the people, and it is the duty of this House to reestablish them. I want to say to the chairman of that committee and to this House that I believe the district in Pennsylvania was abolished by the President for political reasons, because it was Roosevelt territory.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman will suspend. Evidently there is a quorum present, and the gentleman from Pennsylvania will proceed.

Mr. FARR. He abolished the district because of the strong Roosevelt tendency there.

Mr. BUTLER. Mr. Speaker, I do not think the gentleman ought to say that.

Mr. FARR. I say that without fear of successful contradiction. Four other districts were discontinued by order of the President. That order was recalled and rescinded and the four districts mentioned above, including the twelfth in Pennsylvania, were abolished and merged into other districts. The people of my district, with headquarters at Scranton, Pa., were given no opportunity for a hearing or a chance to file a protest against the injury that was to be dealt them. A telegram was sent to the revenue collector on Sunday night, September 29, 1912, that the district was to be abolished the next day, when it was merged into the ninth Pennsylvania district, to the great disadvantage of my constituents.

Mr. BUTLER. I do not think the gentleman ought to say that about the President of the United States.

Mr. FARR. I say that it is my belief that the President of the United States struck at the district in the State of Pennsylvania because of the fact that it would not yield him any political strength, and I make that statement as regards the State of Texas, as regards the State of South Carolina, and as regards the State of California. I want to say to this House that it is our duty to restore those four districts.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. FARR. Certainly.

Mr. OLMSTED. While I do not agree with the gentleman in his statement as to the reason why his district was one of the four cut out, I do agree that that district, which was one of the largest and most important, ought not to have been abolished or consolidated with another. It ought to be restored. The Senate amendment, putting the total number of districts back to 67 instead of 63, ought to be agreed to by the House.

Mr. FARR. The revenues in that district amounted to two and one-half million dollars a year, and within five years they increased $818,000. The district comprised some 20 counties with a population of 1,300,000, and I submit these facts to the House to show the importance of that revenue district.

Mr. GUDGER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GUDGER. The only question before the House is, Shall we refer this matter to the conferees? The gentleman is discussing questions as to what ought to be done after it is referred.

The SPEAKER. The point of order is well taken.

Mr. FARR. Mr. Speaker, what is the point of order?

The SPEAKER. The point of order is made by the gentleman from North Carolina that the only proper thing to discuss is whether this bill ought to go to the conferees.

Mr. FARR. Mr. Speaker, I rise to a parliamentary question. The other gentlemen have been permitted to discuss this question, and I was given five minutes——

The SPEAKER. But nobody made a point of order. It is not the business of the Chair to raise the point of order.

Mr. SABATH. Mr. Speaker, I ask unanimous consent that the gentleman may be allowed to proceed for five minutes.

Mr. HAMLIN. I object.

The SPEAKER. Objection is made; the time of the gentleman has expired, and the question is on ordering the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from South Carolina.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McClintock, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. DIXON, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that the naval appropriation bill (H. R. 28812), with Senate amendments numbered, may be printed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print the naval appropriation bill with Senate amendments numbered.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to call the attention of the gentleman to a matter in connection with the naval appropriation bill. On page 49 of the bill as reported to the House is a paragraph under the head of "Maintenance, Quartermaster's Department, Marine Corps" and under a subhead "Provisions, Marine Corps." That paragraph was stricken out on a point of order made by me. Subsequently the gentleman from Tennessee [Mr. PADGETT] offered an amendment which would include, on page 49 of the original bill, from line 3 down to the word "Army," in line 15. To that amendment I made another point of order, and the Chair sustained it. Thereupon the gentleman from Tennessee offered a third amendment to include that portion of the original paragraph beginning with line 3 down to the sum named in line 12. When the bill went from the reading clerk's desk to the engrossing room it did not show that the item had been stricken out on the point of order at all. It did show that a portion of that item was stricken out, but not all that was stricken out. It shows as though it had been an original proposition and a portion of the matter that was stricken out. Of course that was one of the errors to which I did not refer the other day, caused by the pressure of business which our economical friends on the other side of the House attempt to put upon the clerks at the desk by making them do more work than human endurance can sustain, so errors creep in.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. Not at present. This bill was erroneously engrossed through no fault of the engrossing clerk and sent to the Senate. The Senate has sent over an amendment to insert the same matter as a new item without striking out what is already in the bill. In the engrossed copy there follows after the figures "$890,000" the words—

No law shall be construed to entitle enlisted men on shore duty to any rations or commutation therefor other than such as are now and may hereafter be allowed enlisted men in the Army.

The Senate, without striking out that language, which possibly they intended to, and which was erroneously sent from the Clerk's desk to the engrossing room, insert another amendment between that language and the sum and wind up by repeating this language, and, for fear the conferees would not notice it, I call the attention of the gentleman from Tennessee to the matter. I note also in these Senate amendments nearly every item which went out while the bill was in progress through the House has been reinserted by the Senate. The conferees who will be appointed on the part of the House having already by their report of the bill in the first instance indicated their desire to see these provisions go into the law, one can readily imagine that they are agreed to in fact. I will say to the gentleman from Tennessee of course in the closing hours of a short session of Congress, when the gentleman has the right to move to suspend the rules and send a bill to conference, and when that right will be exercised, if one even demands a separate vote upon a Senate amendment, you can not stop this procedure; but at the long session of Congress, when the right to suspend the rules does not exist during the last six days of the session, because the last six days of the session are not determined until usually a few hours before the session ends, the gentleman will not meet the same acquiescence at the next regular session of Congress in reference to these provisions in the naval bill which he meets now, because then we will have an opportunity to insist upon the consideration of these things in the House or in Committee of the Whole House on the state of the Union.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. I do.

Mr. RODDENBERY. If the naval bill had been engrossed and read from the Speaker's table prior to its transmission to the Senate, would that not have given the gentleman from Illinois [Mr. MANN] an opportunity to have discovered if there existed the very inaccuracy and error he now points out?

Mr. MANN. It would theoretically have given me an opportunity to discover it, but it would not in fact have given me an opportunity to discover it, because I could not have told from the reading of the engrossed copy of the bill from the Clerk's desk whether this item was in or out, not remembering every word in the bill. I remembered enough about it, however, to find it out.

Mr. RODDENBERY. The gentleman remembers the reading of the engrossed bill was dispensed with by an overwhelming vote the other day, does he not?

Mr. MANN. I do not remember, but I have no doubt it was. I have no doubt I voted for it.

Mr. TRIBBLE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. TRIBBLE. Does the gentleman mean to say, as to the points of order that were made against the bill on the floor of the House and sustained as being legislation, that that legislation has been reinserted by the Senate, and that the conferees will agree to that legislation on the appropriation bill, and that we will finally pass measures that were put out on points of order on the floor of the House?

Mr. MANN. In the main that is correct.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ROBERTS of Massachusetts. I understood the gentleman to say that in the next Congress, in the long session, he will not acquiesce in certain procedure with regard to the naval bill as to certain things to which he is now giving tacit assent. Does he intend to announce that that is the only bill that will meet with objection?

Mr. MANN. No; not at all. I make no differentiation in regard to the bills.

Mr. PADGETT. I renew my request for unanimous consent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to all of the Senate amendments, and agree to the conference asked by the Senate.

Mr. ROBERTS of Massachusetts. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee if he can and will give assurance to the House that there will be another opportunity afforded the House for a record vote on the number of battleships to be carried in the bill before the conferees come to a final agreement with the Senate, in case it should be one battleship?

Mr. PADGETT. If the House desires a separate vote.

Mr. MANN. I think before the gentleman gives any assurance of that he ought to take into consideration the time of this session. There would be an opportunity now, if any gentleman desires, to instruct the conferees, if this can be put in form so it could be done, this (Saturday) afternoon. I take it the House will be in session from now on much of the time, with recesses between, until Tuesday next. I doubt whether there will be many times when there will be as large a membership here as there is this afternoon. If the gentleman desires a vote, the vote might be called some time Sunday when it would be inconvenient to have a point of no quorum made, or Sunday night, when it would be very inconsiderate to have a vote without having all the Members here. Why can not the gentleman fix it and have the vote now?

Mr. ROBERTS of Massachusetts. I will ask the gentleman from Tennessee [Mr. PADGETT] if he will agree to a vote now on the Senate amendment with regard to battleships before trying to put his bill into conference?

Mr. PADGETT. No; I think it ought to go to a conference; and then, before the conferees are announced, will be the proper time for that motion, and it can then be made.

Mr. MANN. But the gentleman has asked unanimous consent——

Mr. PADGETT. I say, so far as I am concerned, I am perfectly willing that the vote shall be taken in the House now on the battleship question, after it is ordered to conference.

Mr. HENSLEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee [Mr. PADGETT] yield to the gentleman from Missouri [Mr. HENSLEY]?

Mr. PADGETT. Yes, sir.

Mr. HENSLEY. Does not the chairman of the Committee on Naval Affairs regard the vote taken on the proposition only a few days ago a virtual instruction to the conferees?

Mr. PADGETT. I would, unless they gave me later instructions; and they have a right under the rules to demand a vote on that amendment if it is desired.

Mr. HENSLEY. Do I understand you are asking that another vote be taken upon that proposition?

Mr. PADGETT. I am not asking it. I said if it was demanded it could be taken.

Mr. MANN. If the gentleman from Missouri will yield, the House decided the other day on one battleship. The Senate has voted for two battleships, and, under the practice between the two Houses, it is not at all probable that the Senate will recede in conference from the two battleships unless the House has another vote on the question of two battleships; and whichever way the House votes, that will settle the question, in my judgment.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent——

Mr. RODDENBERY. Reserving the right to object, Mr. Speaker, I would like to inquire of the chairman of the Committee on Naval Affairs, in round numbers, what was the amount of the naval appropriation bill as it passed the House?

Mr. PADGETT. One hundred and thirty-eight millions.

Mr. RODDENBERY. In round numbers, what is the amount of the bill as it comes back from the Senate?

Mr. PADGETT. I have not had opportunity to add it up, but my understanding from the newspapers is that it carries between $148,000,000 and $150,000,000.

Mr. RODDENBERY. In other words, the bill comes back increased between ten and twelve million dollars?

Mr. PADGETT. Something like that.

Mr. RODDENBERY. And what is involved between the two Houses is whether we will get rid of all or a part of that $12,000,000 extra?

Mr. PADGETT. Yes, sir.

Mr. HOBSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOBSON. Would a vote to instruct to concur in a Senate amendment be in order before the unanimous consent is granted?

The SPEAKER. No; it would have to be after.

Mr. HOBSON. Immediately after and before the conferees are named?

The SPEAKER. That seems to be the practice.

Mr. HOBSON. I ask to be recognized for that purpose.

Mr. MANN. Mr. Speaker, I ask that the gentleman from Tennessee will agree to modify his request to disagree to all the Senate amendments except the one that strikes out "one" and inserts "two" before the word "battleship," and have a separate vote on that in the House.

Mr. PADGETT. Personally I have no objection. I want to expedite the business.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I would suggest to the gentleman that it may save suspension of the rules to get into conference, and save some time.

Mr. PADGETT. I am willing to modify my request, Mr. Speaker, to that effect.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to take the naval appropriation bill from the Speaker's table and disagree to all the Senate amendments, except the two-battleship proposition, and ask for a conference.

Mr. SISSON. Now, Mr. Speaker, reserving the right to object——

Mr. HEFLIN. Mr. Speaker, I object.

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, reserving the right to object, what was the statement of the gentleman? Did he desire to concur in the amendment for two battleships?

Mr. PADGETT. No; I simply asked to have a vote on that.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to take the naval appropriation bill from the Speaker's table, to disagree to all the Senate amendments except the two-battleship proposition, and agree to a conference.

Mr. ROBERTS of Massachusetts. And have a separate vote as to the battleship proposition.

The SPEAKER. If any gentleman wants to instruct them as to that, he can offer a motion to do it. Is there objection?

Mr. SISSON. I reserve the right to object. I want to ask the gentleman from Tennessee a question. This matter has been settled once in the House. It was debated for quite a number of days, first and last, and the House at that time, when notice was given and everybody understood practically that the battleship question was on, was full, and Members were here to vote. Now, on this evening does it not seem to the gentleman from Tennessee that you might possibly take some gentlemen by surprise who are opposed to two battleships?

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SISSON. I do.

Mr. MANN. There is no way of preventing a vote, either in this way or by instruction. I voted for one battleship. As a matter of fact, at this time on Saturday afternoon there is likely to be a larger vote than at any other time during the session.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Yes.

Mr. TRIBBLE. Is it not quite possible that the conferees can not agree, and that they will be back here for another vote anyway?

Mr. MANN. My own judgment is that if the House expresses itself now in favor of one battleship, as I think it is likely to do, the conferees will come to an agreement upon one battleship. Of course if the House at any time declines to agree to the conference report it still has the power to reject it.

Mr. FOSS. Mr. Speaker, I wish to say that I do not think the House is in a condition to pass its judgment upon this battleship proposition at the present time. This bill has not yet been printed with the Senate amendments numbered. The proposition of two battleships affects several paragraphs in this bill, and I think the chairman of the Committee on Naval Affairs has not been able—I know I have not been able—to get a copy of the bill in its accurate and correct form.

Mr. MANN. I will loan my copy to the gentleman.

Mr. FOSS. And the Members of the House are not able to get it. Now, there is no question in my mind but what there will be opportunity for the House to pass upon the question of the number of battleships. The Senate are very insistent upon their provisions, and I presume that this bill will follow the same course which it followed a year ago, when it came back into the House with one amendment in disagreement, or possibly two, namely, the battleship proposition. At that time I made a motion to concur in the Senate provision for two battleships. I trust that this bill may go to conference now without any vote on the battleship proposition at this time, because I do not think the bill is in that shape where we can intelligently pass upon this proposition.

Mr. SISSON. Mr. Speaker, I have reserved the right to object. I agree thoroughly with the gentleman from Illinois [Mr. Foss], because so many amendments have been added to this bill, as I am informed by the gentleman from Tennessee [Mr. PADGETT], that even the members of the committee do not know exactly what is in the bill, and, of course, Members of the House do not.

Mr. FOSS. We have not had an opportunity to examine all the amendments.

Mr. SISSON. So I believe the only wise thing for the House to do now is to let this bill go to conference, as the gentleman from Tennessee [Mr. PADGETT] originally requested. [Applause.] I shall make no objection to that, but I think the House would act unwisely at this time if it attempted to take any vote on the battleship proposition, because the Members do not know how voting the battleships in or out might affect the balance of the bill.

Mr. PADGETT. Mr. Speaker, I renew my request, and I hope it will be agreed to—that we disagree to all the Senate amendments and let the bill go to conference.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to take the naval appropriation bill from the Speaker's table, disagree to all the Senate amendments, and agree to the conference asked by the Senate.

Mr. TALBOTT of Maryland. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TALBOTT of Maryland. Of course this will not preclude a motion to concur in the Senate amendment for two battleships when it comes back in disagreement?

The SPEAKER. The Chair does not understand the gentleman.

Mr. TALBOTT of Maryland. Of course, the unanimous consent of the House to send this bill to conference will not preclude the advocates of two battleships from moving to concur in the Senate amendments when that proposition is reported back to the House in disagreement? The House will still have the right to concur in that amendment?

Mr. CALDER. Provided the Senate does not recede.

Mr. TALBOTT of Maryland. If the Senate recedes, that is another thing.

The SPEAKER. That depends on how it comes back here. If the conferees come back with a complete agreement, then you have got to accept the conference report, or reject it as a whole.

Mr. TALBOTT of Maryland. Suppose they come back with an agreement as to all of the bill except the battleships. Then a motion would be in order to concur in the Senate amendment for two battleships, would it not?

The SPEAKER. Certainly.

Mr. TALBOTT of Maryland. I do not want to lose any rights we have.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection; and the Speaker announced as conferees on the part of the House Mr. PADGETT, Mr. GREGG of Texas, and Mr. Foss.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I present a conference report, being a partial agreement on the Post Office appropriation bill (H. R. 27148), and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee presents a conference report on the Post Office appropriation bill and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement of the House conferees was read.

The conference report and statement of the House conferees are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 10, 17, 19, 20, 23, 27, 28, 29, 40, 41, 42, 43, 44, 45, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 22, 24, 35, 36, 38, 39, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, and 64, and agree to the same.

The conference committee has come to no agreement on amendments numbered 25 and 26.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out the amount "$500,000" and insert in lieu thereof "$475,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the word "thirty-two" and insert in lieu thereof the words "three hundred and thirty-four"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "three hundred and four" and insert in lieu thereof "thirteen hundred and ninety"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the words "fifteen hundred and twenty-seven" and insert "four hundred and two"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the words "eleven hundred and sixty-eight" and insert "two thousand seven hundred and eighty-eight"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the words "four thousand two hundred and one" and insert "two thousand three hundred and eighteen"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the figures "$24,755,850" and insert in lieu thereof "$24,969,990"; and the Senate agree to the same.

JOHN A. MOON,
DAVID E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

JONATHAN BOURNE,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 64 amendments to the bill, 21 of which involved an increase of $3,812,811 and 5 of which a decrease of $690,150, or a net increase of $3,122,661. The bill as passed by the House carried $280,662,781; the bill as agreed upon by the conferees carries $282,888,081.

Amendment No. 1: This amendment strikes out the proviso authorizing 30 inspectors to be placed under the order of the Fourth Assistant Postmaster General. House agrees.

Amendments Nos. 2, 3, 4, and 5: These amendments relate to traveling expenses of inspectors, changing same from a per diem to an actual-expense basis and increasing the appropriation $87,134, to take care of increasing the maximum allowance for such purposes from $3 to $4. Senate recedes.

Amendment No. 6: This amendment strikes out the proviso prohibiting inspectors from receiving a per diem allowance when making selection and recommendations for the appointment of fourth-class postmasters. House agrees.

Amendment No. 7: This amendment makes more definite the language of the paragraph. House agrees.

Amendment No. 8: This amendment increases the appropriation $10,000 for livery hire incurred by inspectors. House agrees.

Amendment No. 9: This amendment increases the appropriation $7,500 for payment of rewards for the detection, etc., of post-office burglars, etc. House agrees.

Amendment No. 10: This amendment increases appropriation for the Postal Savings System for blank books, forms, etc., $49,000. Senate recedes.

Amendment No. 11: This amendment increases the appropriation for the Postal Savings System for miscellaneous items $2,500. House agrees.

Amendment No. 12: This amendment strikes out the provision eliminating the receipts from the sale of parcel-post stamps in the computation of salaries of first-class postmasters. House agrees.

Amendment No. 13: This amendment is a consolidation of the two items for compensation to clerks in charge of contract stations, decreasing the appropriation $170,000. House agrees.

Amendment No. 14: This amendment increases the appropriation for compensation to substitutes for clerks and employees at first and second class post offices on vacation $25,000. House agrees.

Amendment No. 15: This amendment reduces the appropriation for rent, light, and fuel $200,000. House agrees.

Amendment No. 16: This amendment increases the appropriation for miscellaneous items necessary and incidental to post offices of the first and second class $25,000. House agrees.

Amendment No. 17: This amendment decreases the amount for the pay of letter carriers and substitute letter carriers $200,000. Senate recedes.

Amendment No. 18: This amendment strikes out the House paragraph and provides a rate of 40 cents an hour for substitute letter carriers in the City Delivery Service and substitute post-

office clerks employed in first and second class post offices when working for a carrier or clerk absent without pay. House agrees.

Amendment No. 19: This amendment increases the appropriation for pay of substitutes for letter carriers absent with pay $215,000 and makes not exceeding $300,000 of the appropriation immediately available. Senate recedes.

Amendment No. 20: This amendment increases the appropriation for horse-hire allowance, etc., $300,000. Senate recedes.

Amendment No. 21: This amendment increases the appropriation $50,000 for car fare and bicycle allowance. House agrees with an amendment.

Amendment No. 22: This amendment enables the department to receive compensation for return of old time recorders. House agrees.

Amendment No. 23: This amendment decreases the appropriation for experimental village delivery service $50,000. Senate recedes.

Amendment No. 24: This amendment increases the appropriation for inland transportation by steamboat $35,000. House agrees.

Amendment No. 25: This amendment continues the personnel of the membership of committees and commissions created in the Post Office appropriation act approved August 24, 1912. No agreement.

Amendment No. 26: This amendment increases the appropriation for inland transportation by railroad routes $2,500,000; fixes the rate of pay for special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., not to exceed $20,000; authorizes a weighing of mails on account of the increased weight resulting from establishment of parcel post; this discontinues the transportation of second-class mail matter in fast freight trains. No agreement.

Amendments Nos. 27, 28, and 29: These amendments increase the salaries of 15 division superintendents, 4 assistant superintendents, and 15 assistant division superintendents $500, $300, and $500, respectively. Senate recedes.

Amendments Nos. 30, 31, 32, 33, and 34: These amendments change the number of clerks in grades indicated to conform with the department's estimate. House agrees with amendments.

Amendments Nos. 35 and 36: These amendments provide for an increase of 400 railway postal clerks in grades 1 and 2. The House agrees.

Amendment No. 37: This amendment reduces the appropriation for the Railway Mail Service $70,150 and limits the aggregate appropriation to be expended for that service to $24,969,990. House agrees with an amendment.

Amendment No. 38: This amendment authorizes the Postmaster General to make necessary appointments and promotions in the Railway Mail Service. House agrees.

Amendment No. 39: This amendment allows any railway postal clerk not entitled to annual leave under other provision of law leave of absence with pay for a period not exceeding 30 days, his duties to be performed without expense to the Government during the period for which leave is granted, or to provide a substitute at his own expense. House agrees.

Amendment No. 40: This amendment authorizes Postmaster General to rent quarters at terminal stations, to pay rental for post-office cars standing at terminal stations, and increases the appropriation for rent, light, fuel, etc., to carry out the purpose of the amendment $200,000. Senate recedes.

Amendments Nos. 41, 42, 43, 44, and 45: These amendments relate to the traveling expenses of four assistant superintendents, limiting the per diem allowance covering actual expenses to $4, and increasing the appropriation $1,277. Senate recedes.

Amendment No. 46: This amendment increases the appropriation for inland transportation of the mail by electric and cable cars $47,490. House agrees.

Amendments Nos. 47, 48, 49, 50, and 51: These amendments are for the purpose of perfecting the language of the paragraph and correcting grammatical errors. House agrees.

Amendment No. 52: This amendment is for the purpose of making the proviso permanent law. House agrees.

Amendment No. 53: This amendment relates to the manufacture of adhesive postage stamps, etc., and increases the appropriation $22,000. House agrees.

Amendment No. 54: This amendment relates to manufacture of stamped envelopes and increases appropriation $164,000. House agrees.

Amendment No. 55: This amendment relates to the pay of agents and assistants to examine and distribute stamped envelopes, the supervision and manufacture of official envelopes being under the Bureau of the Fourth Assistant. House agrees.

Amendment No. 56: This amendment relates to the manufacture of postal cards and increases the appropriation $55,000. House agrees.

Amendment No. 57: This amendment is consolidation of the two items for payment of limited indemnity for the loss of domestic and international registered articles and increasing the appropriation $20,000. Senate recedes.

Amendment No. 58: This amendment relates to blank books, printed matter, etc., increasing the appropriation $2,000. House agrees.

Amendment No. 59: This amendment perfects the language of the paragraph. House agrees.

Amendments Nos. 60 and 61: These amendments are merely for the purpose of making the language of the paragraphs conform to that of the previous law. House agrees.

Amendments Nos. 62 and 63: These amendments relate to the shipment of supplies and are for the purpose of correcting a clerical error and increasing the appropriation $15,000, to accord with the correction made. House agrees.

Amendment No. 64: This amendment is for the purpose of continuing the availability of the $500,000 appropriated in the last Post Office appropriation act for experimental purposes in connection with the improvement of highways. House agrees.

JOHN A. MOON,
DAVID E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House agree to the conference report; that it concur in Senate amendment 25, and further insist on its disagreement to Senate amendment 26 and ask for a conference.

Mr. MURDOCK. Mr. Speaker, I ask that the motion to concur and disagree be put separately.

Mr. MANN. The gentleman can only make a motion to adopt the conference report.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. The gentleman from Tennessee has stated three motions together. The motion is to adopt the conference report.

Mr. CALLAWAY. Mr. Speaker, I want to ask the gentleman a question. Under amendment 25 I understand the motion is to concur in that amendment.

Mr. MOON of Tennessee. The motion was made that way, but I take it that the Speaker will put the motion separately.

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman from Tennessee whether there is anything in this report about the increase or decrease of second-class postage?

Mr. MOON of Tennessee. No, sir.

Mr. LLOYD. Mr. Speaker, I did not hear all of the conference report read. What was the disposition of amendment 25?

Mr. MOON of Tennessee. There was no agreement.

Mr. LLOYD. The gentleman proposes to submit to the House the question whether it will agree to Senate amendment 25?

Mr. MOON of Tennessee. Certainly. Amendments 25 and 26 are not involved in the motion to agree to the conference report.

The SPEAKER. The Chair will state that the Senate amendments 25 and 26 are not involved in this motion of the gentleman from Tennessee to agree to the conference report.

Mr. HARDWICK. Mr. Speaker, I would like to ask the gentleman a question. There has been a good deal of controversy about whether the railway mail clerks and employees were to get the advances in pay in accordance with what some of us thought was the intent of the act of Congress passed some years ago. Has that matter been disposed of in this bill?

Mr. MOON of Tennessee. The House provision on that subject was very clear in providing for a promotion and increased pay according to the construction of the act by the House. The Senate has receded on every single proposition.

Mr. HARDWICK. On the proposition as it now stands the low-grade employees will get the increase?

Mr. MOON of Tennessee. They will.

Mr. COX. Mr. Speaker, I would like to ask the gentleman if amendment 25 be adopted it will continue these commissions?

The SPEAKER. The Chair will state again, as he has already stated, amendments 25 and 26 are not involved in the motion of the gentleman from Tennessee. The motion of the gentleman from Tennessee is to agree to the conference report.

The question was taken, and the conference report was agreed to.

Mr. MOON of Tennessee. Now, Mr. Speaker, I move that the House concur in Senate amendment 25.

The SPEAKER. The gentleman from Tennessee moves that the House concur in Senate amendment numbered 25, which the Clerk will report.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices, $962,200 (25): *Provided*, That the personnel of the membership of the committees and commissions created and provided for in sections 1 and 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, shall continue with the same authorities, powers, and provisions for expenses until final report is made to Congress.

Mr. SISSON. Mr. Speaker, I would like to ask the gentleman from Tennessee the question I intended to ask prior to the vote on the conference report. I notice in the last appropriation bill that passed the House there were 10 commissioners or committee men on the Post Office and Post Roads Commission, 6 on the Parcel Post Commission, 6 on the Second-class Mail Matter Commission, and 4 on the pneumatic-tube matter. This bill proposes to continue these 26 committee men?

Mr. MOON of Tennessee. To continue the four committees, because they have not yet reported to Congress in accordance with the order of the House.

Mr. SISSON. How much has the personnel changed?

Mr. MOON of Tennessee. There are four commissions and four vacancies.

Mr. SISSON. I notice no provision is made for the payment of the commissioners or committee men—some portions of the act call them committee men and some joint commissioners.

Now, is it in the mind of the committee that these gentlemen who are soon to be retired from Congress will be paid a salary?

Mr. MOON of Tennessee. No; it is not the purpose that they are to be paid a salary. They could not be paid a salary under the law. There is no provision here for it, and they are not asking for a salary.

Mr. SISSON. I understand they could not be paid any under this act, but the gentleman knows the rule—that when a man has served on these committees or commissions without pay they have a way of getting it subsequently, as they attempted to for the California Exposition and the Buffalo Hygienic Congress, to get the United States to pay them.

Mr. MOON of Tennessee. Mr. Speaker, I know of no such rule. Of course we can not tell what the next Congress may do on the subject of pay if it is asked for it, but I want to say to the gentleman that these gentlemen are not anxious to retain the position here. I have talked with two of them about it, and they say they would be glad to continue in the service as members of this committee, but under no circumstances would they permit this Congress to pay them for it, because no other member would be paid.

Mr. SISSON. Mr. Speaker, if 4 members out of the 26 have gone out of Congress, what objection would there be to filling the vacancies on these various committees from the respective parties, so as to keep up the personnel in reference to the political parties as the commissions now exist?

Mr. MOON of Tennessee. Mr. Speaker, I have made this motion to concur in order that this matter may come before the House, and that the House may take just such action in respect to it as it desires to take. It is utterly immaterial to me whether it concurs or nonconcurs, but it looks to me like a part of common sense, if we continue the commissions at all, that we continue the personnel of the commissions, for the reason that these commissions have been at work and they have gathered much information of value. It so happens in this case that one or two of the gentlemen who go out have been the most active and valuable men connected with these commissions and possess more information than others. I do not think because a Member of the House happens to go out, after he has rendered a service on this commission, that the House ought to disarrange the work and action of the commission on that account, but it would better move along smoothly, as it has heretofore, and get the benefit of the experience and labor of these gentlemen.

Mr. SISSON. Mr. Speaker, I want to ask the gentleman this one question. Since the appointment of these committees, so far as the Senate is concerned, and I believe that so far as one of these committees is concerned, the political complexion of the Congress has changed. Does not the gentleman believe that it would be better if we are going to have these committees continued, that the power be in the next House or in the next Senate to appoint these committees or commissions, if they are necessary, in accordance with the political complexion of the two respective Houses?

Mr. MOON of Tennessee. Mr. Speaker, I will say to the gentleman from Mississippi that I do not look at public questions just exactly in that way. This is not a political question and ought not to be, and is not in any sense. It is not political with any well-balanced and orderly mind. [Laughter.] If these questions are to be decided according to the law and facts and the business interests of the country, it appears to me that the men who have in part performed the service and who are capable of performing the service, and who are willing without compensation to continue, ought to be continued as a matter of benefit to the Government of the United States.

It does not matter to me, and ought not to the gentleman, the snap of a finger whether some man who goes off is a Republican or a Democrat, if the work is being done well or properly. There is no political question involved, and if there was and the gentleman thinks the Democratic Party is going to be hurt by it, I suggest to him that we are going to have a majority in the next Senate, and a hundred in this House and they certainly have sense enough to take care of the interests of the Democratic Party.

Mr. SISSON. Mr. Speaker, I want to say this, that so far as I am personally concerned, I always believed that a man's mind is not in the least disordered when he thinks a good Democrat can do anything better than a good Republican.

Mr. MOON of Tennessee. I have seen it happen both ways.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Speaker, I offer the following preferential motion, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend Senate amendment 25 by adding at the end thereof the following:

"Which shall be made on or before March 4, 1914."

Mr. COX. Mr. Speaker, I move to concur with that amendment, which I submit.

Mr. CALLAWAY. Mr. Speaker, will the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman from Texas.

Mr. CALLAWAY. Mr. Speaker, I see in amendment 25 that the personnel of the membership of those committees is continued as it is now, and I understand that four of those go out of this Congress.

Mr. MOON of Tennessee. Yes; that has all been stated on the floor two or three times.

Mr. CALLAWAY. I understand from the gentleman from Tennessee that there is no provision to pay these people any salary for continuing on this work.

Mr. MOON of Tennessee. None whatever.

Mr. CALLAWAY. And I understand the gentleman to say that he wants these people continued on these commissions without any provision for salary at all.

Mr. MOON of Tennessee. I did not say that I wanted anything done at all. I said I presented the matter to the House for its judgment. My own opinion is that the amendment ought to be concurred in, and as a matter of law there is no salary carried with the service.

Mr. CALLAWAY. The gentleman wants them to continue?

Mr. MOON of Tennessee. I have no objection.

Mr. CALLAWAY. The gentleman would continue them without any salary?

Mr. MOON of Tennessee. Certainly.

Mr. CALLAWAY. Does the gentleman believe these men will continue their services without any compensation?

A MEMBER. If they do not, they will resign.

Mr. MOON of Tennessee. I have had expression from two of them, who will continue the work provided no salary comes to them, and they would not touch it with a salary.

Mr. CALLAWAY. Does the gentleman think this House ought to pass a law here continuing the personnel of that commission without any salary?

Mr. MOON of Tennessee. The other members do not get a salary; nobody gets a salary connected with it.

Mr. CALLAWAY. I know they do not; but they are in the public service as Congressmen, drawing their salaries as Representatives of the people, and when put on this commission they are expected to serve without a salary or anything except their expenses.

Mr. MOON of Tennessee. It is a very simple proposition. If they do not want to serve without a salary they can resign. That power is vested here now. I want to say further, as a reason for a continuation of this, that they have in part performed this service. They are familiar with what has been done and what ought to be done and with all the papers in connection with this work, and to break up this commission and put new men in means to start fresh.

Mr. CALLAWAY. If they have performed this service in part by collecting data, and so forth, that data is a matter of record and can be come-at-able by any other men put on the commission, would it not?

Mr. MOON of Tennessee. Yes; Euclid is come-at-able to any man who gets his hands on it, but it does not mean he understands it.

Mr. MANN. Will the gentleman permit a question? Does the gentleman have any objection to the amendment offered by the gentleman from Indiana [Mr. Cox]?

Mr. MOON of Tennessee. No; I have no objection to that amendment.

The SPEAKER. The question is on the motion made by the gentleman from Indiana [Mr. Cox] to concur with an amendment.

The question was taken and the motion was agreed to.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment No. 26 and ask for a conference.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Indiana having offered an amendment to the Senate amendment, was that amendment just agreed to or was the Senate amendment agreed to?

Mr. MOON of Tennessee. I understood the Chair to announce the amendment was agreed to as amended.

The SPEAKER. The motion of the gentleman from Indiana was to concur with an amendment, and the Chair so declared. Now, the gentleman from Tennessee will state his motion over again.

Mr. MOON of Tennessee. That the House further insist on its disagreement to Senate amendment No. 26 and ask for a further conference.

The SPEAKER. The gentleman from Tennessee moves that the House insist upon its disagreement to Senate amendment No. 26 and ask for a further conference.

Mr. MURDOCK. Mr. Speaker, I desire to offer a preferential motion. I move that the House recede from its disagreement to Senate amendment No. 26 and concur in the same with an amendment as follows: Strike out the following words in Senate amendment No. 26:

Provided further, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes, for not less than 30 successive working days, and to readjust compensation from the date of the commencement of said weighing at not exceeding the rates provided by law: *Provided further*, That from the commencement of said weighing the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued, and thereafter said mail shall be carried in the regular mail trains and compensation allowed therefor, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8575. An act to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The Clerk will report Senate amendment No. 26 and then report the amendment offered by the gentleman from Kansas.

The Clerk read as follows:

Provided, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *But provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building, and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $20,000: *Provided further*, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes, for not less than 30 successive working days, and to readjust compensation from the date of the commencement of said weighing at not exceeding the rates provided by law: *Provided further*, That from the commencement of said weighing the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued, and thereafter said mail shall be carried in the regular mail trains and compensation allowed therefor, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

The SPEAKER. Now, the Clerk will report the amendment of the gentleman from Kansas [Mr. MURDOCK].

The Clerk read as follows:

Strike out the following words in Senate amendment No. 26:

"*Provided further*, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes for not less than 30 successive working days and to readjust compensation from the date of the commencement of said weighing at not exceeding the rates provided by law: *Provided further*, That from the commencement of said weighing the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued, and thereafter said mail shall be carried in the regular mail trains and compensation allowed therefor, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system."

Mr. ANDERSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ANDERSON. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. The proposal of the gentleman from Kansas is to strike out two substantive propositions. Is it in order to demand a division of that question?

The SPEAKER. It is not on the question of striking out two substantive propositions; it is a question of whether the amendment itself contains more than one substantive proposition.

Mr. MURDOCK. Mr. Speaker, Senate amendment numbered 26 to the House bill provides several things.

First, it makes the ordinary appropriation of a lump sum for transportation of mail by railroad routes. Then comes the first proviso in the paragraph, one relating to a reduction in the compensation made to the St. Louis Terminal Co. for the transportation of mail across the bridge at St. Louis, a matter of frequent controversy, but which just now is comparatively a minor matter.

Mr. MOON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOON of Tennessee. Is the gentleman from Kansas [Mr. MURDOCK] entitled to the floor? I have not yielded it.

The SPEAKER. Of course the gentleman from Tennessee [Mr. MOON] is entitled to the floor, and can yield as much time as he wishes.

Mr. MURDOCK. Of course the gentleman from Tennessee is entitled to the floor.

Mr. MOON of Tennessee. How much time does the gentleman from Kansas [Mr. MURDOCK] wish?

Mr. MURDOCK. About 10 minutes.

Mr. MOON of Tennessee. I think we can stand the gentleman for 10 minutes.

Mr. MURDOCK. All right; I hope the gentleman can.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized for 10 minutes.

Mr. MURDOCK. The second proposition in this amendment is a very important one. It proposes a special weighing of the mails throughout the entire country. The third proposition in this amendment is one which seeks to return to the regular mail service second-class matter which has been recently taken out of the regular mail service and dispatched, with economy, by fast freight. Now, the item in toto involves an increased expenditure to the Government of $9,857,000.

Mr. MOON of Tennessee. May I ask the gentleman to explain it?

Mr. MURDOCK. The gentleman has given me only 10 minutes.

Mr. MOON of Tennessee. I will give the gentleman more time on that.

Mr. MURDOCK. Now, if the gentleman will, and does not shut me off, I will explain. That expenditure is divided as follows: The increase to the Government by reason of the increased weights found in a special weighing of the regular mail, and not parcel-post mail, will be annually $3,361,000. The increase by reason of increased weight due to the addition of parcel post to the mail system will be $4,011,000. The increase in expenditure through abandoning the blue-tag system and taking certain second-class mail matter out of fast freights and putting it back in the regular mail system will be $1,485,000.

Mr. WEEKS. Will the gentleman yield?

Mr. MURDOCK. I will not yield at this time. Let me complete this proposition.

The cost of the special weighing itself will be $500,000. Now, I want to say to the House I fully appreciate there is an added burden upon the railroads by reason of the adoption of a parcel-post system. The weights are heavier because of that; but there is no reason under heaven why Congress should grant increased pay to the railroads on classes of mail matter other than parcel post. And I make that statement with the following idea in mind: This country, for the weighing of the mails, is divided into four different sections. New England is one section; the South is another; west of the Mississippi is another; and the Central States compose the fourth. The mails are weighed in one of these four sections once every four years. The original rate of pay to the railroads was based on the proposition that these weighings in the sections were to be quadrennial; that there would be an increase in the weight of mail during the passage of four years after the weighing in each one of these sections. Now, the proposition of this Senate amendment is to depart from the old system of the quadrennial weighing without changing the basis of pay to the railroads, and to have an annual weighing for the whole country.

Mr. MOON of Tennessee. Will the gentleman yield?

Mr. MURDOCK. I yield to the gentleman.

Mr. MOON of Tennessee. I understand the gentleman does not agree to this amendment?

Mr. MURDOCK. Certainly not. I do not agree to it in toto. I agree to a part of it.

Mr. MOON of Tennessee. I do not agree to it either. I do not see that there is any dispute between us.

Mr. MURDOCK. I want to get this House on record on this proposition. The gentleman from Tennessee knows that at this late hour in the session, after this bill has gone again to conference and has come again here in the rush of business it will be impossible to get a separate vote on this proposition.

Mr. MOON of Tennessee. Let me ask the gentleman further. The gentleman concedes he opposes this amendment. The three House conferees are in opposition to it. Do you want to tie the hands of the conferees by instructions, and keep us continually passing over here to the Senate on the question?

Mr. MURDOCK. Not at all, but I want the House to have a separate vote on this proposition. It is of major importance. The amount involved in this paragraph is considerably more than the cost of a battleship. We have a commission at present investigating this matter of railway mail pay. Why start in now, why come in at this point with an absolute change of system, involving an increased expenditure on the part of the Government of millions of dollars?

I desire to say to the gentleman that if the Government is to abandon the quadrennial weighing of the mails as a basis for the pay, then there should be material changes in the rate of pay, and it should not come piecemeal. The Government should not be foreclosed its rights in the premises, and we ought not to change one part of the system, namely, the matter of weight, without changing the other part of the system, which is the matter of rate of pay.

Now I want to yield to the gentleman from Massachusetts [Mr. WEEKS], whom I took off the floor, I fear, rather unfairly.

Mr. WEEKS. What I wish to ask of the gentleman from Kansas is how accurate his figures are, and where he gets them?

Mr. MURDOCK. I understand they were given to the Senate by the Post Office Department.

Mr. WEEKS. Of course they are estimates at best.

Mr. MURDOCK. Oh, they are absolutely estimates. But I want to ask the gentleman from Massachusetts, Why can we not ascertain what the parcel post has added to the mails and increase the pay to the railroads on the basis of that ascertainment? Why increase the pay on regular mail matter?

Mr. WEEKS. Let me ask the gentleman from Kansas how he would do it?

Mr. MURDOCK. I would first have a weighing, and then increase the pay in proportion to the weight carried by respective railroads.

Mr. LEWIS. Mr. Speaker, may I ask a question of the gentleman from Massachusetts?

Mr. MURDOCK. Yes; I yield to the gentleman for that purpose.

Mr. LEWIS. The Post Office Department for statistical purposes will be taking the weight of all the parcels shipped. It will also be taking the zones to which they are destined. The zones and the weight together will give them an aggregate of the express parcel matter. From that the department can determine how much is owing to the railroads as a whole for this excess traffic. It can then agree to pay the railroads for this excess service, not letter rates, but express railway rates, which are less than one-half the rates paid for carrying letters.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. MURDOCK. Mr. Speaker, I will ask the gentleman from Tennessee [Mr. MOON] to yield to me five minutes more, and then I shall not encroach on his good nature further.

Mr. MANN rose.

Mr. MOON of Tennessee. All right. Mr. Speaker, I yield five minutes more to the gentleman from Kansas.

Mr. MURDOCK. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I want to ask the gentleman as to a question of procedure. This amendment is the only Senate amendment left in disagreement, is it not?

Mr. MURDOCK. I was not aware of that fact.

Mr. WEEKS. It is.

Mr. MANN. Oh, yes. Every amendment was disposed of except two in the conference report, and we have just agreed to the other one. That being the case, if the conference report comes back here it comes back squarely on that one amendment. Would it not be advisable to disagree to the Senate amendment and permit the bill to go to conference, so that if the conference committee does not report back an arrangement that is satisfactory to the gentleman, he can then make his fight?

Mr. MURDOCK. I am sorry to see the gentleman take that view. Here is an opportunity. There is no reason why we should not have action at the present time.

Mr. MANN. The gentleman has prepared an amendment, but I have not the slightest idea as to what it is.

Mr. MURDOCK. It is a simple amendment. It strikes out that part referring to the special weighing and the blue-tag provision, and otherwise it is the same as the original Senate amendment.

I want to say further that the trend of opinion in this country among many who understand the question or who are active in regard to it is, in my opinion, to get away from weight as the basis for the payment of the transportation of the mail, and to take up space as a basis.

Now, after long, long years of fraud, the graft has been boiled out of the weight proposition in the carriage of the mails. Within the last 5 years, and for the first time in 35 years, the weight basis has been honest. Before that it was dishonest. Now, the tendency is to get away from the tangible, visible element of weight as a basis of pay, and go into a thing like space as a basis, space used in the railroad cars for the carriage of mails, 10, 20, 30, 40, or 50 feet of space in a car.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. Just a moment. As soon as this special weighing proposition becomes a law, that moment, in my opinion, you will have the last weighing covering this country. And thereafter, by reason of the drift in this matter, we will pass from weight as a basis of pay entirely and go into the matter of space, with a resultant increase of expenditure to the Government, not of two or three or five or nine million dollars, but of many million dollars more.

Mr. LLOYD. Is the gentleman aware of the fact that the railroad companies, who are the other party interested in the question of railway-mail pay, are opposed to the space basis, and in all the hearings thus far had before the railway-mail pay commission they have opposed it vigorously?

Mr. MURDOCK. They never have in discussing it with me, I will say to the gentleman.

I yield back the balance of my time. I hope the House will adopt my amendment. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, on account of the insistence of the gentleman from Kansas [Mr. MURDOCK], while there was no direct agreement made to do so, it was impliedly understood in the House from what I said when this matter went to conference that the conferees would bring this question back to the House for consideration. We have purposely done so, making a partial report, leaving only two items to be disposed of in the whole bill; and then, on a motion to concur, we disposed of that one in the House this evening, leaving the single question at issue in which the gentleman from Kansas is concerned.

We did this in order that he might have, if he wanted it, a separate vote upon the question, which he could not have had if a full report had been brought in. Now he seeks to impose upon the conferees an instruction. He ought to know that on the questions involved in this proposition the Senate, by an almost unanimous vote, having put this amendment in, we can not go back and have a full and free conference. If we are instructed, we can only say to them what the opinion of the House is upon the question, and they can reply to us that that is not the opinion of the Senate, and we shall go through the futile and senseless performance of coming back here and again asking for further instruction. I think it is not a wise thing to agree to the gentleman's amendment or to tie the hands of the conferees. We can probably reach an agreement that will be satisfactory to this House if we have a full and free conference. If we do not do that, it is in the power of the House, there being but this one question at issue, to vote upon the matter and determine it as it will. I hope the House will not vote to sustain this proposition of the gentleman from Kansas.

The SPEAKER. The question is on the motion of the gentleman from Kansas to recede and concur as to Senate amendment 26.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MURDOCK. Division, Mr. Speaker.

The House divided; and there were—ayes 76, noes 67.

Mr. MOON of Tennessee and Mr. HENRY of Texas made the point of no quorum present.

The Speaker, after counting, announced 181 Members present, not a quorum.

Mr. HARDWICK. I move a call of the House.

The SPEAKER. It is automatic. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the motion of the gentleman from Kansas [Mr. MURDOCK] will vote "yea," those opposed "nay."

The question was taken; and there were—yeas 118, nays 168, answered "present" 13, not voting 82, as follows:

YEAS—118.

Aiken, S. C.	Faison	James	Rubey
Ainey	Farr	Johnson, Ky.	Scully
Akin, N. Y.	Fergusson	Jones	Sharp
Allen	Fields	Kendall	Sisson
Anderson	Floyd, Ark.	Kent	Sloan
Ashbrook	Fornes	Kinkaid, Nebr.	Smith, Tex.
Bathrick	Foster	Kitchin	Stedman
Berger	Fowler	Kopp	Stephens, Cal.
Borland	Francis	Lafean	Stephens, Miss.
Callaway	French	La Follette	Stephens, Tex.
Campbell	Gallagher	Lenroot	Stone
Candler	Goldfogle	Lindbergh	Talcott, N. Y.
Cary	Good	Lobeck	Taylor, Ark.
Claypool	Goodwin, Ark.	McKellar	Taylor, Colo.
Cline	Graham	Macon	Thomas
Collier	Gray	Maguire, Nebr.	Townsend
Cooper	Green, Iowa	Martin, Colo.	Tribble
Copley	Hamlin	Morgan, La.	Underhill
Cox	Hammond	Morgan, Okla.	Vare
Cullop	Hardwick	Murdock	Volstead
Daugherty	Hardy	Nelson	Warburton
Davis, Minn.	Harrison, Miss.	Norris	Whitacre
Dickinson	Haugen	Oldfield	White
Dies	Helgesen	O'Shaunessy	Willis
Difenderfer	Helm	Pepper	Witherspoon
Dixon, Ind.	Henry, Tex.	Rainey	Woods, Iowa
Donohoe	Hensley	Raker	Young, Kans.
Doremus	Howard	Randell, Tex.	Young, Tex.
Doughton	Jackson	Rees	
Esch	Jacoway	Roddenbery	

NAYS—168.

Adair	Driscoll, M. E.	Henry, Conn.	Padgett
Adamson	Dupré	Higgins	Page
Alexander	Dwight	Hill	Patton, Pa.
Austin	Dyer	Hinds	Peters
Barnhart	Edwards	Holland	Plumley
Bartholdt	Ellerbe	Houston	Post
Bartlett	Estopinal	Howell	Pou
Bates	Evans	Howland	Powers
Beall, Tex.	Fairchild	Hughes, Ga.	Pray
Bell, Ga.	Finley	Humphrey, Wash.	Prince
Blackmon	Fitzgerald	Humphreys, Miss.	Pujo
Brantley	Flood, Va.	Johnson, S. C.	Ransdell, La.
Broussard	Fordney	Knowland	Roberts, Mass.
Browning	Foss	Konop	Roberts, Nev.
Buchanan	Fuller	Langham	Rodenberg
Bulkley	Gardner, Mass.	Langley	Rouse
Burgess	Gardner, N. J.	Lawrence	Russell
Burke, Pa.	Garner	Lee, Pa.	Saunders
Burke, S. Dak.	Garrett	Lewis	Scott
Burleson	Gill	Linthicum	Sherley
Burnett	Gillett	Littlepage	Sherwood
Butler	Godwin, N. C.	Lloyd	Slemp
Byrnes, S. C.	Goeke	McCoy	Small
Byrns, Tenn.	Gould	McDermott	Smith, Saml. W.
Calder	Greene, Mass.	McGuire, Okla.	Speer
Cannon	Greene, Vt.	McKenzie	Stephens, Nebr.
Cantrill	Gregg, Pa.	McKinley	Sterling
Carlin	Gregg, Tex.	McLaughlin	Stevens, Minn.
Carter	Griest	McMorran	Sweet
Clayton	Gudger	Mann	Taylor, Ala.
Conry	Guernsey	Matthews	Thayer
Covington	Hamill	Mays	Thistlewood
Cravens	Hamilton, Mich.	Miller	Tilson
Crumpacker	Hamilton, W. Va.	Moon, Tenn.	Towner
Curley	Harrison, N. Y.	Moore, Tex.	Turnbull
Dalzell	Hart	Morrison	Tuttle
Davis, W. Va.	Hawley	Moss, Ind.	Watkins
De Forest	Hay	Mott	Weeks
Dent	Hayden	Murray	Wilder
Denver	Hayes	Needham	Wilson, Ill.
Draper	Heald	Nye	Wood, N. J.
Driscoll, D. A.	Heflin	Olmsted	Young, Mich.

ANSWERED "PRESENT"—13.

Booher	Hull	Sabath	Stanley
Clark, Fla.	McCreary	Shackleford	
Glass	Parran	Slayden	
Hobson	Payne	Sparkman	

NOT VOTING—82.

Ames	Harris	Madden	Rucker, Colo.
Andrus	Hartman	Maher	Rucker, Mo.
Ansberry	Hughes, W. Va.	Martin, S. Dak.	Sells
Anthony	Kahn	Merritt	Simmons
Ayres	Kennedy	Mondell	Sims
Barchfeld	Kindred	Moon, Pa.	Smith, J. M. C.
Boehne	Kinkead, N. J.	Moore, Pa.	Smith, N. Y.
Bradley	Konig	Morse, Wis.	Stack
Brown	Korbly	Neeley	Steenerson
Burke, Wis.	Lafferty	Palmer	Sulloway
Crago	Lamb	Patten, N. Y.	Switzer
Currier	Lee, Ga.	Pickett	Taggart
Curry	Lever	Porter	Talbott, Md.
Danforth	Levy	Prouty	Taylor, Ohio
Davenport	Lindsay	Rauch	Underwood
Davidson	Littleton	Redfield	Vreeland
Dickson, Miss.	Longworth	Reilly	Webb
Dodds	Loud	Reyburn	Wilson, N. Y.
Ferris	McCall	Richardson	Wilson, Pa.
Focht	McGillicuddy	Riordan	
George	McKinney	Rothermel	

So the motion was lost.

The following additional pairs were announced:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Until further notice:

Mr. LAMB with Mr. LAFFERTY.

Mr. GLASS with Mr. MCCREARY.

Mr. SIMS with Mr. MADDEN.

Mr. LEVER with Mr. MERRITT.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. AYRES with Mr. VREELAND.

Mr. BOEHNE with Mr. AMES.

Mr. BURKE of Wisconsin with Mr. ANTHONY.

Mr. DAVENPORT with Mr. BARCHFELD.

Mr. DICKSON of Mississippi with Mr. J. M. C. SMITH.

Mr. WILSON of New York with Mr. BRADLEY.

Mr. MAHER with Mr. CRAGO.

Mr. FERRIS with Mr. DODDS.

Mr. GEORGE with Mr. FOCHT.

Mr. KONIG with Mr. HUGHES of West Virginia.

Mr. KINKEAD of New Jersey with Mr. KAHN.

Mr. LEVY with Mr. KENNEDY.

Mr. LITTLETON with Mr. MCKINNEY.

Mr. MCGILLICUDDY with Mr. MARTIN of South Dakota.

Mr. NEELEY with Mr. MOORE of Pennsylvania.

Mr. PALMER with Mr. LONGWORTH.

Mr. PATTEN of New York with Mr. PICKETT.

Mr. RAUCH with Mr. PORTER.

Mr. REILLY with Mr. PROUTY.

Mr. RICHARDSON with Mr. REYBURN.

Mr. ROTHERMEL with Mr. SELLS.

Mr. RUCKER of Missouri with Mr. SIMMONS.

Mr. RUCKER of Colorado with Mr. SPEER.

Mr. SMITH of New York with Mr. STEENERSON.

Mr. TAGGART with Mr. SWITZER.

Mr. WEBB with Mr. TAYLOR of Ohio.

Mr. SLAYDEN with Mr. MOON of Pennsylvania (commencing Feb. 27, ending Monday next).

Mr. SPARKMAN. Mr. Speaker, has the gentleman from Wisconsin, Mr. DAVIDSON, voted?

The SPEAKER. He is not recorded.

Mr. SPARKMAN. I am paired with the gentleman from Wisconsin. I voted "no," and I wish to withdraw that vote and answer "present."

Mr. CLARK of Florida. Mr. Speaker, has the gentleman from New Mexico, Mr. CURRY, voted?

The SPEAKER. He is not recorded.

Mr. CLARK of Florida. I voted "no." I would like to withdraw that and answer "present."

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors. The question now recurs on the motion of the gentleman from Tennessee that the House further insist on its disagreement to Senate amendment 26 and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the bill H. R. 27941, the Army appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1602).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 14, 16, 19, 35, 36, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 9, 11, 12, 13, 15, 17, 18, 20, 21, 22, 24, 25, 27, 28, 32, 33, and 34, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of

the matter proposed to be inserted by said amendment insert the following: "and the actual and necessary traveling expenses incurred by military attachés abroad under orders from the Secretary of War"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out by said amendment, amended as follows: In line 4, after the word "increased," strike out the word "fifty" and in lieu thereof insert "thirty-five"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: ": *Provided*, That hereafter, in determining the eligibility, under the provisions of the act of Congress approved August 24, 1912, of troop, battery, or company officers for detail as officers of the various staff corps and departments of the Army, except the General Staff Corps, service actually performed by any such officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer, shall be deemed to have been duty with a battery, company, or troop: *Provided further*, That regimental, battalion, and squadron quartermasters and commissaries shall hereafter be required to perform the duties of officers of the Quartermaster Corps, including the receipting for any money or property pertaining to said corps, when no officer of the Quartermaster Corps is present for such duties, and nothing contained in the Army appropriation act approved August 24, 1912, shall hereafter be held or construed so as to prevent competent authority from requiring any officers of the Army to act temporarily as quartermasters wherever there shall be no officers of the Quartermaster Corps and no regimental, battalion, or squadron quartermasters or commissaries present for such duty"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "seven," insert the following: "; *Provided*, That this shall not be so construed as to increase the total number of officers now in the Regular Army"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$7,652,648"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: After the amount proposed in said amendment insert: "; *Provided*, That of this appropriation the sum of $150,000 shall be spent for the construction of the necessary officers' quarters and other buildings required at the remount depot, Front Royal, Va."; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$1,534,412"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In line 2 of the matter proposed to be inserted by said amendment, after the word "used," insert "by the Board of Road Commissioners for Alaska"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, before the word "years," strike out the word "ten" and in lieu thereof insert the word "six"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Automatic machine rifles: Authority is hereby conferred upon the Secretary of War, if in his opinion it be for the best interests of the service, to contract for the construction of automatic machine rifles and their appurtenances to the extent of not exceeding $150,000, prior to June 30, 1914."

And the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, after the word "passed," insert: "*Provided*, That prior to July 1, 1913, the President may, when deemed by him necessary, empower any officer competent under the terms of this act to appoint the general courts-martial which it authorizes, to appoint general courts-martial authorized by exising law"; and the Senate agree to the same.

JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE,
Managers on the part of the House.
H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, submit the following written statement explaining the effect of the amendments agreed upon by the conferees and recommended in the accompanying conference report.

Amendment No. 1: Provided for the cost of special instruction of students and attachés abroad, and the House receded with an amendment providing for actual and necessary expenses of attachés abroad when traveling under orders of the Secretary of War.

Amendment No. 2: Struck out the provision of the House which provided for increased pay for Army aviators, and the House receded with an amendment providing 35 per cent additional pay instead of the 50 per cent increase provided by the House.

Amendment No. 3: Provided for a change in the detached service clause contained in the act approved August 24, 1912, and the House receded with the following amendment:

Provided, That hereafter in determining the eligibility, under the provisions of the act of Congress approved August 24, 1912, of troop, battery, or company officers for detail as officers of the various staff corps and departments of the Army, except the General Staff Corps, service actually performed by any such officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer, shall be deemed to have seen duty with a battery, company, or troop: *Provided further*, That regimental, battalion, and squadron quartermasters and commissaries shall hereafter be required to perform the duties of officers of the Quartermaster Corps, including the receipting for any money or property pertaining to said corps, when no officer of the Quartermaster Corps is present for such duties, and nothing contained in the Army appropriation act approved August 24, 1912, shall hereafter be held or construed so as to prevent competent authority from requiring any officers of the Army to act temporarily as quartermasters wherever there shall be no officers of the Quartermaster Corps and no regimental, battalion, or squadron quartermasters or commissaries present for such duty.

Amendment No. 4: Provided for the exemption of Capt. Frank Parker from the operation of the act approved August 24, 1912, and the Senate receded.

Amendment No. 5: Provided for a change in the act of August 24, 1912, with regard to all employees in the unclassified service under the jurisdiction of the War Department, and the Senate receded.

Amendment No. 6: Inserted the total amount appropriated for clerks, messengers, etc., and the House receded.

Amendment No. 7: Struck out the House provision that hereafter no further appointments of pay clerks shall be made, and the Senate receded.

Amendment No. 8: Provided for an increase in the number of nurses, and the House receded.

Amendment No. 9: Provided for an increase of the amount appropriated for nurses, and the House receded.

Amendment No. 10: Provided for an increase of one major in the Judge Advocate General's Department, and the House receded with an amendment providing that such increase should not add another officer to the Army.

Amendment No. 11: Provided that $100,000 of the fund for mileage to officers and others shall be immediately available, and the House recedes.

Amendment No. 13: Provides for the purchase of land suitable for Field Artillery, out of the appropriation for encampment and maneuvers, Organized Militia, and the House recedes.

Amendment No. 14: Increases the appropriation provided by the House, $90,000, and the Senate recedes.

Amendment No. 15: Provides for the expenses incident to holding an international rifle-shooting competition at Camp Perry, Ohio, and the House recedes.

Amendment No. 16: Provides for rations and commutation of rations for employees of the harbor-boat service, and the Senate recedes.

Amendment No. 17: Inserts the word "regulation" for the purpose of complying with existing law, and the House recedes.

Amendment No. 18: Provides for expense of subsistence of West Point cadets while attending the inaugural ceremony, and the House recedes.

Amendment No. 19: Increases the appropriation provided for by the House, $41,580, and the Senate recedes.

Amendments Nos. 20 and 21: Changes the wording to comply with the law, and the House recedes.

Amendment No. 22: Provides for seeds and implements required for the raising of forage on military reservations in the Hawaiian and Philippine Islands, and the House recedes.

Amendment No. 23: Provides for an increase of the appropriation provided by the House, and the House recedes with an amendment reducing the amount by $7,505.

Amendment No. 24: Inserts the word "discharge" in lieu of the word "discharges," and the House recedes.

Amendment No. 25: Provides that $100,000 of the appropriation for horses for Cavalry, Artillery, and Engineers, etc., shall be immediately available, and the House recedes.

Amendment No. 26: Increases the appropriation for barracks and quarters, and the House recedes with an amendment providing that $150,000 of the appropriation shall be expended at the remount depot, Front Royal, Va.

Amendment No. 27: Provides that $1,300 shall be spent out of the appropriation for military post exchange for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., and the House recedes.

Amendment No. 28: Provides for not more than $1,500 for a sidewalk out of the appropriations for roads, walks, wharves, and drainage at Winthrop, Mass., and also for the sale of ripe timber in the Fort Canby Military Reserve, Wash., and the House recedes.

Amendment No. 29: Increases the appropriation for waters and sewers, and the House recedes with an amendment decreasing the appropriation made by the Senate by $5,498.

Amendment No. 30: Increases the appropriation made by the House $55,000, the increased appropriation to be used for the protection of the Signal Corps buildings and terminal grounds of the Alaska military cable and telegraph system at Valdez, Alaska, and the House recedes.

Amendment No. 31: Provides that the heads of the several executive departments be authorized to lease fireproof storage accommodations at rates not exceeding 25 cents per square foot, and the House recedes with an amendment providing that the lease shall not exceed six years.

Amendment No. 32: Provides for an increase of the appropriation for claims for damages to and loss of private property by $1,160.95, and the House recedes.

Amendment No. 33: Strikes out the word "ambulance" and inserts the word "ambulances," and the House recedes.

Amendment No. 24: Inserts a comma, and the House recedes.

Amendment No. 35: Increases the appropriation made by the House for the Medical and Hospital Department by $25,000, and the Senate recedes.

Amendment No. 36: Strikes out the limitation on the price of powder fixed by the House, and the Senate recedes.

Amendment No. 37: Provides an appropriation of $150,000 for the purchase and manufacture of automatic machine rifles, and the House recedes, with an amendment providing that the Secretary of War may expend that amount for that purpose, if in his opinion it is for the best interests of the service.

Amendment No. 38: Provides that hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts, and the Senate recedes.

Amendment No. 39: Provides that the Pacific Branch of the National Home for Disabled Volunteer Soldiers, at Santa Monica, Cal., be transferred to the War Department, and the Senate recedes.

Amendment No. 40: Provides for a change in the law governing courts-martial, and the House recedes, with an amendment providing that the same may take effect prior to July 1, 1913, this being rendered necessary by the assembling of troops in Texas.

The amount added to the bill by the Senate was $680,000.

The amount deducted by the action of the conferees was $319,583.

JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, if any gentleman desires to ask a question, I will try and answer him.

Mr. RODDENBERY. That is the purpose for which I rose. There was a little disorder, and I could not understand whether the conference report covered a complete agreement or whether it was only on certain items.

Mr. HAY. It is a complete agreement.

Mr. RODDENBERY. Has the gentleman made any accurate calculation as to the amount that the bill will carry as agreed upon over what it was when it passed the House?

Mr. HAY. The Senate added $680,000 to the bill, and receded from $319,000.

Mr. RODDENBERY. Leaving a net increase of about $300,000 over the amount as it passed the House?

Mr. HAY. Yes.

Mr. RODDENBERY. What about the powder item?

Mr. HAY. The Senate receded and leaves the limitation upon the price of powder as passed by the House.

Mr. RODDENBERY. The limitation fixed in the bill as passed by the House?

Mr. HAY. Yes.

Mr. RODDENBERY. I understood that the Senate had receded with the limit fixed by the House removed.

Mr. HAY. No; the statement read that the Senate receded from its action in striking out the limitation fixed by the House.

Mr. TILSON. Will the gentleman yield to me?

Mr. HAY. I yield to the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, as is well known to many Members of the House, I have been deeply interested in the establishment of a national military reserve. For nearly two years I have been studying this subject. About a year ago I introduced a bill (H. R. 24601) providing for such a reserve, and a little later submitted to the House some observations on behalf of the bill. Unfortunately, that bill sleeps the sleep of the just in the archives of the Committee on Military Affairs. The principle of it, however, was recognized in a rider to the current appropriation bill, in which the period of enlistment was fixed at seven years, but instead of fixing the period of service with the colors at three or, better, two years and with the reserve four or five years, four years are required with the colors and only three in the reserve.

I sincerely believe that an adequate military reserve of trained men is one of the absolute necessities of a proper system of national defense, and that it must be established in the near future if those responsible for the maintenance of our military establishment would escape serious blame for any national disaster suffered for lack of it.

In the last issue of the Infantry Journal is a brief article written by me on the subject of "The necessity for a military reserve." I ask unanimous consent to extend my remarks in the RECORD by printing the article referred to, together with an editorial on the subject by Maj. Evan M. Johnson, jr., and extracts from advance sheets of an article by Maj. Carl Reichmann on the same general subject.

The article, editorial, and extracts referred to are as follows:

THE NECESSITY FOR A MILITARY RESERVE.

(By Hon. JOHN Q. TILSON, M. C., lieutenant colonel Second Infantry, Connecticut National Guard.)

Like many others, I had assumed that if substantially half the enlisted men of a military organization were well trained, this half would rapidly train the other half, especially in time of war. Our system of having a prescribed war strength in our regulations and an actual peace strength of a little more than half the number seems to have been founded upon this theory.

The skeleton regiments of certain foreign countries would indicate that the same notion has prevailed elsewhere. It has never been tried out in our Army, even in time of peace. Prior to the mobilization of a division in Texas in the spring of 1911 no large maneuvers of regular troops exclusively were held in the United States. Many of the organizations mobilized there were below the authorized peace strength. As trouble on the Mexican border was confidently expected, recruiting was rushed and recruits sent forward to fill up the various organizations as rapidly as possible. Some of the companies had as high as 45 per cent of new men. Company commanders and higher officers complained bitterly of the demoralization caused by the injection of so large a percentage of untrained men. Many officers expressed the opinion that if it were a case of real fight they would rather go into it with the peace-strength company of trained men than with a war-strength company nearly half of whom are raw recruits. In other words, that 60 trained men would be more effective in battle than 60 trained men plus 40 raw recruits mingled with them. If this be so, and its acceptance by so many of the best-informed officers of the Army would indicate that it is coming to be generally accepted, then something should be done.

There are at least three ways of meeting the situation.

First, by reducing the prescribed war strength to the present peace strength. An insuperable objection to this plan is that the small number of rifles as compared to the number of officers would make such an organization extravagantly expensive in case of a large army in time of

war. In addition to the increased expense, such an organization would make the usual tactical units too small for the greatest efficiency.

Second, by increasing the present peace strength to the prescribed war strength. This method would be most acceptable to the Army itself, provided that the number of organizations and the commissioned strength were not diminished while the enlisted strength was so greatly increased. The expense of maintaining such a force in time of peace would, of course, greatly increase the total expense of the Army, a thing of itself undesirable.

Third, by the establishment and maintenance of a reserve in such a way as to be able at short notice to fill the ranks of all organizations to the prescribed war strength with trained men.

The reserve provided for in H. R. 24601, introduced by me last year, contemplates accomplishing just this purpose. In this bill the proposed reserve is divided into two classes, somewhat imperfectly described as active and inactive. Under its provisions the active reserve is to be carried on the rolls of the several organizations of the Regular Army and of the Organized Militia, but not to serve with the colors, except for a brief period each year at maneuvers. The inactive reserve is intended to constitute a second line of defense, and to serve as a reservoir from which to draw men to supply wastage in the first line.

The essential and distinguishing feature of the proposed reserve is that it shall consist of men already trained, and that these men shall be available for immediate service. With such a plan in operation the Army would become essentially a school for the training of soldiers, and that under such conditions that the men would be withdrawn from their several civil pursuits during the period of schooling only, but be available for immediate service in case of war.

In all schemes not purely ideal or visionary it is incumbent upon the proposer to show the practicability of the proposed plan. In a speech delivered in the House of Representatives last July, I submitted figures showing the approximate cost of such a reserve and how it could be established and maintained. It was there shown that a reserve large enough to fill every organization of the Army to the prescribed war strength could be maintained for $775,000, or just about the cost of maintaining two infantry regiments. I shall speak here only of the necessity for such a reserve.

The wars of the future will come suddenly and be decided quickly. The transmission of intelligence by electricity and the wonderful development of firearms combine to make this a certainty. The possibilities of destruction are at present so great as to make it impossible for wars to long endure. Time was when the country having the greater resources usually won in the long run. The time is at hand when the country that is ready for war will win while the country with great resources only is still absorbed in making preparation. "In time of peace prepare for war" is a truism so generally accepted that few would attempt to deny its truth or wisdom. If it were possible for us to know, for instance, that on July 4, 1915, the United States would be at war with a first-rate power, what busy months of preparation we should see. A few extra millions properly expended during the two and a half years interim would save billions of dollars, thousands of lives, and possibly the result of the war itself.

When war comes not only is there no time to train men to shoot and to take care of themselves in the field, but other more absorbing matters prevent this even when there is time. It is common knowledge that at the first battle of Bull Run both sides lacked training. Just before the Federal troops broke and ran away only Jackson's Stone Wall Brigade—the one that gave him his immortal title—stood between the Confederate Army and demoralization. Maj. Gen. Upton, in speaking of the causes of this disaster, begins as follows:

"First among them was the popular but mistaken belief that because our citizens individually possess courage, fortitude, and self-reliance they must necessarily possess the same qualities when aggregated as soldiers. And next to this error was the fatal delusion that an army animated by patriotism needed neither instruction nor discipline to prepare it for battle."

Unfortunately the mistaken belief and fatal delusion referred to by Gen. Upton still have a place in the popular imagination. At the battle of Antietam, although there were seasoned veterans on both sides, there were a number of regiments, especially on the Union side, absolutely without training. Many men engaged in that battle fired the first shot of their lives on that day, and unfortunately for many of them the last shot as well. I recall the history of two Connecticut regiments, which played a gallant part throughout their service, but were far from ready for such a battle at that time. The Fourteenth Regiment Connecticut Volunteer Infantry was mustered into service August 23, 1862, and the Sixteenth Connecticut was mustered in on August 24, 1862. Both participated in this the bloodiest one-day battle of the war on September 17, 1862. These two organizations serve only as illustrations, for there were others in the same condition in this battle and in others throughout the war. It is sad to note the losses among these untrained troops, and sadder still to observe that, in spite of all their individual courage and heroism, they were ineffective until they had received their training.

So far as preparation was concerned, very little seems to have been learned from the terrible lessons of the Civil War. The Spanish War found the country in practically the same situation. Again, there was neither time nor facilities for properly training new organizations. In many regiments no provision whatever was made to teach the men how to shoot. Nor was this the fault of regimental commanders. In the regiment to which I belonged there was no opportunity whatever for rifle practice, although the commanding officer was capable and unusually energetic in seeking every means to fit his command for service. After three months of carrying his rifle at drill, a lean, lanky Tennessee mountaineer in that regiment expressed it thus in his own language: "This is the fust d——d gun I ever toted till I wore it out without shootin' it." On account of his previous experience with a squirrel rifle this particular soldier might have been dangerous to the enemy in battle, but there were many in that regiment and in others without such experience who in battle would have been quite as dangerous to friend as foe.

All agree that a reserve of rifles should be established and maintained. Year after year Congress has appropriated for this purpose, until we now have almost a million rifles, with about 180,000,000 rounds of ammunition. Perhaps the most urgent need of the Army to-day, so far as matériel is concerned, is a reserve of field guns with an adequate reserve of ammunition. The present Congress is asked to make a substantial appropriation for this purpose, and it will undoubtedly do so, if it acts wisely. Even clothing, equipment, and tentage are all kept in reserve. In fact, we have reserves of everything except the most important thing of all—we have no reserve of men. In every war of our history such a reserve would have been of inestimable value and would have saved many times its cost in treasure as well as in human lives. In the speech above referred to I pointed out the increasing necessity for such a reserve of trained men. Every passing year will accentuate the need. If in a war of the future it shall turn out that no steps have been taken to thus avail ourselves of our greatest resource, our trained men, we shall not be free from blame who have had the responsibility and have failed to meet it wisely.

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RESERVES.

[Editorial by Maj. Evan M. Johnson, jr.]

Among the great nations of the world, the United States occupies the unique position of having no system of reserves whereby to raise her peace organizations to war strength when the occasion arises for their use. Only in States like Uruguay, Peru, Siam, Mexico, Santo Domingo, and Haiti is a similar condition found. Our policy is to depend upon patriotism or, this failing, upon bounties offered by the States and the United States to swell the ranks when war demands the services of our citizens, for it is evident that the only source from which we can draw the recruit with which to swell our armies is our untrained citizens. We should have profited by the lesson of the past, but, alas, final success has made us forget the unnecessary and frightful toll paid in death through disease and on the battle field. In the Civil War veteran regiments dwindled into nothingness through lack of reserves, and their places were taken by new ones, raw and untrained, who in turn paid their toll to the grim reaper, and in turn disappeared for like cause.

The little Regular Army that in 1898 fought at Santiago averaged but 560 men per regiment, it having been impossible to obtain the recruits necessary to raise them to the required 1,200 each before embarking on the expedition. And had this been possible it may be doubted whether the influx of a mass of raw, untrained material would not have made them so ineffective that the expedition would at that time have been impossible. Those who went were at least trained soldiers, and as such won an almost impossible victory. At the close of the campaign, due to the battle losses and tropical conditions, the Army was so depleted as to be ineffective. Had the war happily not terminated we would have been without regulars and would have been obliged to continue with untrained volunteers. The loss among these, as it was, without the vicissitudes of campaign, was appalling. What this loss would have been had their use therein been necessary one does not like to consider. To remedy this condition there is a means so simple, so economical, that the failure to apply it is difficult to understand. As already stated, practically every nation provides for a reserve of trained men whereby to fill to war strength the ranks of its peace organizations, and to replenish loss during war, but until the last moments of the last session of Congress no steps had even been taken by our lawmakers to make like provision, although the urgent necessity had again and again been pointed out by Presidents, War Secretaries, and generals. At this session an amendment made to the Army appropriation bill provided for a reserve to the Regular Army. The measure, as stated, was tacked on to the bill during the last moments of the session, and probably was therefore not given that consideration its importance deserved. But while open to many objections, it had one redeeming feature in that it recognized, for the first time, the principle which may be said to be vital to any military system. The law is more in the nature of a bounty system than a reserve, and embodied all the evil features of that system which since the days of the Revolution has been a fertile source of fraud and desertion. No provision is made for the pay or for the continued service necessary to retain men, to enable the Government to keep track of them, and the soldier in touch with his duties. However, looking back over the past, let us thank God for so much good, and trust that steps will shortly be taken to correct the faults of the present measure and that it may be the first step in the direction of that "policy" which it is hoped may become our law.

The system thus recognized is believed to have far-reaching effects, for while primarily intended for the Army, it must be remembered that in order to avail themselves of the Federal allotments the Organized Militia must conform to the organization of the Army. Two or three States have already taken steps to do this as regards reserves, and it is hoped that others will soon follow suit, for if the system is vital to the Regular Army with its trained officers and nucleus of trained soldiers, how much more so is it vital to the commander of a National Guard company, who will probably take into the field but 40 half-tained men, his company to be filled to 150. It can readily be understood how his labors will be lessened, how much more quickly this company will be ready to go to the front, should there be available to swell the ranks 110 even partially trained men, rather than the raw, undisciplined, untrained material he otherwise must "lick into shape."

It is said that such a system would entail too much labor on the part of officers of militia organizations, but a method might easily be devised for a State reserve and the organizations relieved of responsibility. In any event, if war be considered, the return in the saving in work, responsibility, and life would be so enormous that the extra labor in time of peace is well worth while.

Elsewhere in this magazine is an article by the Hon. JOHN Q. TILSON, M. C., which deals most admirably with the subject. Mr. TILSON is the author of a bill now before Congress looking to the creation of a reserve system for our Regular Army, Militia, and Volunteers. This bill, if passed, would remedy one of our greatest military defects. It deserves the earnest consideration and support of everyone interested in the military establishment, our success in war, and economy in life during war. It should find place in any "policy" adopted.

[Extracts from article by Maj. Carl Reichmann.]

OUR RESERVE SYSTEM.

The law passed by Congress last session, while generally prescribing four years' service with the colors and three with the reserve, provides for a number of alternatives, so that it is difficult to calculate just what the reserve produced thereby will be. The conscript system produces nearly 100 per cent of reservists from its annual inflow, but our service is affected by many circumstances that do not influence those of foreign armies, so that no comparison can be made with them, except perhaps with the British Army, which is recruited in a manner similar to ours.

By taking the ratio of the average number of discharges by expiration of enlistments for a number of years past, to the average number of enlistments and reenlistments for the same period, and applying it on the basis of four years' service with the colors, we may get some approximation to what the probable strength of the reserve will be. We find that from 1904 to 1911, both inclusive, the average number of annual enlistments and reenlistments was 29,846, and of discharges by expiration of term of service 16,494, i. e., 52 per cent of the men enlisted and reenlisted were discharged by expiration of term of service, as follows.

	Enlistments and reenlistments.	Discharges by expiration of term of service.
1904	28,003	16,592
1905	34,415	22,254
1906	24,752	9,948
1907	20,649	12,816
1908	42,420	18,485
1909	31,911	12,903
1910	18,580	11,911
1911	38,041	27,042
	238,771	131,951
Average	29,846	16,494

These figures closely approximate the British service, where the annual inflow yields 58 per cent in reservists, if our figures are correct, as follows:

	Total gain, all sources.	Transfers to reserve.
1907	45,853	32,776
1908	47,338	27,161
1909	44,885	21,296
1910	37,115	20,586
	175,191	101,819
Average	43,788	25,455

Assuming that under the present law with four years' service with the colors (and disregarding the alternatives) the company of infantry of 65 men receives an annual inflow of one-fourth of its strength, namely, 16.25 men, and that a like number goes out, then, according to our proportion, only 52 per cent of the 16.25 men, or 8.45, would be discharged by expiration of term of service, or rather would on completion of four years' service with the colors pass to the reserve for three years. By the end of the seventh year the company would have 65 men in ranks and three times 8.45 men in reserve, so could take the field with 65 plus 25.35, or 90 men. Allowing for a further loss of 5 per cent from natural causes among the reservists, the company would take the field with 86 men.

It will be remembered that opinions were divided as to length of service with the colors and with the reserve. A number of officers were for five years' service with the colors; the War Department advocated three years' service with the colors and four in the reserve, and has expressed itself generally in favor of the short service with the colors and long service in the reserve. Legislation has fixed the length of service with the colors at four years and in the reserve at three years.

Our present peace strength is 65 men per company, and the Field Service Regulations contemplate that it shall be raised to 108 men for war service. How far it will be possible to effect this augmentation with trained men from the reserve appears from the following table:

Years of service.		Strength of company.	Annual in and out flow.	Available for reserve.	Strength of company after seven years.	
With colors.	In the reserve.				Total.	Deducting 5 per cent.
2	5	65	32.5	16.9	150	142
3	4	65	21.7	11.23	110	105
4	3	65	16.25	8.45	90	86
5	2	65	13	6.75	79	75

It is evident at once that under the present law the company will produce in three years but 21 reservists and that it will be necessary to add 22 recruits to bring it up to the strength of 108 men contemplated in the Field Service Regulations. If service with the colors were two years and in the reserve five years, the company would have a surplus of 34 trained men, enough to keep its fighting strength up to the maximum for several months.

From the viewpoint of national defense, short service with the colors is preferable. It yields the larger reserve, it avoids preparatory work, such as recruit drill, at a time when everything of that kind should be completed; it throws all this preparatory training into the period of peace, where it belongs, but largely increases the work of the officers and noncommissioned officers during that period. Long service with the colors, on the other hand, furnishes long-service soldiers, entails a minimum of work in time of peace, and throws the maximum recruit training and similar preparatory work into the war period, where it is out of place.

The committee of the General Staff on the organization of our land forces has recommended a company of infantry of 100 men in peace and of 150 in war. The subjoined table shows the reserve-producing capacity of this company:

Years of service.		Strength of company.	Annual in and out flow.	Available for reserve.	Strength of company after seven years.	
With colors.	In the reserve.				Total.	Deducting 5 per cent.
2	5	100	50	26	230	217
3	4	100	33⅓	17.33	169	161
4	3	100	25	13	139	132
5	2	100	20	10.4	121	115

Again we find that the present law requiring four years of service with the colors will not furnish a sufficient reserve to raise the company from 100 to 150 men. If the service with the colors were three years and with the reserve four, the company would have 161 men, and after transferring to the reserve its sick, its weaklings, and its old men it would perhaps just be able to take the field with 150 able men, leaving 11 noneffectives at home, and would have no reserve to fill up the gaps made by the first battles.

The foregoing is not to be understood as advocating the management of the reserve system by company; that unit has merely been selected here for convenience in calculating the probable numerical effect of the present law.

Mr. HAY. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, I entered this body as a Member in the Fifty-fourth Congress. I was appointed as a member of the Committee on Military Affairs in the Fifty-seventh Congress. When I entered upon my duties as a member of that committee I found two very distinguished members then upon that committee who are now the only Members, aside from myself, who were Members of the Fifty-seventh Congress. The present distinguished chairman of that committee, Mr. HAY, of Virginia, became a member of the Military Affairs Committee in the Fifty-sixth Congress, and the gentleman from Texas [Mr. SLAYDEN], an equally distinguished member of that committee, became a member in the Fifty-seventh Congress.

Our relations from the Fifty-seventh Congress down to the present moment as members of that committee have been cordial and pleasant. I take this opportunity to say that I have a very high regard for the faithful, vigilant, able, well-equipped chairman of the Military Affairs Committee, the distinguished gentleman from Virginia. [Applause.]

The side of the House of which he is a Member have in this Congress taken charge of public affairs, and I leave it to my colleagues here on both sides that few of the chairmen have been so well equipped to handle difficult matters like those before the Military Affairs Committee, or any large appropriation, amounting in the aggregate to ninety-odd million dollars, touching the various ramifications of our country as the military affairs bill does. He is always courteous, prompt, and possessed of knowledge when you ask him in reference to the bill he has in charge. At the last session we did not agree along the lines of how the legislation should be made, but it was an honest difference. We were each seeking to advance the Army as an Army, not seeking to get personal legislation for officers connected with the Army. The personnel of the Army is one thing. The Army as an arm of a great Government of which we are a part is another thing. That has been the aim of the chairman. That has been the aim of the gentleman from Texas [Mr. SLAYDEN], and that has been the aim of myself, to move along for the betterment of this great military establishment called a Regular Army. I do not know why it should be called a Regular Army. The young men who become officers volunteer their services. They ask to be sent to West Point or, so far as the naval branch of the military establishment is concerned, to Annapolis. They volunteer to give their service for life. The men who enlist in the Army go to the recruiting stations and volunteer their services for this country, to serve it, and they serve it well.

I have had something to do with the various Secretaries of War since I have been a member of this Committee on Military Affairs. I say now, and I say it without fear of successful contradiction, that next to Edwin M. Stanton, the great Civil War Secretary of War, no man has been the equal of the Hon. ELIHU ROOT, when he was Secretary of War under the administration of William McKinley. [Applause.] He it was who took the Army in the shape it was then and reorganized it. He it was who made the officers cease to be careless and indifferent so far as their military duties were concerned, and he it was who started them along the way of the schools and gave to them an impetus and an ambition to become distinguished officers of the most distinguished Army that there is in the world. I desire to pay my respects to him and others who have held that high position. Especially do I want to say that the Army officers and enlisted men are of a high type and are worthy successors of those who have gone before as members of the Army of this country.

Just one word more, Mr. Speaker. We are mobilizing our forces, as it were, along the border of our country, and I want to say this: That the one thing in my judgment which will stand out and commend itself for all time to the credit of the distinguished gentleman who occupies the office of President, Mr. William Howard Taft, is the fact that he declined to intervene in the trouble in Mexico and make a slaughter pen for the American soldiers of this Republic. [Applause.] Whatever else he may have done, history will accord to him the high distinction of being able to stand steady as the Rock of Gibraltar against the interests that sought to force him to intervene in

another country. And I firmly believe that the distinguished gentleman who will soon become President of the United States, the son of a minister, a believer in the Master, and peace on earth, good will to men, will follow in the footsteps of his illustrious predecessor, Mr. Taft, and that he will not intervene in the border troubles that may arise. [Applause.]

That is all I desire to say. [Prolonged applause.]

Mr. HAY. Mr. Speaker, I desire to make just a brief statement. I want to say that I have served on the Committee on Military Affairs since the Fifty-fifth Congress, and during the most of that service I have had the pleasure and honor of serving upon it with the distinguished gentleman from Illinois [Mr. PRINCE], who I regret to say is about to leave his service on that committee. During that time he has been most faithful and efficient and of great benefit to the country and to this House. [Applause.] I am sure that we all regret that we are to lose his valuable services, which have been made so efficient by reason of the long time that he has been a member of that committee, and we part with him with great regret. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1142. An act to protect the monuments already erected on the battle field of Bull Run, Va., and other monuments that may be there erected.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I submit a conference report on the bill (H. R. 28730), making appropriations for the payment of invalid and other pensions of the United States, for the fiscal year ending June 30, 1914, and for other purposes, and I ask unanimous consent to have the statement read in lieu of the report.

The SPEAKER. The gentleman from Georgia submits a conference report on the pension appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The statement and conference report are as follows:

CONFERENCE REPORT (NO. 1603).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

C. L. BARTLETT,
WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

P. J. MCCUMBER,
B. F. SHIVELY,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to that amendment in the accompanying conference report:

Strikes out the paragraph, inserted by the Senate, making available the unexpended balance of the appropriation for clerk hire and other services at pension agencies for the fiscal year 1913 for payment of traveling and other incidental expenses of clerks transferred from the various pension agencies to Washington.

C. L. BARTLETT,
WM. P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

Mr. BARTLETT. Mr. Speaker, the Senate placed upon the pensions appropriation bill an amendment which provided for the payment of the expenses of employees who were employed in the pension agencies which were abolished by the last Congress. The House disagreed to that amendment. The conferees on the part of the House did not think it was a proper charge against the Government. There were no itemized statements, and we declined to concur in the amendment. The Senate receded from the amendment.

I ask that the conference report be adopted.

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. RODDENBERY. The gentleman states that the Senate recedes and acquiesces in the position of the House conferees upon that item. This bill will carry a total of how much?

Mr. BARTLETT. One hundred and eighty million dollars, the amount carried when it left the House; not a cent more.

Mr. RODDENBERY. What was the bill when it passed the House for the current year?

Mr. BARTLETT. I think $152,000,000; something in that neighborhood.

Mr. RODDENBERY. Will the gentleman yield me five or six minutes?

Mr. BARTLETT. I yield the gentleman six minutes.

Mr. RODDENBERY. Mr. Speaker, we are now confronted with the adoption of a conference report that disposes of the small sum, insignificant, it is true, of $180,000,000. We discover that since a year ago $30,000,000 is necessary for the country to comply with its obligations of gratitude and honor in the payment of pensions. But that is not all. The deficiency bill that was just passed yesterday carried $15,000,000 more, making, in round numbers, $200,000,000. I can not, as I have said before, understand why, when these increases are made, it is not possible for this legislative body to take out of this pension legislation the people's millions that are being paid to foreigners and aliens who do not live in this Republic and who have not lived here in 40 years. I can not understand why this legislative body can not exercise its powers and expunge from the pension roll men who are drawing pensions from the taxes of the people of this country and at the same time drawing a salary of $7,000, of $6,000, of $5,000, of $4,000, and of $3,000 for services rendered to the Government. Mark you, these people encumber the roll as invalid pensioners.

I can not understand why gentlemen rise on this floor and say that they know of men drawing these pensions who are worth $20,000,000, Members rising on this floor and saying they know of men drawing pensions who are worth $10,000,000, and yet vote for them. The man at the plowshare, at the anvil, at the saw, the man laboring in the pit and toiling on the housetop is taxed year by year in the name of national gratitude and public duty to pay taxes to pension these millionaires, the wealthy, the rich, and the opulent. Why can not deserters and imposters be expunged from the pension pay roll and thus taken off the backs of honest toiling men. It can not be founded in justice, it can not rest on right, it can not be in obedience to the law of national honor. It is an imposition, it is treachery to the masses of our countrymen; it is burdensome to legitimate business; and it is unwise legislation, more especially so when we have a decadent Senate increasing the river and harbor bill $7,000,000, when we have a Republican Senate, which is now breathing its last breath, burdening the House bill with $12,000,000 more for the Navy. It is loading the people, whom we represent, down with indefensible burdens. There can be no honorable defense if we permit a Republican Senate, under pretense of passing supply bills, to load down the sundry civil bill with $8,000,000; to increase the Indian appropriation bill by $6,000,000 more; and all this by a Senate that the people of this country have repudiated in the last election with their ballots. After the House has passed a fair and equitable public building bill we behold the spectacle of a discredited Senate loading it down with $22,000,000, and before three more suns are set they will have been retired from public office and Senators will come in whom the people have chosen. I announce now that it is an unsound, indefensible policy for the Sixty-second Congress to permit a repudiated legislative body to burden the people of this country with $50,000,000 when in three days' time they will have been driven from power and the Representatives whom the people have chosen will be clothed with power to legislate for them.

Mr. BYRNES of South Carolina. Mr. Speaker, I wish to ask the gentleman from Georgia to yield me five minutes.

Mr. BARTLETT. I yield the gentleman five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, in the time yielded to me by the gentleman from Georgia I desire to refer to the criticism of the Pujo investigating committee by the gen-

tlemen from Pennsylvania, Mr. MOORE and Mr. BURKE. When these gentlemen addressed the House on Thursday morning the members of our committee were not on the floor, being engaged in preparing the report which has been filed. The committee was criticized because they incurred expenses in excess of the amount first appropriated and delayed asking for an additional appropriation until this time, when the investigation is completed. The facts are that Mr. PUJO, the chairman of the committee, introduced in the House the resolution providing for the additional appropriation not recently but as far back as May, 1912, and he at that time informed the other members of our committee that he was told by members of the Committee on Accounts that they would not report the resolution at that time, but would wait until it was definitely known what amount would be needed to defray all expenses, and thus save bringing in a third resolution. The gentleman from Pennsylvania, Mr. BURKE, thinks that the lawyers on the committee should have conducted the investigation instead of employing an attorney. This investigation was ordered by a Democratic caucus, and the resolution authorizing it passed this House by a vote of 214 to 15, and it specifically authorized the committee to employ counsel. No criticism has ever been heard of the committee appointed by a Republican Senate to investigate the Lorimer matter or of other committees that have employed attorneys; and if our committee had employed an attorney unacquainted with the subject matter of the investigation and, as a result, the inquiry have been ineffective, there would be no criticism. But the committee saw fit to employ an attorney who was qualified to conduct the inquiry, and, as a result, the hearings have resulted in the disclosure by the leaders of finance of conditions which they themselves declared should be remedied, and the committee has proposed the remedy.

The gentleman from Pennsylvania [Mr. MOORE] stated that we should have gone to some "potato patch in Missouri" to get a representative of the common people to conduct the inquiry, instead of going to the city of New York. I have no doubt such a course would have pleased him, but we did not take that view of it. This was a most complex subject, involving not an investigation of any one concern, but of a large number of the leading financial institutions and industrial corporations and their relations to each other; an exceedingly technical subject involving a knowledge of the conduct of the stock exchanges as well as the financial institutions, and it would have been impossible for any attorney, no matter how well equipped he might be for the ordinary practice of the law, to have conducted this investigation as it has been conducted, without having specialized in this particular branch of the law. Every question in this examination was directed to the resolution under which we acted and the facts have been presented in a clear and logical manner. The interests opposed to the investigation and their friends at first charged that nothing would come of it. As the hearings developed admissions from the bankers themselves of existing evils they changed their course. They decided it was no longer to be ignored and they then proceeded to criticize the committee for permitting counsel to conduct the examinations. The committee did this because they believed that the facts could be presented in better order if questions were asked by one person instead of having them asked by the 11 members of the committee, making the record so voluminous that no one on earth could ever follow it. We are satisfied with the correctness of our decision. As I stated yesterday in answer to the gentleman from Massachusetts the statement is absurd that the committee agreed to ask no questions unless they were approved by counsel. The reverse is true. The committee reserved the right to disapprove of questions by counsel, but in the conduct of the investigation there has never been the slightest friction between the committee and counsel. The Republican as well as the Democratic members of that committee will bear me out in that statement.

I have no doubt the gentlemen from Pennsylvania, representing the districts they do, would have preferred that we employ an incompetent man, but we employed one who has contributed to an investigation which will, during a Democratic administration, result in remedial legislation.

But Mr. MOORE did not content himself with this criticism. He proceeded to do something unworthy of him. Holding in his hand the publication "Who's Who," he purported to read from it, stating, "He says he is now the senior member of the firm of Guggenheim. Oh, what a horrid name to the people of this country." And a moment afterwards, referring to some client of Mr. Untermyer's, he referred to "copper" interests. The name of Guggenheim is a horrid name to the people of the country; but it is a Republican, not a Democratic name. Furthermore, it is not the name of the partner of Mr. Untermyer, and Mr. MOORE knew it, because the book he purported to read from states the name of Mr. Untermyer's partner to be "Guggenheimer," not Guggenheim; and Mr. MOORE's eyesight is good; he saw it, and it was unworthy of him to misrepresent this man and misread this book in order to lead the people to believe that the counsel to this committee was an associate of one of the Guggenheim's of copper fame.

But, Mr. Speaker, at the suggestion of Mr. DALZELL, Mr. MOORE included in his remarks, as extended in the RECORD, an editorial from the New York Sun of that morning criticizing counsel to the committee. Of course, it was to be expected that the great financial interests opposed to this investigation would do everything in their power to destroy its work. This inspired attack upon counsel was withheld until the morning of the day they expected the committee to file its report. The questions asked in this editorial refer to the decision of a court in a case tried 32 years ago. Believing that by an attack upon counsel they would distract attention from the report, they conducted an investigation into the career of counsel of the committee. The persons inspiring this attack knew that once before, when Mr. Untermyer incurred the displeasure of the great insurance companies, the New York Herald, that defender of the rights of the people, had indulged in similar criticism of Mr. Untermyer, and they could have answered their own questions by printing the reply of Mr. Untermyer which appeared in the New York Herald on August 20, 1906, which was as follows:

[Extract from New York Herald, Aug. 20, 1906.]

STOCK DEALS DENIED BY MR. UNTERMYER—DECLARES HE MADE NO PROFITS OUT OF LITIGATION IN CASE OF SEE V. HEPPENHEIMER—GIVES HISTORY OF THE CASE—SAYS JUDGE PITNEY'S DOCUMENT IN STRAW PAPER TRANSACTIONS WAS IN NO SENSE AN OPINION.

To the Editor of the Herald:

I note from to-day's issue of your paper that in connection with the insurance controversy you have given up two entire columns to the publication of what purports to be part of an opinion in a transaction 15 years old, entitled "In the case of See v. Heppenheimer," in which it is implied that I made large profits out of that transaction which I was required to refund.

The implication is grossly untrue, and you are perhaps not aware that in making that publication you are not protected in it as being the record of a judicial proceeding.

I accordingly herewith ask that you publish this letter. The suit in question has been settled between the parties, with the formal approval of the court, the appropriate order had been entered, and the money paid for more than two months before this document was prepared and sent by Judge Pitney for publication.

It was in no sense an opinion in a pending litigation over the subjects discussed in so far as we were concerned. All the parties to the adjusted controversy protested against the filing of that document, including our opponents in the litigation, as it had been clearly understood by all parties that the case would not otherwise have been adjusted, since no liability was recognized. All these facts and negotiations were known to Judge Pitney, who was a party to the settlement, having approved it on behalf of the receiver fully two months before he placed this document on file.

The result of filing that paper months after the case had been settled and against the objection of all parties concerned was to deprive the defendants of the right to appeal. An attempt was then made to get back the money or to obtain the right of an appeal, but the answer was made that the case had long since been settled and discontinued, and there was therefore nothing from which to appeal.

The true facts as to the controversy are, briefly summarized, as follows: In 1891 my firm was retained by Messrs. Beard & Stein to prepare certain papers in the form of options on straw paper mills. We were told that Messrs. Poor & Greenough had agreed to finance the required money by the purchase of an issue of bonds with a bonus of stock. Some months later we were informed that Messrs. Poor & Greenough had been unable to market the bonds, and we were persuaded to do so on the faith of certain written representations which we subsequently discovered were grossly inaccurate.

My partners and myself bought a large part of the bonds, and the bulk of the balance was taken by our friends.

It is not true that any of us ever made a dollar of profit out of the transaction in any form, directly or indirectly. On the contrary, we lost over $400,000 of our own money, of which my personal loss was over $150,000. We never received a dollar of compensation for our services or otherwise, but put large additional moneys of our own into the property in an attempt to save our friends, whom we did not ask to contribute.

The ground on which a stock liability was sought to be enforced did not involve any claim of wrongdoing. It was a purely technical statutory claim, based on the ground that the bonus stock which went with the bonds was charged with a liability. This was disputed. On the one hand it was claimed that the property was not worth the amount of stock that had been issued for it. We claimed, on the other hand, that we bought the bonds believing that the bonds had that value, and that we had been deceived as to the facts.

There is nothing in the record of the case to support the assumption that anybody concerned with the transaction made a dollar out of it.

It is with great reluctance that I have departed from my rule not to permit the great issues involved in the insurance controversy to be obscured by answering personal attacks that have no relation to that subject. I have, however, felt that as this was represented to be a judicial determination in an actual controversy it might be inferred that I could have appealed if it was wrong.

SAMUEL UNTERMYER.

NEW YORK, *August 19, 1906.*

The gentleman from Pennsylvania knew that it was unfair to give additional circulation to this attack when the man attacked had not the privileges of the floor to reply to him. It was as unfair as if I should include in my remarks a clipping from the Philadelphia North American, a newspaper opposed to him politically, referring to the case of the city of Philadelphia

against J. HAMPTON MOORE, without his having the opportunity to explain the legal questions involved in the case and which brought about the litigation.

But, Mr. Speaker, these efforts will be of no avail. The people have during the conduct of this investigation learned something of the concentration of control of credit in this country in the hands of a few men; they have learned that some of the bankers themselves regard it as a serious menace to the welfare of the people, and this report will be considered on its merits. The States will, as a result of the recommendations of the committee, remedy many of the evils which can be best regulated by their legislatures, and by the enactment of the two bills recommended by this committee much will be done by Congress to restore competition in this country.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. BARTLETT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

CANCELING MACHINES.

Mr. McCOY. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House Report No. 1570, House Calendar 412, under House resolution 109, to investigate the Post Office Department.

The SPEAKER. Is there objection?

There was no objection.

GOVERNMENT ARCHIVES OUTSIDE OF WASHINGTON, D. C. (H. DOC. NO. 1443).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on the Library:

To the Senate and House of Representatives:

I transmit for the information and consideration of the Congress a report by the Librarian of Congress in reference to the archives of Government offices outside of the city of Washington.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is a quorum present. The Chair will count. [After counting.] One hundred and ninety-eight gentlemen are present—a quorum.

ALASKA RAILROAD COMMISSION (H. DOC. NO. 1346, PART 2).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on the Territories, the message ordered to be printed and the accompanying documents to be disposed of as the committee deem best:

To the Senate and House of Representatives:

I transmit herewith 18 plates of maps and profiles, constituting Part II of the report of the Alaska Railroad Commission which was transmitted to the Congress on February 6, 1913.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

Mr. HUMPHREYS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. Is it necessary, Mr. Speaker, in view of the order passed a few days ago, authorizing this report of the Alaska Railroad Commission to be printed with illustrations, to have an additional order now to print them?

Mr. MANN. Undoubtedly; with illustrations, if they want them.

Mr. HUMPHREYS of Mississippi. May I ask unanimous consent now to print the report with illustrations?

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent to have the report printed with illustrations. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF COLOMBIA (H. DOC. NO. 1444).

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents, ordered to be printed and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a report made to me on February 20, 1913, by the Secretary of State on the subject of relations between the United States and the Republic of Colombia.

WM. H. TAFT.

THE WHITE HOUSE, *March 1, 1913.*

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district;

H. R. 27806. An act granting a pension to Mary McArthur;

H. R. 18213. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States;

H. R. 26078. An act for the relief of Charles S. Kincaid;

H. R. 21724. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia; and

H. R. 8921. An act for the relief of William H. Seward.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 267. An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 271. An act to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8178. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 143. Joint resolution authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913;

S. 8565. An act to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.; and

S. 7802. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 23568. An act to amend section 55 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909;

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 21709. An act to amend subchapter 11 of chapter 49 of the Code of Law for the District of Columbia;

H. R. 11627. An act to correct the military record of Barkley S. Denison;

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law;

H. R. 24661. An act for the relief of James Parsons;

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens;

H. R. 25264. An act for the relief of W. A. Kelly;
H. R. 18213. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States;
H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district;
H. R. 27806. An act granting a pension to Mary MacArthur;
H. R. 26078. An act for the relief of Charles S. Kincaid;
H. R. 27875. An act authorizing the President to convey certain land to the State of Texas;
H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.;
H. R. 24703. An act to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues;
H. R. 18294. An act for the relief of John C. Sullivan;
H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;
H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia;
H. J. Res. 326. Joint resolution providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho;
H. R. 22913. An act to create a department of labor;
H. R. 22593. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities;
H. R. 21315. An act for the relief of Robert Ross;
H. R. 23676. An act to regulate the officering and manning of vessels subject to the inspection laws of the United States; and
H. R. 20511. An act for the relief of Samuel Butter & Co.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 8306. An act to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907; to the Committee on the District of Columbia.

S. 7723. An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia; to the Committee on the District of Columbia.

WOMAN SUFFRAGE PROCESSION.

Mr. TAYLOR of Colorado. Mr. Speaker, I call up from the Speaker's table Senate joint resolution 164 and ask its adoption.

Mr. HEFLIN. Mr. Speaker, I demand a second.

Mr. TAYLOR of Colorado. I move, Mr. Speaker, that a second be considered as ordered.

Mr. HARDWICK. Mr. Speaker, I reserve the point of order. I do not know whether there is a similar House resolution or not.

The SPEAKER. The Chair would inquire of the gentleman from Colorado what is the number of the resolution?

Mr. TAYLOR of Colorado. It is Senate joint resolution 164.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 164) stopping traffic and preventing interference with the suffrage procession.

Resolved, etc., That the superintendent of police of the District of Columbia be, and he is hereby, directed to stop all the ordinary traffic and travel, including the operation of street railroads, along Pennsylvania Avenue from the Peace Monument to Seventeenth Street, between the hours of 3 and 5 p. m., on Monday, the 3d day of March, A. D. 1913, and to prevent any interference with the suffrage procession on that day.

[Applause.]

The SPEAKER. There is an identical joint resolution reported from the House committee and on the calendar.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Does the gentleman from Colorado [Mr. TAYLOR] call this up by authority of the committee?

Mr. TAYLOR of Colorado. Yes; he calls it up under his right.

Mr. HARDWICK. As a matter of law he must call it up by authority of the committee.

The SPEAKER. Has the gentleman the committee's authority?

Mr. TAYLOR of Colorado. I have the authority of the chairman of the committee, Mr. JOHNSON of Kentucky.

The SPEAKER. That is not enough. There is no dispute about what the rule is any more, and that is that it takes an authorization of the committee.

Mr. HEFLIN. The gentleman ought to move to suspend the rules.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to suspend the rules and pass the resolution.

Mr. HEFLIN. I demand a second.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has the gentleman from Alabama been recognized for that purpose?

The SPEAKER. The Chair will recognize him for that purpose. The gentleman from Alabama [Mr. HEFLIN] demands a second.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. HARDWICK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] and the gentleman from Alabama [Mr. HEFLIN] will act as tellers. Those in favor of seconding this motion to suspend the rules will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 116, noes 13.

Mr. HARDWICK. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. Evidently there is a quorum present. There are 225 men on the floor of the House. A second is ordered. The gentleman from Colorado [Mr. TAYLOR] has 20 minutes and the gentleman from Alabama [Mr. HEFLIN] has 20.

Mr. TAYLOR of Colorado. Mr. Speaker, on the 29th of last month the Congress passed a Senate joint resolution providing for the regulation of traffic on the streets of this city during inauguration, but when the ladies who expect to conduct the woman's suffrage parade in this city on next Monday—some 10,000 of them—came to ask the superintendent of police to stop traffic and protect their line of march he informed them that he had no authority to do so under that resolution passed by Congress. The matter was taken up with the District Commissioners and with the Interstate Commerce Commission, and also with the superintendent of police, and they all determined that the only way in which authority could be given to the superintendent of police and relieve the District of legal liability and permit the policing and roping off and stopping of traffic during the hours from 3 to 5 on Monday afternoon was by having a joint resolution passed for that purpose. I introduced this resolution several days ago, and it was this morning introduced in the Senate. It passed the Senate this afternoon by a unanimous vote, and it is now on the calendar of the House. I ask the favorable consideration of it by the House. It is not a question of equal suffrage; it is a question of fair treatment of the women of this country. [Applause.] They have a right to parade down Pennsylvania Avenue next Monday without interference. That is all this resolution provides. If the street car companies were willing to stop their cars during two hours of the suffrage pageant there would be no necessity for this resolution; but owing to the fact that they will not do so, and the superintendent of police says he has no authority to compel them to, in view of the fact that there will be 150,000 visitors here and the streets will be thronged, there is no way of protecting that parade. The parade can not possibly be had unless this resolution is passed. With the hundreds of thousands of people that will be on the streets that day, unless all vehicles, street cars, and all traffic is absolutely stopped and Pennsylvania Avenue is roped off from the Peace Monument to Seventeenth Street and the line of march is protected by 500 police the procession will be utterly impossible.

I reserve the remainder of my time.

Mr. HEFLIN. Mr. Speaker, how much time did the gentleman consume?

The SPEAKER. Five minutes.

Mr. HEFLIN. I hardly think the gentleman has a right to reserve 15 minutes in which to close, when there are only 20 minutes. I should like to have him divide his time.

The SPEAKER. The gentleman has a right to reserve his time.

Mr. TAYLOR of Colorado. I will yield time to others.

Mr. HEFLIN. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, upon inaugural day there will be a very large number of visitors in this city, many of whom will reach the city Monday afternoon. I desire to read a statement from the president of the Capital Traction Co., the company that operates the street car lines on Pennsylvania Avenue, before the House acts upon this resolution.

THE CAPITAL TRACTION CO.,
Washington, D. C., February 28, 1913.

Hon. JAMES R. MANN,
House of Representatives.

DEAR SIR: Noting the introduction of a resolution directing the cars of the Capital Traction Co. to cease running on the Avenue during the presentation of the suffragist pageant on the afternoon of Monday, March 3, I request that in the event the passage of this resolution is pressed to submit that to stop the running of the cars on that afternoon, or any part thereof, would seriously incommode a great number of people who are coming to Washington to participate in the inauguration of the President-elect.

The experience of the past shows that by reason of the delays on steam railroads incident to the heavy traffic, a very great number of those coming reach Washington during the afternoon preceding the day of the inauguration.

It is a difficult thing to get the crowds from the station. The capacity of every street railway leading to and from the station is taxed to the utmost, and it is quite impossible to maintain, by reason of the conditions referred to, usual or satisfactory schedules.

The people coming into Washington are, for the most part, strangers, and are dependent upon the street cars for transportation to their destinations.

The Avenue line is one of the most direct arteries of transportation from the Union Station westward; not only that, but it is crowded with people coming in from Virginia over the Aqueduct Bridge, and all of this is in addition to the usual afternoon rush-hour traffic.

To meet measurably the conditions imposed upon us, we have to shorten our headway and increase the service by the addition of every available car.

To stop the cars on the afternoon of Monday for any period of time would interrupt the service, increase congestion at many points, would add to the crowded and uncomfortable conditions at the Union Station, and would incommode thousands of citizens coming from every part of the country.

In my judgment, this should not be done unless it were required for a governmental function or necessity, and hence the refusal of the company to stop the cars because of the intended parade of the suffragettes.

Very respectfully,

GEORGE E. HAMILTON, *President.*

If, instead of permitting the strangers who come to the city on that afternoon to reach their points of destination through street car transportation, the House desires to hold up transportation for practically the afternoon it is within the power of the House to do so; but I submit that it is not fair to the strangers who come here, practically invited for inauguration day, to subject them to this inconvenience and probably render impossible the reaching of their destinations during the afternoon.

I yield back the remainder of my time.

Mr. LAFFERTY. Will the gentleman answer a question? Is it not possible for all of those cars to be routed west from the Union Station on G Street or F Street?

Mr. MANN. It is not possible, because there will be cars on those lines running as frequently as the headway will permit, anyhow.

Mr. TILSON. And there is no physical connection between the lines of the two companies.

Mr. MANN. It is not possible. The cars ought to be permitted to run on Pennsylvania Avenue. The parade can march on Pennsylvania Avenue without holding up the street cars. Pennsylvania Avenue is a wide avenue; there is plenty of room for a procession or parade without inconveniencing every stranger who comes to the town at this time. However, most of them will be our Democratic friends. I anticipate that people of my own political persuasion will not be here in great numbers; but I think the strangers coming to the town are entitled to decent treatment. [Applause.]

Mr. TAYLOR of Colorado. I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, this resolution stops the cars for two hours in the city of Washington, on Pennsylvania Avenue—one street—to the end that the women of this country, representing an iden and a principle, may have an opportunity and the privilege of marching down it in order, with protection surrounding them.

We hear an appeal, as we have always heard from the business interests, that they can not delay their traffic for two hours, that these good women may have the opportunity to demonstrate to the world that the women of this land can march with respect and with decency and with honor, with their banners flying, to represent a principle that is coming just so sure as the sun shall shine to-morrow. That one-half of this country will not be permitted to rule alone, but that the other half, as intelligent, as honest, and patriotic for representative government, shall have an opportunity to participate. I say as a Representative that this Congress ought to give this protection for these noble and loyal women for the short space of two hours. I trust that the resolution will pass.

The SPEAKER. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. I yield 4 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, a large number of good women of many States of the Union, engaged in promoting a cause in which they believe, and in which an increasing number of American citizens believe, propose to have a parade on Pennsylvania Avenue for two hours on the 3d of March. The Capital City of this great Nation owes it to the women of the Nation to see that that procession is properly guarded and those participating in it given an opportunity to march down the Avenue without interference, interruption, or annoyance.

I regret to say that the chief of the police of this city has not shown himself in that harmony with this movement that a man charged with the maintenance of order in this Capital City of the Nation should be. If he had so shown himself to be in sympathy with the movement sufficient to insure adequate protection I doubt if this resolution would have been considered necessary. The stoppage of traffic for two hours on this one street will discommode but few people, and that for a brief period. I am of the opinion there are few citizens coming here to participate in the inauguration of the President of this Republic who will not be perfectly willing to be discommoded for a short time that the Capital City of the Nation may properly guard and show proper respect for this splendid demonstration of good women in their effort to spread the gospel of better government throughout the Union. [Applause.]

Mr. HEFLIN. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I passed through the tellers against the seconding of the motion, and I did so for the reason that under this motion there is no opportunity to amend this bill. I listened to the remarks of my colleague [Mr. MANN] and the letter that was read. Pennsylvania Avenue is a very wide avenue. On it are the tracks of the Capital Traction Co. I do not regard the interests of that company as paramount, but for the reasons stated, it seems to me that these American citizens who desire to march on the 3d of March could have marched just as well on the 4th. But let that pass, and say if they desire to march on the 3d they have that right. I would have offered an amendment if it had been in order, as it would have been if this was not a motion to suspend the rules, directing the Commissioners of the District to rope the streets and to afford police protection and preserve order, but I would have allowed the street cars to run. There is room or space to throw to the birds on both sides of the tracks to enable the women to march 20 deep, if they should so desire.

My mother was a woman, my wife was a woman, and I have no sons. I have two daughters and two granddaughters, and somehow the family runs to women. [Laughter.] I have a great respect for the opinions of all American citizens. The women are citizens and have a right to believe in woman suffrage and resort to all peaceable and proper means to secure that end.

The SPEAKER. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. I yield one minute to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Speaker, I am the oldest member of the organization known as suffragists in this House. I will be the oldest woman of this House in the parade on Monday, and I need protection. I am therefore in favor of the resolution. [Laughter.]

Mr. HEFLIN. Mr. Speaker, I have not the time to elaborate my views on the question of woman suffrage. I will not undertake to discuss that question now, but I intend to discuss it in the near future, and I will extend a challenge to the member of the Alabama delegation who favors the suffragette movement to meet me in joint debate and discuss that subject. I understand that my colleague, Mr. HOBSON, will take part in the suffragette parade that will take place in this city next Monday. It is rumored that he will command a portion of the suffragette paraders. If he does, I want him to march clad in the paraphernalia of a woman. [Applause and laughter.] And I now suggest that he don a bonnet and wear a dress on that occasion. [Applause and laughter.]

Mr. Speaker, the gentleman from Colorado [Mr. TAYLOR] admits that this is not a question of woman suffrage, but merely a question of getting permission for these suffragette women to parade up and down Pennsylvania Avenue.

I am willing to rope off the right side and the left side of the Avenue and allow them and other people to parade if they so desire, but I am opposed to stopping the cars from running down

the middle of the Avenue; cars on which my constituents and your constituents, gentlemen, may ride for 5 cents apiece, when, if the cars stop, they will have to pay two or three dollars for a cab to ride around another way. The parade can be had without stopping the cars. While I have no sympathy with this suffragette movement or the proposed suffragette parade, let them parade if they want to, and let Mr. HOBSON command them if he chooses. [Applause and laughter.] Now, ho for that day.

The lark was up to meet the sun,
The bee was on the wing;
And soon the sufferin'-yets begun
To make the "welkin ring."

[Applause and laughter.]

They gathered around a laundryman.
"Protect yourself, sir, if you can,"
They thundered in his aching ear.
"Don't move," said one; "you stand right there."

[Applause and laughter.]

"It's votes for women, votes for women;
You'll soon be under the bottom;
We want votes; we want votes." He said,
"Women, I ain't got 'em."

[Applause and laughter.]

They screamed and yelled and tore their hair
And wildly, madly rent the air;
Marched back and forth, here and yonder,
While the absence of our wives, daughters, and mothers from the parade made the heart grow fonder.

[Applause and laughter.]

Mr. Speaker, there is already trouble in the land caused by the suffragette paraders from New York to Washington. A little bird tells me that some of these suffragettes were entertained at the home of Sarah Saxton one night; and Rufe Ruffin, the hero of Squash Center, relates this story:

Sarah Saxton tuck kere uv the sufferinettes one night, but she didn't know whut they wus up to, an' when she found that she was entertainin' sich as they it purty neer killed her. And nex' mornin' everything was outen jint. The hens refused ter lay, and in er body tried to follow the sufferinyets off up the road.

[Applause and laughter.]

The big red rooster looked lack his hart wood brake, an' he flew in front of a speckle hen and tried to purswade hur to behave and return, an', by golly, she crowed right in his face.

[Applause and laughter.]

The hen did finally return, Mr. Speaker, so the story goes, but she still crows like a rooster.

Said the big red rooster
To the little speckled hen,
"The way you air crowin'
Around here is a sin."

[Applause and laughter.]

Said the little speckled hen
To the big red rooster,
"I'll crow around here
Whenever I chooster."

[Applause and laughter.]

Another message from Squash Center, Mr. Speaker. Yad Potter says:

Don't be alarmed, men, this here crazy movement among certain women will soon disappear. There air bound to be a few female cranks along man's pathway.

I remember when I wus a boy my daddy put 25 settin's of eggs under 25 different hens, an' when they hatched out the entire hill wus covered with little chickens, and most of 'em wus hens, and, by golly, there wern't but one crowin' hen in the whole bunch—

[Applause and laughter.]

but she caused more confusement in the barnyard than ever you saw in your lifetime—

[Applause and laughter.]

Whenever she crowed the roosters charged at her, and when they got there and found she wus not a rooster they wus pestered powerful.

[Applause and laughter.]

Now, Mr. Speaker, I do not want to deny women or men the right to go up and down the Avenue Monday or any other day, but a woman suffragette calling herself "general" and another one calling herself "colonel" is going to cause more "confusement" in this city than you ever saw in your born days. [Loud and continuous applause and laughter.]

Mr. Speaker, this brigade of women marching from New York to Washington was commanded by Gen. Rosalie Jones. Who is Rosalie Jones? He is a woman. [Applause and laughter.] I understand that Col. Craft commanded the rear guard of the suffragette army. Who is Col. Craft, the children cry? He, too, is a woman. [Applause and laughter.] I am told that when marching about sundown one afternoon a faithful family cow came out and planted herself in front of them in the road. Gen. Jones addressed a few hot remarks to the cow, but the cow lowed back friendly greetings, and she finally made herself understood and said, "I mean no harm; I just saw you women coming down the road and, thinking that it was milking time, I planted myself in the road." [Applause and laughter.]

Mr. Speaker, I understand there will be speaking on the Avenue by women. I am reminded of another suffragette speaking. It is said that one damsel mounted a goods box and said, "I pant for the day when I can take a stand alongside of man and cast a vote just as he can. I pant for political paraphernalia, I pant"—and then a fellow in the audience said, "Yes, you pant to wear a pair of pants." [Laughter and applause.] Mr. Speaker, here comes the suffragette brigade, marching, tramp, tramp, tramp on to Washington, and here is a poem, a touching poem from Truth, a Buffalo magazine, that I wish to read:

The road is rough, and long the way.
Step along, O Rosalie.
Keep straight ahead, don't go away,
Rosy Jones, O Rosalie.
When you arrive count up your gains,
Your corns, and aches, and pains.
And coming back don't miss the trains;
You'll need them, my Rosalie.

[Applause and laughter.]

Mr. Speaker, I can fancy on Monday next, when the suffragettes are charging up and down the Avenue, the spirit of Washington coming back, with Thomas Jefferson standing by his side. I can fancy Washington, as he looks down upon these females of the species, and hear him saying:

"Who've come here since we've been gone?"

Jefferson:

"Voters and stump speakers with dresses on."

[Loud and continuous laughter and applause.]

Mr. TAYLOR of Colorado. Mr. Speaker, a parliamentary inquiry. How much time have I left?

The SPEAKER. Nine minutes.

Mr. TAYLOR of Colorado. I yield five minutes to the gentleman from Alabama [Mr. HOBSON]. [Applause.]

Mr. HOBSON. Mr. Speaker, I thought when the gentleman from Alabama [Mr. HEFLIN], my distinguished colleague, was charging about here that he was very much like the rooster in his father's barnyard, except with this contrast, he did not stop when he met the crowing hen. [Laughter and applause.] Evidently, Mr. Speaker, he prefers to fight rather than to be friendly. [Laughter and applause.] But, Mr. Speaker, to be serious, it comes with poor grace from the champion of man's kingly position in creation, as a protector of women, that my good friend is not willing that these of the weaker sex should have the protection that is given everywhere even to a circus parade or given to almost any large procession in this city. Think of his proposition, that he wants his constituents to be able to go down the Avenue; that they have come here to see the Washington Monument or other points of interest. Those who come here by Monday have come to see that parade. You will do nothing more to spoil the happiness of the stranger who will be here than to interfere with the success of that parade. As a matter of fact, Mr. Speaker, in going from the Union Station to any point where the Pennsylvania Avenue cars lead, or coming down Pennsylvania Avenue in the opposite direction, there is not one place that would be more than a block from where other cars would proceed—cars on F Street and G Street. There is simply no sound objection based on reason to this proposal. The elemental instincts of gallantry should prompt unanimous action on our part. It is not a question of the merits of equal suffrage, but simply a question of courtesy, called for by common hospitality. Mr. Speaker, my friend from Alabama intimates that he is going to challenge me to meet him. I will be glad to meet him. [Laughter and applause.] I do not know whether it will be on the hustings in Alabama or here on the floor of this House.

Mr. HEFLIN. Both places, if the gentleman desires.

Mr. HOBSON. I expect it will be both. I have smoked him out. I have convictions on the subject. It is one of the great, progressive, evolutionary questions of our age. It can not be laughed out of court. Woman has a right to the franchise. No democracy is complete till woman's half of the population is enfranchised. Woman's world—the world of home economics, child life, public health, and morals—ought to be projected into legislation, and can only be so projected through the participation of woman directly in our political affairs. The main objection advanced is that women are not endowed with capacity for self-government, are not qualified for political action. It is indisputable that the capacity for self-government can not be fully developed unless it is developed in both sexes, for women are the mothers of the men. I venture to say that the admirable traits of my friend from Alabama are largely inherited from his mother. I have observed that whenever you find anything eminently admirable in a man you can trace it to his

mother. The capacity for self-government is no exception. It comes under the great law of heredity. Any breeder of horses or other animals, or of any other living thing, desiring to develop a quality in an animal is more careful to see that the characteristic is developed in the mother than in the father. If the capacity for political government is as low in women as my friend intimates, then he ought to hasten to develop that capacity by giving women political activities.

Mr. HEFLIN. I have made no such statement.

Mr. HOBSON. It is only when the women in the world get fully developed that we can expect the greatest progress in the world. It is only when woman's angle of view as well as man's angle of view is brought upon man's activities that the greatest efficiency can be realized in these activities, and only when man's angle of view as well as woman's angle of view is brought to bear on woman's activities that the greatest efficiency can be realized in these activities; only when man and woman join together in their activities that the highest sympathy and happiest lives can be attained in the home.

The SPEAKER. The gentleman from Colorado has three minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, in answer to the gentleman from Alabama [Mr. HEFLIN] in regard to amending the resolution, I will simply say this: That the police and the people of this city know that if the street cars run, the people will be getting off the cars and on all along the line all the time, and it will be a physical impossibility to maintain the streets clear for the parade. They will be getting on and off at every street corner, and the whole march will be thrown into confusion and will be a failure. We know from experience that there is no other way of protecting the march except by absolutely stopping the street cars and all other vehicles along the parade from 3 to 5 p. m. next Monday.

It does seem to me that every fair-minded man in this House ought to support this resolution as a matter of common decency and fairness to the millions of good women of this country. [Applause.]

I now ask the adoption of the joint resolution.

Mr. EDWARDS. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman can not offer an amendment; it is under suspension of the rules. The question is on suspending the rules and passing the joint resolution.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. TAYLOR of Colorado) there were—ayes 148, noes 70.

Mr. SABATH. Mr. Speaker, I ask for the yeas and nays on this vote. [Cries of "No!" "No!"]

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

Mr. SABATH. I change my demand for tellers instead of the yeas and nays.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 52, answered "present" 8, not voting 120, as follows:

YEAS—201.

Adair	Dyer	Hensley	Lobeck
Adamson	Edwards	Higgins	Longworth
Akin, N. Y.	Esch	Hill	McCall
Allen	Farr	Hinds	McCoy
Anderson	Fergusson	Hobson	McDermott
Ashbrook	Fields	Houston	McKellar
Austin	Flood, Va.	Howell	Maguire, Nebr.
Barnhart	Focht	Howland	Martin, Colo.
Bathrick	Foster	Hughes, Ga.	Mays
Beall, Tex.	Fowler	Hull	Miller
Borland	Francis	Humphreys, Miss.	Mondell
Buchanan	French	Jackson	Moon, Tenn.
Bulkley	Gallagher	Johnson, Ky.	Morgan, La.
Burke, S. Dak.	Garner	Kendall	Morgan, Okla.
Burnett	Good	Kennedy	Mott
Butler	Graham	Kent	Murdock
Byrns, Tenn.	Gray	Kindred	Murray
Calder	Green, Iowa	Kinkaid, Nebr.	Needham
Cantrill	Greene, Mass.	Kitchin	Neeley
Carlin	Gregg, Pa.	Knowland	Nelson
Carter	Gregg, Tex.	Konop	Norris
Cary	Griest	Kopp	Nye
Cline	Guernsey	Lafean	Oldfield
Cooper	Hamill	Lafferty	Olmsted
Copley	Hamilton, Mich.	La Follette	Padgett
Cox	Hamilton, W. Va.	Lamb	Palmer
Cullop	Hamlin	Langham	Patton, Pa.
Curley	Harrison, N. Y.	Lawrence	Payne
Daugherty	Hart	Lee, Pa.	Pepper
Davis, Minn.	Haugen	Lenroot	Peters
De Forest	Hawley	Lever	Plumley
Dickinson	Hayden	Levy	Porter
Dixon, Ind.	Hayes	Lindbergh	Post
Dodds	Helgesen	Linthicum	Pou
Donohoe	Helm	Littlepage	Pray
Driscoll, D. A.	Henry, Tex	Lloyd	Prouty
Rainey	Scully	Stephens, Nebr.	Underwood
Raker	Shackleford	Stephens, Tex.	Vare
Randell, Tex.	Sherley	Sterling	Volstead
Ransdell, La.	Sherwood	Stone	Warburton
Rauch	Simmons	Taggart	Weeks
Richardson	Slemp	Talcott, N. Y.	Wilder
Roberts, Mass.	Small	Taylor, Ala.	Willis
Roberts, Nev.	Smith, Saml. W.	Taylor, Colo.	Wilson, Ill.
Roddenbery	Smith, N. Y.	Thayer	Witherspoon
Rothermel	Smith, Tex.	Thistlewood	Wood, N. J.
Rubey	Speer	Thomas	Young, Kans.
Rucker, Colo.	Stanley	Townsend	Young, Mich.
Russell	Stedman	Turnbull	
Saunders	Steenerson	Tuttle	
Scott	Stephens, Cal.	Underhill	

NAYS—52.

Aiken, S. C.	Cravens	Fordney	Macon
Andrus	Crumpacker	Gardner, Mass.	Mann
Bartholdt	Dalzell	Gardner, N. J.	Moore, Pa.
Bartlett	Davis, W. Va.	Gillett	Page
Blackmon	Dent	Godwin, N. C.	Rouse
Boehne	Denver	Gould	Sabath
Browning	Dies	Gudger	Sisson
Burgess	Difenderfer	Heflin	Stephens, Miss.
Burke, Wis.	Doughton	Holland	Tilson
Callaway	Dupré	Howard	Tribble
Claypool	Ellerbe	Jacoway	Watkins
Conry	Fitzgerald	Jones	Webb
Covington	Floyd, Ark.	McLaughlin	Young, Tex.

ANSWERED "PRESENT"—8.

Bell, Ga.	Booher	Clayton	Loud
Berger	Clark, Fla.	Collier	Stevens, Minn.

NOT VOTING—120.

Ainey	Evans	Kinkead, N. J.	Prince
Alexander	Fairchild	Konig	Pujo
Ames	Faison	Korbly	Redfield
Ansberry	Ferris	Langley	Rees
Anthony	Finley	Lee, Ga.	Reilly
Ayres	Fornes	Lewis	Reyburn
Barchfeld	Foss	Lindsay	Riordan
Bates	Fuller	Littleton	Rodenberg
Bradley	Garrett	McCreary	Rucker, Mo.
Brantley	George	McGillicuddy	Sells
Broussard	Gill	McGuire, Okla.	Sharp
Brown	Glass	McKenzie	Sims
Burke, Pa.	Goeke	McKinley	Slayden
Burleson	Goldfogle	McKinney	Sloan
Byrnes, S. C.	Goodwin, Ark.	McMorran	Smith, J. M. C.
Campbell	Greene, Vt.	Madden	Sparkman
Candler	Hammond	Maher	Stack
Cannon	Hardwick	Martin, S. Dak.	Sulloway
Crago	Hardy	Matthews	Sweet
Currier	Harris	Merritt	Switzer
Curry	Harrison, Miss.	Moon, Pa.	Talbott, Md.
Danforth	Hartman	Moore, Tex.	Taylor, Ark.
Davenport	Hay	Morrison	Taylor, Ohio
Davidson	Heald	Morse, Wis.	Towner
Dickson, Miss.	Henry, Conn.	Moss, Ind.	Vreeland
Doremus	Hughes, W. Va.	O'Shaunessy	Whitacre
Draper	Humphrey, Wash.	Parran	White
Driscoll, M. E.	James	Patten, N. Y.	Wilson, N. Y.
Dwight	Johnson, S. C.	Pickett	Wilson, Pa.
Estopinal	Kahn	Powers	Woods, Iowa

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following additional pairs:

For the session:

Mr. COLLIER with Mr. WOODS of Iowa.

For the day:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Until further notice:

Mr. PUJO with Mr. MCMORRAN.

Mr. WHITE with Mr. SWITZER.

Mr. SHARP with Mr. TAYLOR of Ohio.

Mr. SCULLY with Mr. SLOAN.

Mr. RUCKER of Missouri with Mr. SELLS.

Mr. REILLY with Mr. RODENBERG.

Mr. MOSS of Indiana with Mr. REYBURN.

Mr. LEWIS with Mr. POWERS.

Mr. JOHNSON of South Carolina with Mr. REES.

Mr. JAMES with Mr. PRINCE.

Mr. HAY with Mr. MERRITT.

Mr. HARRISON of Mississippi with Mr. MATTHEWS.

Mr. HARDY with Mr. MCKINLEY.

Mr. HARDWICK with Mr. MCKENZIE.

Mr. HAMMOND with Mr. MCGUIRE of Oklahoma.

Mr. GOODWIN of Arkansas with Mr. LOUD.

Mr. GOLDFOGLE with Mr. LANGLEY.

Mr. GOEKE with Mr. HENRY of Connecticut.

Mr. GARRETT with Mr. HEALD.

Mr. FINLEY with Mr. GREENE of Vermont.

Mr. FAISON with Mr. FULLER.

Mr. ESTOPINAL with Mr. FOSS.

Mr. DOREMUS with Mr. FAIRCHILD.

Mr. CANDLER with Mr. DWIGHT.

Mr. BYRNES of South Carolina with Mr. MICHAEL E. DRISCOLL.

Mr. BURLESON with Mr. DRAPER.

Mr. BROUSSARD with Mr. CAMPBELL.

Mr. BRANTLEY with Mr. ANTHONY.

Mr. FORNES with Mr. BURKE of Pennsylvania.
Mr. ALEXANDER with Mr. AINEY.
Mr. CLAYTON with Mr. CANNON.
The result of the vote was announced as above recorded.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to submit a request for unanimous consent. I notice in the naval appropriation bill that the Senate has amended many of the items in the bill, but overlooked amending the totals. And if any of them should be agreed to the totals, being the same text in the House and in the Senate, would not be so in conference. And I ask unanimous consent that it be in order for the conferees to change the totals so as to make them correspond with the report.

Mr. MANN. With the items?

Mr. PADGETT. With the items.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that the conferees on the naval appropriation bill be empowered to make the correct totals. Is there objection? [After a pause.] The Chair hears none.

PROCEEDINGS AT DINNER TO REPRESENTATIVE CANNON (H. DOC. NO. 1445).

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to have printed as a House document the proceedings had at the dinner recently given by the House of Representatives to the Hon. JOSEPH G. CANNON.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent to print as a public document the proceedings at the recent dinner given to the Hon. JOSEPH G. CANNON. Is there objection?

There was no objection.

RECESSES OF THE HOUSE.

Mr. UNDERWOOD. Mr. Speaker, from now on it will probably be necessary for the House to take recesses instead of adjournments. It will probably be necessary to meet to-morrow, and the House will not wish to carry to-morrow's date on the RECORD. I ask unanimous consent that it may be in order as a matter of privilege, from now until the end of the session, to make a motion to take a recess.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that it shall be a matter of privilege from now to the end of the session to make a motion to take a recess instead of to adjourn.

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman with reference to the probability of being in session a part of to-morrow. It is not the idea that we will hold any session on Sunday except for the consideration of supply bills, is it?

Mr. UNDERWOOD. Well, we shall have to hold sessions for the consideration of the business that comes before the House. The "gentleman from Alabama" can not limit what the House shall do. The House must determine that.

Mr. RODDENBERY. What I had in mind at the time the unanimous-consent request was being preferred by the gentleman, he having stated that it might be necessary, in connection with taking these recesses, to hold sessions to-morrow, was that I did not care for that statement to go along with the unanimous consent without attention being called to it now, so that an objection to it hereafter, if made, would not appear to be inconsistent with the assent at this time.

Mr. UNDERWOOD. Of course the gentleman knows that it is perfectly in order to-night to move to adjourn so that we can meet to-morrow, or suspend the rules and meet to-morrow. I am merely trying to expedite business.

Mr. RODDENBERY. I will ask the gentleman further: A recess might be taken, or an adjournment might be taken, whichever might be preferred, to meet to-morrow—that is, Sunday—for the consideration of supply bills, conference reports, and matters to close up legislation that gentlemen seem to be of opinion should pass; but does the gentleman mean to include in that, by taking a recess to meet to-morrow, that it might be contemplated by the House that we would take up and move to suspend the rules to pass some general legislative bill on Sunday that is not now in conference or which did not involve an appropriation?

Mr. UNDERWOOD. I can not answer the gentleman. I can not tell what the House will do when it meets. I ask unanimous consent, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

RECESS.

Mr. UNDERWOOD. Then, Mr. Speaker, I move that the House do now take a recess until 8 o'clock to-night.

Mr. MANN. Would it not be better to make it 8.30?

Mr. UNDERWOOD. Mr. Speaker, at the request of some gentlemen here, who want a little more time, I will modify my request, and ask that the House take a recess until 8.30, with the request that all Members be here to-night.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House take a recess until half past 8 to-night.

The motion was agreed to; accordingly (at 6 o'clock and 49 minutes p. m.) the House stood in recess until 8.30 p. m.

EVENING SESSION.

At the expiration of the recess the House resumed its session.

MONUMENTS ON BULL RUN BATTLE FIELDS.

Mr. HAY. Mr. Speaker, I ask to call up from the Speaker's table the bill (S. 1142) to protect the monuments already erected on the battle fields of Bull Run, Va., and other monuments that may be there erected, a similar bill having been reported by the House committee.

The SPEAKER. The Clerk will report the bill.

Mr. HARDWICK. I reserve a point of order against it, because under the statement of the gentleman so far made it would not be privileged, and he could not call it up in that way.

The SPEAKER. The gentleman from Georgia reserves the point of order.

Mr. HAY. I move to suspend the rules and pass the bill.

The SPEAKER. The gentleman from Virginia moves to suspend the rules and pass a bill which will be reported by the Clerk.

The bill was read, as follows:

Whereas United States troops belonging to the Department of Washington, in the month of June, 1865, took possession of certain lands on the battle fields of Bull Run and erected thereon two monuments, about 1 mile apart, and dedicated the same in memory of the patriots who fell July 21, 1861, and August 28, 29, and 30, 1862, in the battles known as the first and second Bull Run; and

Whereas the said monuments still stand on private property, the title to which has never been acquired by the United States; and

Whereas many military organizations which took part in said battles desire to suitably commemorate the same; and

Whereas the State of Virginia has ceded to the United States their jurisdiction over land that may be acquired for the purposes herein named, not to exceed 200 acres: Therefore

Be it enacted, etc., That the Secretary of War is hereby directed to inquire into the practicability of purchasing the land upon which the aforesaid monuments stand, the advisability of making the purchase thereof, and the price which will have to be paid therefor.

The SPEAKER. Is a second demanded?

Mr. FOSTER. I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. HENRY of Texas. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. HAY. I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Fordney	Langley	Redfield
Ames	Foss	Lee, Ga.	Reilly
Ansberry	French	Lever	Reyburn
Ayres	Fuller	Lindsay	Richardson
Barchfeld	Garrett	Littleton	Riordan
Bartlett	George	Longworth	Roberts, Mass.
Bates	Gillett	McCall	Rodenberg
Berger	Glass	McCreary	Scully
Bradley	Gould	McDermott	Sells
Brown	Green, Iowa	McGillicuddy	Sisson
Buchanan	Greene, Vt.	McGuire, Okla.	Sloan
Burke, Pa.	Guernsey	McKellar	Smith, J. M. C.
Burnett	Hamilton, Mich.	McKinney	Smith, N. Y.
Byrnes, S. C.	Hardy	Madden	Stack
Callaway	Harris	Maher	Stanley
Cannon	Harrison, N. Y.	Martin, S. Dak.	Sulloway
Clayton	Hart	Matthews	Sweet
Copley	Hartman	Merritt	Switzer
Crago	Heald	Moon, Pa.	Talbott, Md.
Cravens	Helm	Moon, Tenn.	Taylor, Ohio
Currier	Henry, Conn.	Moore, Tex.	Thayer
Curry	Hinds	Morgan, Okla.	Thomas
Danforth	Hobson	Morse	Tilson
Davenport	Howell	Mott	Vreeland
De Forest	Hughes, Ga.	Nelson	Watkins
Dent	Hughes, W. Va.	Olmsted	Weeks
Dickson, Miss.	Jackson	Palmer	Whitacre
Dodds	Kinkead, N. J.	Parran	White
Draper	Knowland	Patten, N. Y.	Wilder
Evans	Konig	Payne	Wilson, Ill.
Ferris	Korbly	Powers	Wilson, N. Y.
Finley	Lafferty	Pujo	Wilson, Pa.
Focht	Lamb	Ransdell, La.	Wood, N. J.

The SPEAKER. On this roll call 249 Members have answered—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to, and the Doorkeeper was directed to open the doors.

The SPEAKER. The question is on ordering a second.

Mr. HAY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has 20 minutes and the gentleman from Illinois [Mr. FOSTER] has 20 minutes.

Mr. HAY. Mr. Speaker, unless the gentleman from Illinois wishes to ask me some question I do not desire to address the House.

Mr. FOSTER. I would like to ask the gentleman from Virginia with reference to the bill. I observe that the bill as originally introduced, and very much the same in the Senate, provided for the buying of not more than 200 acres of land, and there was an appropriation proposed of $50,000. As it passed the Senate all that matter has been stricken out, and it provides that the Secretary of War shall be directed to inquire into the practicability of purchasing the land on which the monuments stand, and the price that will have to be paid therefor. I want to ask the gentleman if this land which it is proposed to buy will cost $50,000?

Mr. HAY. I think not. The Committee on Military Affairs of the House reported the bill in the identical words as it passed the Senate. They reported it in that way and struck out the provision for the appropriation, because they thought that $50,000 was too much and that the land could be bought for very much less. We want information from the War Department in order that we may know just what the land is worth. However, I will say that the gentleman from Virginia [Mr. CARLIN] is the Representative of that district and knows more about the value of the land than I do, and I yield such time as he may desire.

Mr. MANN. Will the gentleman yield?

Mr. HAY. I will.

Mr. MANN. The bill the gentleman now calls up is the Senate bill. Is that the same as the committee amendment to the House bill?

Mr. HAY. In the same words.

Mr. MANN. Providing for an investigation as to the practicability of purchasing or acquiring the land on which the monuments are erected on the Bull Run battlefield?

Mr. HAY. Yes.

Mr. FOSTER. I would like to ask the gentleman from Virginia [Mr. CARLIN] to give the House some idea of what this land can be secured for.

Mr. CARLIN. I have no definite idea as to the value of it, but I should think somewhere in the neighborhood of $75 or $100 an acre—perhaps more and perhaps less.

Mr. FOSTER. Does the gentleman believe that the land down there is worth $75 or $100 an acre?

Mr. CARLIN. I do; yes.

Mr. FOSTER. Mr. Speaker, I do not know, of course, what this land is worth, but this is an investigation looking to the feasibility of acquiring this land for the purposes of care and protection of the monuments on the first and second Bull Run battle fields. I believe that it is proper and right that the Government should ascertain the advisability of securing land for that purpose.

Mr. Speaker, this inquiry, I take it, is to be made by the Secretary of War and will not cost the Government anything, and if Congress in the future decides not to purchase the land at the option offered there will be no obligation to buy it.

Mr. CARLIN. The gentleman is correct.

Mr. FOSTER. I see the interest of the gentleman from Virginia in preserving these historic battle fields, and I believe that, so far as I am concerned, I will not object to it.

Mr. COX. How much land are they going to buy?

Mr. FOSTER. Not more than 200 acres.

Mr. SISSON. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. SISSON. I have been over the battle field, and I am in sympathy with the object of the bill, but I am doubtful whether 200 acres will cover the engagement and scope of the monuments there.

Mr. FOSTER. It is the intention to buy the land on which the monument stands, not to buy all of the land on which the battles were fought. It is only to take in the land on which the monuments are erected.

Mr. MANN. This bill is to acquire information. It does not pledge the Government to buying anything.

Mr. SISSON. I understand; but the acreage is limited to 200 acres.

Mr. MANN. No; it is not.

Mr. SISSON. I so gathered from the reading of the bill.

Mr. COX. Does not the gentleman think the bill states in the beginning the proposition to purchase many hundreds of acres?

Mr. MANN. The cession of the State of Virginia is limited to 200 acres—the jurisdiction of the State of Virginia.

Mr. SISSON. In this bill?

Mr. CARLIN. The Legislature of the State of Virginia would extend the jurisdiction if the Federal Government desires it.

Mr. SISSON. From an examination of the battle field I really do not believe that 200 acres will cover what the Government ought to preserve, and I want to say another thing. I believe that the gentleman from Virginia has placed the land valuations entirely too high. I made some inquiries respecting that.

Mr. FOSTER. But the gentleman would not expect the gentleman from Virginia to price the land in his own State at a low figure.

Mr. SISSON. Oh, no.

Mr. FOSTER. I am sure the gentleman from Mississippi would not price land in Mississippi at a low figure.

Mr. CARLIN. If I were pricing the land in Mississippi I would perhaps have made it lower, but this is valuable, desirable land.

Mr. MANN. This bill does not provide for even acquiring information about the battle field of Bull Run, but only as to the land upon which two monuments are now erected, and I judge as to the land between those monuments.

Mr. CARLIN. That is all.

The SPEAKER. The question is on suspending the rules and passing the Senate bill.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

COAL-MINING COMPANIES IN OKLAHOMA.

The SPEAKER laid before the House the bill (S. 3843) granting the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, with House amendments thereto.

The Clerk read the House amendments.

Mr. CARTER. Mr. Speaker, I move that the House insist upon its amendments and agree to the conference asked.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. CARTER, Mr. HAYDEN, and Mr. CAMPBELL.

WORKMEN'S COMPENSATION BILL.

Mr. BRANTLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, with amendments thereto, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That every common carrier, including express companies, engaged in interstate or foreign commerce by railroad, including commerce between the District of Columbia and a State (hereinafter designated employer), shall pay compensation in the amounts hereinafter specified to any employee who, while employed in such commerce by such employer, sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as hereinafter defined, of such employee in case such injury results in his death.

SEC. 2. That every common carrier, including express companies, by railroad in the District of Columbia (hereinafter designated employer) shall pay compensation in the amounts hereinafter specified to any employee who sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as hereinafter defined, of such employee in case such injury results in his death.

SEC. 3. That except as provided herein no such employer shall be civilly liable for any personal injury to or death of any such employee resulting from any such accident.

SEC. 4. That the first five calendar days of disability resulting from any injury shall be excluded from the period of time for which compensation is hereinafter specified, but this shall not be construed to reduce the length of time over which payments shall extend wherever specific periods are herein fixed: *Provided, however*, That during said five days the employer shall furnish all medical and surgical aid and assistance that may be reasonably required, including hospital services.

SEC. 5. That after the expiration of the five days mentioned in the foregoing section the employer shall continue to furnish such medical and surgical aid and assistance as may be reasonably required, including hospital services, in an amount not exceeding $200: *Provided*, That if the employee elects to furnish his own physician or surgeon or to care for himself he shall receive from his employer such expenses incurred therefor by him as are reasonable and just, not to exceed $200. The compensation hereinafter provided shall be in addition to all such

surgical, medical, and hospital services as set forth in this and the preceding section.

SEC. 6. That no compensation or benefits shall be allowed for the injury or death of any employee where it is proved that his injury or death was occasioned by his willful intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty: *Provided*, That this clause as to intoxication shall not apply if the employer knew or in the exercise of ordinary care might have known that the employee was intoxicated or that he was in the habit of becoming intoxicated.

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 90 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 90 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language the time and place thereof, the name of the injured or dead employee, his class of service, and the address of the injured employee or person giving the notice: *Provided*, That where it is made to appear that the party herein required to give such written notice has been prevented from giving it through or by reason of mental or physical incapacity, ignorance of law or of fact, or the fraud or deceit of some other person, or from other good cause, the same may be given after the expiration of said 90 days, but not later than six months from the date of the accident or death.

In the absence of such written notice the employer shall not be liable to pay any compensation under this act unless it is made to appear that such employer had knowledge or information of the injury or death: *Provided*, That in case of death resulting within 48 hours from the time of the accident notice thereof shall not be required.

No defect or inaccuracy in the written notice herein required shall be deemed material unless the employer shall show that he was prejudiced thereby, and then only to the extent of such prejudice; and such written notice may be substantially in the following form:

"FORM OF NOTICE OF ACCIDENT AND CLAIM.

"To be filled out by an injured employee or by a dependent of a deceased employee or by a person acting for either.

"To ——:

"You are hereby notified that —— —— (name of deceased or injured employee), your employee, met with an accident on or about the —— day of ——, 19—, at or near ——, in the State of ——, and that the accident occurred in the course of his employment by you as —— (class of service), and resulted in his —— (disability or death) on the —— day of ——, 19—, and claim for compensation is hereby made.

"Name —— —— (person giving notice),
"Address —— ——."

But no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee by name met with an accident in the course of his employment (stating the nature of such employment) on or about a specified time at or near a certain place which resulted in his disability or death. The notice may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action under the laws of the State or Territory or the District of Columbia where the accident occurred, or upon any station agent, or by sending it by registered mail to the employer, addressed to the principal office or to any division superintendent of such employer, or to any such agent aforesaid.

SEC. 8. That it shall be lawful at any time after the expiration of 14 days from the date of an injury, unless an award or findings shall have previously been made, for the employer and employee to settle by agreement according to the limitations of amount and time in this act established, the compensation due under this act, which agreement shall be in writing signed and acknowledged by the parties, and shall specify the compensation, if any, due and unpaid by the employer to the employee up to the date of the agreement, and, if agreed upon, the amount of the monthly payments thereafter to be made by the employer to the employee, and the time such monthly payments shall continue. In case of death it shall be lawful for the employer and any of the dependents of the deceased employee to settle by agreement in like manner and with the same effect the compensation payable to such dependent under this act. The periods of compensation provided for permanent total disabilities or for the permanent partial disabilities specifically mentioned in subdivision one, clause (D) of section 21, or for death, and the provisions of this act with respect to periodic payments and the percentage which such payments shall bear to the monthly wages shall not be varied by such agreement. Such agreement may be substantially as follows:

"In the matter of the claim of —— —— for personal injury received by —— ——, in the service of ——.

"—— and ——, an employee of said ——, injured in —— service (or in case of death, —— ——, dependent of —— ——, deceased, an employee injured in the service of said ——), hereby agree to the following adjustment under the Federal accident compensation act of the liability for injuries (or death resulting from injuries) to —— ——, received in the course of and arising out of his employment by said —— (or receiver, as the case may be), in interstate (or foreign) commerce (or in the District of Columbia), at ——, on the —— day of ——, 191— (here state the facts generally as to the work in which employee was engaged when injured), the said adjustment being as follows: (Here state the terms of the adjustment, referring to the appropriate sections and subsections of the act.)

"(Signed) —— —— "—— ——,
"*Employee (or dependent of employee).*"

Said agreement shall be executed in triplicate, one of which may be retained by the employer, one by the employee or his dependents, and the other shall be filed with the adjuster, as provided in section 12. Any modification or alteration of said agreement, if made by the parties, shall be in writing and executed and filed in the same manner and with like effect. If the employer shall fail for a period of 10 days after written demand to make any payment provided for in said agreement, the employee or dependent, at his election, may maintain an action in any State or Federal court of competent jurisdiction to enforce such agreement or may treat such agreement as rescinded and proceed to enforce the claim for compensation under the provisions of this act. Save as provided in this section no agreement purporting to settle compensation due under this act shall be valid.

SEC. 9. That it shall be competent for any employer subject to the provisions of this act and his employees to organize and constitute, in such manner as they may determine, a committee or committees for the purpose of settling disputes and awarding compensation under and in accordance with the limitations as to amount and time prescribed in this act; and it shall thereupon be the duty of the employer to file a written notice with the adjuster or adjusters having jurisdiction within the territory for which said committee is constituted, giving the names and post-office addresses of the members of the committee or committees. If the compensation due under this act be not settled by the agreement of the parties, and any such committee exists, the differences between the employer and employee arising under this act shall, upon the request in writing of either party and the written consent of the other filed with the committee, be settled by such committee in accordance with the provisions of this act, and after the filing of such consent the provisions of this act with reference to instituting original proceedings before the adjuster shall not apply. Such committee shall not be bound by technical rules and shall give the parties and their witnesses ample opportunity to be heard. The award made by such committee shall be final, except as provided in section 11, and shall be filed by the committee with the adjuster having jurisdiction within 30 days after the same is made, and the provisions of section 12, so far as applicable, shall apply thereto. The adjuster shall file such award with the clerk of the court having jurisdiction in the same manner and with the same effect as findings made by the adjuster, and said award, except that it shall be final, shall be treated in all respects as such findings. If the committee shall fail to make an award within 90 days after the filing of such consent, the same shall, by the said committee at the request of either party in writing, be immediately referred to the adjuster having jurisdiction thereof, who shall proceed to hear and determine the same as if the claim for compensation were originally before him upon petition and answer.

SEC. 10. That before any agreement or award has been made it shall be the duty of the injured employee, if so requested by the employer, to submit himself at least once, at reasonable times and places, for examination by a duly qualified physician or physicians furnished and paid by the employer, and the employee shall have the right to have a duly qualified physician or physicians, chosen by himself, present at such examination.

SEC. 11. That an agreement for compensation may be modified at any time within two years after the accident by a subsequent agreement. At any time before the expiration of two years from the date of the accident, but not afterwards, and before the expiration of the period for which payment of compensation has been fixed thereby, but not afterwards, any agreement, award, findings, or judgment may be reviewed by the adjuster upon the application of either party after due notice to the other party upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the adjuster may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but such order shall have no retroactive effect. The findings of the adjuster upon such review shall be served on the parties and filed with the clerk of the court having jurisdiction, in like time and manner and subject to like disposition as in the case of original findings: *Provided*, That not more than one review shall be had upon the application of any one party.

SEC. 12. That it shall be the duty of the employer to file, or cause to be filed, every agreement for compensation, or modification thereof, to which he is a party, in the office of the adjuster having jurisdiction, as hereinafter provided, within 60 days after it is made; otherwise it shall be voidable by the employee or dependent. The same shall be received and filed by said adjuster and recorded and indexed. A copy thereof, certified by the adjuster, may be admitted in evidence with like effect as the original; and it shall be the duty of the adjuster to furnish a certified copy at the request of any person in interest: *Provided*, That the employee or dependent who is a party to said agreement may file the same with the same effect as though filed by the employer: *And provided further*, That where there are two or more adjusters having concurrent territorial jurisdiction, such agreement shall be filed with the adjuster senior in date of appointment.

SEC. 13. (1) That the United States district court in each judicial district shall, within 30 days after this act takes effect, appoint a competent person to be known as adjuster of accident compensation, and may, from time to time, whenever the business in any such district in the judgment of the Attorney General of the United States justifies it, appoint additional adjusters. Each of such adjusters shall receive a salary of not less than $1,800 nor more than $3,000 per annum, to be paid by the United States in equal monthly installments in like manner as salaries of district judges are paid. It shall be the duty of the Attorney General of the United States, as soon as practicable, to make inquiry and fix and establish the salary to be paid to each adjuster within the limits aforesaid, the determination by him of the amount to be based upon the extent of the business done or to be done by said adjuster under this act. Each adjuster shall have jurisdiction of all cases arising under this act within the judicial district for which he is appointed: *Provided, however*, That where more than one adjuster is appointed for a judicial district, the court making the appointment may, in its discretion, determine the manner in which the authority of the respective adjusters shall be exercised under this act within the same district or limit the jurisdiction of any adjuster appointed by it to one or more counties or other territorial subdivision within the district, in which case the jurisdiction of such adjuster shall extend to such county or counties, or territorial subdivision only, except as hereinafter provided: *And provided further*, That every appointment of an adjuster shall be certified by the district court making it to the circuit court of appeals having jurisdiction of the district, and said circuit court of appeals may, within 30 days after the receipt of the same, for good cause, disapprove such appointment, in which case it shall become of no effect, and such district court shall make another appointment, but the acts of such adjuster in the meantime shall be valid.

(2) No person shall be appointed as adjuster who, at the time of his appointment, holds any office of profit or emolument under the laws of the United States or of any State other than the office of commissioner of deeds, justice of the peace, or notary public, or who has been in the employment of any railroad as claim agent or attorney within a period of 12 months prior to his appointment, or who is related by marriage or by consanguinity or affinity within the third degree, as determined by the common law, to any judge of the district court of the United States, or judge or justice of an appellate court, having jurisdiction of the district wherein he may be appointed. The adjuster shall be a resident of the territorial district for which he is appointed. He shall hold his office for a term of four years, but may be removed at any time by the court or by the President on the recommendation of the Attorney General of the United States, if his services are no longer required in the public interest or for good cause shown.

Each adjuster before entering upon the duties of his office shall take an oath of office for the faithful and impartial performance of his duties. In case any adjuster shall be removed, or for any reason shall cease to act, he shall transfer all his official records, files, and papers to his successor in office, or, if none, then to the clerk of the district court having jurisdiction, and the court shall have power to enforce this provision by order: *Provided, however,* That nothing herein shall operate to render any adjuster ineligible to act in a like capacity under the law of any State.

(3) It shall be the duty of the said adjuster to keep a record of his proceedings, and he shall have the power to preserve and enforce order in his presence while transacting business; to subpœna witnesses, to administer oaths in any proceeding and in all other cases where it may be necessary in the exercise of his powers and duties; to formulate, issue, amend, and control his processes and orders consistent with law as may be necessary to carry into effect the powers and jurisdiction possessed by him; to examine persons as witnesses, take evidence, require the production of documents, and to do all other things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(4) If any person shall, in proceedings before an adjuster, disobey or resist any lawful order or process, or misbehave during a hearing or so near the place thereof as to obstruct the same, neglect to produce after having been ordered to do so any pertinent document, or refuse to appear after having been subpœnaed, or, upon appearing, refuse to take the oath as a witness, or after having taken the oath refuse to be examined according to law, the adjuster shall certify the facts to the district court having jurisdiction, which shall thereupon in a summary manner hear the evidence as to the acts complained of, and if the evidence so warrant, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court: *Provided,* That no person shall be required to attend as a witness before an adjuster at a place outside of the State of his residence and more than 100 miles from such place of residence, or unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him: *Provided,* That either party may take the testimony to be used before the adjuster, of a witness, either by deposition or interrogatories, according to the rules of practice in force in the United States district in which the case is pending.

(5) It shall be the duty of said adjuster to maintain and keep open during reasonable business hours an office at the place of his residence for the transaction of business under this act, at which office he shall keep his records and papers. He shall, however, hear cases at such other place or places within the limits of his territorial jurisdiction as will be most convenient for the parties and witnesses, including the place where the accident occurred and the residence of the injured or deceased employee. He shall be allowed all necessary traveling expenses in going to and from his place of residence for the purpose of conducting such hearings and his necessary and reasonable expense of subsistence actually incurred while so absent, not exceeding $5 per day. Accounts for all such expenses shall be approved by the district court and transmitted to the Attorney General of the United States and paid as allowed by him. Said accounts shall be rendered quarter yearly, beginning with the 1st day of October next after this law goes into effect. The Attorney General, upon requisition, shall, at the expense of the United States, furnish each adjuster with necessary records, books, blanks, and stationery supplies.

(6) No adjuster shall act in any case in which he is interested, or when he is employed by either party or related to either party by marriage or by consanguinity or affinity within the third degree, as determined by the common law. Whenever it shall be made to appear, by the application of either party, to the satisfaction of the district court having jurisdiction, that the adjuster before whom any case is pending is disqualified, or that he entertains bias or prejudice, so that a fair and impartial hearing of the case can not be had before him, it shall be the duty of the court to order the case transferred for hearing and disposition to another adjuster within the judicial district, or if none, to another adjuster within the State, or if none, then to appoint a competent person to act in the case as adjuster pro tempore. Such adjuster pro tempore shall possess all the powers conferred upon the adjuster by this act and shall proceed in the same manner and with the same effect. His compensation shall be fixed by the court appointing him, and such compensation shall be paid by the United States on the approval of the judge and the allowance of the Attorney General. The parties may agree to transfer any case to another adjuster in the same State, and in case of such agreement or order all papers and a certified copy of any record in the case shall without cost be forthwith transmitted by the adjuster before whom the case is pending to the adjuster agreed upon or designated, who shall, upon receipt of such papers and copy of record, proceed as though the case had been originally brought before him.

(7) Neither an adjuster nor the partner of an adjuster shall appear as attorney for either party in any proceedings under this act.

(8) The adjuster may, in any case upon application of either party or of his own motion, appoint a disinterested and duly qualified physician to make any necessary medical examination of the employee and testify in respect thereto. Said physician shall be allowed a reasonable fee, to be fixed by the adjuster, not exceeding for each examination $10, which shall be included by the adjuster in his account and paid as provided in paragraph 5 of section 13: *Provided, however,* That the adjuster shall in every case receive the testimony of any physician called by either the employer or the employee.

(9) Witness fees and mileage shall be computed at the rate allowed for witnesses in the United States district courts, and fees and mileage for serving the petition or other papers shall be computed at the rate allowed for service of summons from said court in civil suits by the United States marshal. Costs legally incurred may be taxed against either party or apportioned between the parties, in the sound discretion of the adjuster or of the court, as the case may be, and as the justice of the case may require.

(10) The adjuster or adjusters for the District of Columbia shall be appointed by the Supreme Court of the District, and such adjuster or adjusters shall hold the same tenure of office as prescribed for adjusters appointed by the United States district courts, subject to removal by the Supreme Court of the District of Columbia, or by the President on the recommendation of the Attorney General of the United States, for like cause, and shall have the same power and jurisdiction under this act within the limits of the District of Columbia, and shall be governed by all the provisions of this act, so far as the same may be applicable, in the same manner as adjusters appointed by the United States district courts. The findings of the adjuster or adjusters shall be transmitted to the said supreme court, and shall be disposed of by said court in the same manner and under the same rules as are prescribed herein for the disposal of such matters by the United States district courts. The said supreme court and the justices thereof shall have and exercise the same power in all cases arising under this act within the District of Columbia as are conferred by this act upon the United States district courts.

SEC. 14. (1) That in default of agreement between the parties interested or submission to a committee as hereinbefore provided, the employer, employee, or any dependent may, after giving notice of the accident when the same is required, or without giving notice where such notice is not required, and within one year from the date of the injury or death, institute proceedings for the settlement and adjustment of the claim before an adjuster having jurisdiction within the territory where the accident occurred. Such proceedings may be instituted by petition, setting forth in ordinary language the facts constituting the claim and asking that compensation be fixed and awarded in accordance with the provisions of this act. Unless service is accepted by the party defendant a copy of such petition shall be served upon him and return of such service made in the manner provided by law.

(2) Within 10 days after such service the party defendant may answer the petition and in such answer shall include such questions of law and fact as it may be desired to put in issue. As soon as practicable after the answer has been received, the adjuster shall proceed to hear the case and decide the same, his decision both upon questions of fact and law being reviewable in the district court as herein provided. If no answer has been filed within 10 days after the service of the petition, or such other time as may be fixed by the adjuster, the said adjuster shall enter a default and proceed to hear the evidence and determine the case with the same effect as though answer had been made. If no proceedings shall be instituted for the settlement and adjustment of a claim arising under this act within one year as above provided, the same shall be forever barred, unless the adjuster shall find that the failure to institute proceedings within such time was chargeable to the employer or to circumstances clearly beyond the control of the employee or dependent. But under no circumstances shall any claim for compensation be maintainable after the lapse of two years from the date of injury or death, except in cases in this act otherwise provided for: *Provided,* That in any case where the period during which payments are to be made is not made final by agreement, award, findings, or final judgment, such claim shall be maintainable within three months from the date when the last payment was due according to the terms of such agreement, award, findings, or judgment, or, when no such time has been fixed, or where payments are discontinued by the employer as set forth in section 8, from the date of the last actual payment: *Provided,* That where an employee institutes suit for an injury claiming that same did not take place while he was employed in interstate or foreign commerce and fails to recover in such suit, on the ground that he was employed in such commerce, the limitation of the time for his right to proceed under this act shall begin with the termination of such suit, and not with the time when the injury to him occurred.

(3) The adjuster shall allow either party to be represented by counsel, or an agent, who need not be a member of the bar, and after hearing any evidence that may be presented and considering any arguments that may be made he shall promptly make and render his findings in writing, a copy of which shall be served on each of the parties, and shall return such findings, together with the petition and answer, if any, into the clerk's office of the United States district court for the district in which he was appointed, or the clerk's office of the Supreme Court of the District of Columbia, as the case may be. The clerk of the court shall forthwith file the same and make an entry thereof on his docket without charge. At any time within 20 days after receiving a copy of the findings either party may file exceptions with the clerk of the court and serve a copy thereof on the adverse party, stating generally that the findings of the adjuster are excepted to on the ground that they are contrary to the law and evidence, whereupon the case shall be tried and determined in said court, all questions of law and fact being open for consideration de novo. And said court may regulate by rule the practice in such cases in all respects not provided for by statute. The party filing exceptions shall at the same time pay to the clerk of the court the sum of $5, which shall be in lieu of all other clerk's fees and charges, and no other or additional charge for any service rendered by said clerk in said cause except as herein otherwise provided shall be made. Any such amount shall be taxed by the court as costs against the losing party. If no exceptions shall be filed by either party as above provided, the said findings shall become final and have the effect of and, subject to payment of fees as in other cases, be enforced as a judgment of the court, and the clerk shall, without charge, record said findings and index the same as in the case of other judgments: *Provided,* That if the employer shall file exceptions to the findings of the adjuster, and shall not on the trial de novo in the district court reduce the amount awarded by the adjuster to the employee, there shall be added by the court when judgment is entered on the finding of the court or the verdict of the jury on the trial in said district court 25 per cent on the sum awarded to the employee by said court in its findings or by the verdict.

(4) Where exceptions are filed, either party shall have the right to a trial by jury, upon the claim for compensation under this act, as in cases at common law. But a jury trial may be waived by consent of the parties, and the court shall thereupon hear and determine the case without a jury. Where the case is tried by a jury the court may submit special interrogatories, to be answered by the jury in the form of a special verdict. If the evidence produced before the adjuster shall be taken in writing or in shorthand, it may be, in case of appeal from the finding of the adjuster, transcribed and duly authenticated, and filed with the clerk of the United States court; and may be thereafter read in evidence in any future hearing or trial in said cause under the same circumstances and with the same force and effect as a deposition may now be read in suits at law.

(5) Wherever counsel or agent for the employee has stipulated for a fee, the agreement for such fee shall be made in writing and filed with the adjuster or clerk of the court in which the case is pending, and the employee shall not be liable to pay any fee in excess of the amount allowed by the adjuster or the court. In every case it shall be the duty of the adjuster or the court, as the case may be, regardless of any agreement, to fix the compensation, which shall not exceed a fair and reasonable sum for the services actually rendered, which shall not be greater than the sum agreed upon.

(6) Appeals and writs of error may be taken from the district courts to the circuit courts of appeals and to the Supreme Court of the United States as provided in sections 128 and 238 of the Judicial Code, and it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any case to be certified to it for

review and determination as provided in section 251 of the Judicial Code. In cases arising in the District of Columbia appeals may be taken from the Supreme Court of the District to the Court of Appeals of the District as in other cases, and appeals and writs of error may be taken to the Supreme Court of the United States as in other cases and said court may require, by certiorari or otherwise, any case to be certified to it for review and determination as in other cases.

(7) Any petition may be served by the United States marshal for the district where the proceedings are pending, or by any deputy. Any subpœna, process, or order of an adjuster, or any notice or paper requiring service, may be served by such United States marshal or deputy, or by any citizen of the United States over the age of 21 years, being a resident of such district, or by registered mail sent by the adjuster to the person or employer to be served, postage prepaid, and addressed to the principal place of business of such employer or to the place of residence of such person. The affidavit of such citizen, or the return registry receipt signed by the person or employer to be served, shall be prima facie proof of service.

SEC. 15. That while any person entitled to compensation under this act shall be an infant or mentally incompetent, his natural guardian, or guardian, or committee, appointed pursuant to law, may on his behalf perform any duty required or exercise any right conferred by this act with the same force and effect as if such person was legally capable to act in his own behalf. No limitation respecting the time within which any right under this act is to be asserted shall, as against such infant or incompetent person, run while such infant or incompetent person has no guardian or committee: *Provided, however,* That the foregoing shall not apply to cases of infancy where the infant is over the age of 18 years, but such infant shall be treated for all purposes of this act as though of full age.

SEC. 16. That the assignment of any cause of action arising under this act, or of any payments due or to become due under the provisions hereof, shall be void. Every liability and all payments due or to become due under this act shall be exempt from levy or sale for private debt. In case of insolvency every liability for compensation under this act shall constitute a first lien upon all the property of the employer liable therefor paramount to all other claims or liens except for wages and taxes, and such lien shall be enforced by order of the court.

SEC. 17. That nothing in this act shall interfere with any proceeding by the United States to enforce any act of Congress regulating the appliances or conduct of any common carrier, or affect the liability of any such common carrier to a fine or penalty under any such act. Nothing in this act shall be so construed as to affect the power and jurisdiction of the courts, under the established principles of equity, to reform or cancel any agreement or award.

SEC. 18. That where an injury or death for which compensation is payable under this act was caused under circumstances also creating a legal liability for damages on the part of any carrier subject to the provisions of this act other than the employer, the employer shall be subrogated to the right of the employee or dependents to recover against such other carrier, and such employer may bring legal proceedings against such carrier to recover the damages sustained by the injured employee or dependents in an amount not exceeding the aggregate amount of compensation payable to the injured employee or dependents under this act. That where the injury or death for which compensation is payable under this act was caused under circumstances also creating a legal liability for damages on the part of any person other than the employer, such person not being subject to the provisions of this act, legal proceedings may be taken against such other person to recover damages, notwithstanding the payment of or liability to pay compensation under this act; but in such case, if the action against such other person is brought by the injured employee, or in case of his death by his dependents, and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, the employer shall be entitled to deduct from the compensation payable by him the amount actually received by such employee or dependents: *Provided,* That if the injured employee, or in case of his death his dependents, shall agree to receive compensation from the employer, or institute proceedings to recover the same, or accept from the employer any payment on account of such compensation, such employer shall be subrogated to the rights of such employee or dependents to the extent of his liability under the provisions of this act and may maintain an action therefor, but such action by such employer shall be no bar to an action by such employee or his dependents for damages against such other person in excess of the amount of compensation paid or to be paid under this act.

SEC. 19. That no contract, rule, regulation, or device whatsoever, shall operate to relieve the employer in whole or in part from any liability created by this act.

SEC. 20. That for all the purposes of this act the monthly wages of an employee, unless the monthly wage is ascertained by the contract of employment, shall be twenty-six times the established day's pay prevailing in the business of his employer for the class of service for which such employee was receiving pay at the time of the accident or, if payment be by the hour, by the piece, or by the job, shall be twenty-six times the average of one day's earnings in such business and class of service ascertained by taking the aggregate of the earnings for the month next preceding the accident and dividing this aggregate by the number of days on which the employee worked in the month. Calculations of the percentage of wages herein mentioned shall be based on the monthly wages ascertained by the contract of employment or on the amount thereof determined as aforesaid, as the case may be. For the purpose of such calculation, no employee's wages shall be considered to be more than $120 a month or less than $50 a month; except that where in any case the monthly wages of the employee are less than $25 per month payment for the first 24 months of disability shall not exceed the full amount of such monthly wages: *Provided,* That where the employee is engaged in a class of service in which employees habitually and with the sanction of the employer receive for their own use gratuities from the traveling public, the monthly wages of such employee shall not be considered to be less than $50 a month.

All compensation under this act shall be paid monthly unless commuted as hereinafter provided.

SEC. 21. That compensation under this act shall be made in accordance with the following schedule:

(A) Where death results from any injury, except in the cases provided for in section 2B, and except in those cases in which, in certain contingencies, a reduced period is hereinafter provided for, the following amounts shall be paid for a period of eight years from the date of the death: *Provided, however,* That this limitation shall not apply to any child under the age of 16 years; but payments shall continue to such child until it shall have attained the age of 16 years.

(1) If the deceased employee leave a widow and no child under the age of 16, and no dependent child over the age of 16, there shall be paid to the widow 40 per cent of the monthly wages of the deceased.

(2) If the deceased employee leave a widow and any child under the age of 16, or any dependent child over the age of 16, there shall be paid to the widow for the benefit of herself and such child or children 50 per cent of the monthly wages of the deceased.

(3) If the deceased employee leave any child under the age of 16, or dependent child over the age of 16, but no widow, there shall be paid, if one such child, 25 per cent of the monthly wages of the deceased to such child, and if more than one such child 10 per cent additional for each of such children, not to exceed a total of 50 per cent of the monthly wages of the deceased divided among the children, share and share alike: *Provided,* That if the number of children entitled to payment be subsequently reduced to less than four, the amount of the payments shall be correspondingly diminished.

(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amounts stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, but to continue in any event until the youngest child shall have attained the age of 16 years, subject to the provisions of subdivision (9) of this clause (A).

(5) If the deceased employee leave no widow or children entitled to any payment hereunder, but leave a parent or parents, there shall be paid, in case of partial dependency, 15 per cent of the monthly wages of the deceased to such parent or parents, and if either is or both are wholly dependent on the deceased there shall be paid in lieu of the 15 per cent, if only one parent, 25 per cent of the monthly wages of the deceased, or if both parents, 40 per cent of the monthly wages of the deceased, to such parent or parents.

(6) If the deceased leave no widow or child or parent entitled to any payment hereunder, but leave any brother, sister, grandparent, or grandchild wholly dependent upon him for support, there shall be paid to such dependent relative, if but one, 20 per cent of the monthly wages of the deceased, or if more than one, 30 per cent of the monthly wages of the deceased, divided among them share and share alike. If none of such relatives is wholly dependent and the deceased leave any such relative or relatives partially dependent upon him for support, there shall be paid to such dependent relative or relatives 10 per cent of the monthly wages of the deceased, divided among them share and share alike.

(7) The foregoing subdivisions of this clause (A) shall apply only to dependents who at the time of the death of the deceased employee are actual residents of the United States or contiguous countries, except (a) if the nonresident dependent be a widow and there be no resident child or children entitled to compensation under this act, there shall be paid to her a lump sum equal to one year's wages of the deceased employee, as hereinbefore defined and limited, for the benefit of herself and nonresident children, if any; (b) if the nonresident dependent be a child or children under the age of 16 years and there be no widow, resident or nonresident, and no resident children entitled to compensation under this act, there shall be paid to such nonresident child or children a like lump sum to be divided among them share and share alike; it being the intention of the foregoing to exclude from the benefits of this act any such nonresident widow, child, or children, if there be any resident child or children entitled to compensation under this act, and to exclude from the benefits of this act all other resident dependents if there be any nonresident widow, child, or children entitled to take under the provisions of this subdivision.

(8) If the monthly payments for a death hereunder are at the rate of not more than $15 per month, there shall be paid by the employer a contribution of $75 toward the burial expenses: *Provided, however,* That where no compensation for death of an employee caused as defined by sections 1 and 2 of this act is payable hereunder there shall be furnished by the employer a reasonable burial expense not exceeding $150.

(9) If compensation is being paid under this act to any dependent, such compensation, unless otherwise provided for herein, shall cease upon the death or marriage of such dependent, and in case the dependent be a child, shall cease upon such child reaching the age of 16, unless dependent, and then when such child shall cease to be dependent.

(B) Where permanent total disability results from any injury, there shall be paid to the injured employee 50 per cent of the monthly wages of such employee during the remainder of his life. In the following cases it shall, for the purposes of this section, be conclusively presumed that the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, or an arm and a leg, and an injury resulting in incurable imbecility or insanity.

(C) Where temporary total disability results from any injury there shall be paid 50 per cent of the monthly wages of the injured employee during the continuance of such temporary total disability.

(D) Where permanent partial disability results from any injury—

(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the periods stated against such injuries, respectively, as follows: In case of—

The loss by separation of one arm at or above the elbow joint, or the permanent and complete loss of the use of one arm, 72 months.

The loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, 57 months.

The loss by separation of one leg at or above the knee joint, or the permanent and complete loss of the use of one leg, 66 months.

The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, 48 months.

The permanent and complete loss of hearing in both ears, 72 months.

The permanent and complete loss of hearing in one ear, 36 months.

The permanent and complete loss of the sight of one eye, 30 months.

The loss by separation of a thumb, 13 months; a first finger, 9 months; a second finger, 7 months; a third finger, 6 months; a fourth finger, 5 months.

The loss of one phalanx of a thumb or two phalanges of a finger shall be considered equal to the loss of one-half of a thumb or of a finger, and compensation for one-half of the above periods shall be payable.

The loss of more than one phalanx of a thumb and more than two phalanges of a finger shall be considered as the loss on an entire thumb or finger.

The loss by separation of a great toe, 9 months; any other toe, 4 months.

(2) In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in subdivision 1 of this clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months.

(E) Where temporary partial disability results from an injury, the employee, if he is unable to secure work, at the same or better wages than he was receiving at the time of the injury, shall receive 50 per cent of his wages during the continuance of such disability; but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, at the same or better wages than he was receiving at the time of the injury, he shall not be entitled to any compensation for such disability during the continuance of such refusal.

SEC. 22. That should an employee who sustains an injury resulting in permanent total or permanent partial disability die from any cause at any time, or should an employee who sustains an injury resulting in temporary total or temporary partial disability die as a result of such injury after 14 days of disability, the employer shall be liable for an amount to be ascertained as follows:

First. By computing the amount which would have been payable under clause (A) of section 21, if death had immediately resulted from the accident.

Second. By deducting from such amount a sum equal to the payments for the period between the accident and the death, which, if the accident had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause (A) of section 21, would have been relieved from making.

Third. By deducting from the remainder so ascertained the amount of the compensation paid up to the time of death under clause (B), (C), (D), or (E) of section 21.

The amount so ascertained shall be paid to the dependents, if any, of such employee, living at the time of his death, in the same amounts and subject to the same contingencies as if compensation had been payable to them under clause (A) of section 21 by reason of their having been dependent at the time of the accident: *Provided*, That should an employee who sustains an injury resulting in permanent partial disability die from cause other than the injury at any time, the liability of the employer shall not exceed the unpaid balance of the amount which, if the injured employee had lived, would have been paid under the terms of any agreement, award, findings, or judgment, or under clause (D), section 21.

SEC. 23. That if, in an accident, an employee receive an injury resulting in permanent partial disability and in the same accident receive additional injury, which, by itself, entitles him to compensation, or if he be injured in the service of the same employer while entitled to or receiving payments for a previous injury, the amount of the monthly payment to him for such combined injuries shall be computed as for a single injury as provided for and limited by section 20 hereof, but in such case the periods of time prescribed for such combined injuries, severally, shall be added together: *Provided*, That where any of such periods is less than three months, the same shall not be added, but shall be disregarded.

If an employee receive an injury which, of itself, would only cause permanent partial disability, but which, combined with a previous injury, does in fact cause permanent total disability, the employer shall be liable as for the permanent total disability only.

SEC. 24. That in case any employee for whose injury or death compensation is payable under this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, each of such employers shall be jointly and severally liable for the payment of such compensation, but as between each other such employers shall contribute the payment of such compensation in the proportion of their respective wage liability to such employee. If one or more but not all of such employers should be subject to this act, then the liability of such of them as are so subject shall be to pay the entire compensation: *Provided, however*, That nothing in this section shall prevent any arrangement between such employers for a different distribution, as between themselves, of the ultimate burden of such compensation: *And provided further*, That proceedings for the purpose of obtaining an award and payments under an award shall not in any event be delayed because of liability to contribution as between employers.

SEC. 25. That where payment of compensation is made to the widow for the use of herself, or for the use of herself and child or children, her written receipt therefor shall acquit the employer. Where payment is made to any child 18 years of age or over, the written receipt therefor of such child shall acquit the employer. Where payment is due to a child under the age of 18 years, the same shall be made to a duly appointed and qualified guardian of such child under the laws of the State of such child's residence, and the written receipt therefor of such guardian shall acquit the employer.

SEC. 26. That the term "dependent" shall include all persons who are entitled to compensation under the provisions of clause (A), section 21, and of section 23, and, wherever the context requires it, shall be held to include the personal representatives of the deceased and guardians of infants or incompetent persons.

The term "injury," wherever the context requires it, shall be held to include death resulting from injury.

The term "employee" includes an apprentice. It shall include the singular and plural and both sexes. Any reference to an employee who has been injured shall, where the employee is dead, and the context requires it, include a reference to his dependents or personal representatives.

The term "physician or physicians" includes surgeon or surgeons.

The term "child or children" shall include posthumous children and all other children entitled by the law of the State where the accident happens to inherit as children of the deceased employee.

"Disability" under this act shall mean want of capacity or ability by reason of injury to make full wages and full time in the position where working at the time of receiving the injury.

The term "dependent child over the age of 16," wherever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity, or a female child under the age of 20 years unless sooner married.

Whenever an employee of a common carrier engaged in interstate or foreign commerce by railroad shall sustain personal injury by accident arising out of and in the course of his employment resulting in his disability or death, it shall be presumed prima facie that such employee was at the time of the accident engaged in such commerce.

SEC. 27. That without otherwise affecting the meaning or interpretation thereof the phrase "personal injury by accident arising out of and in the course of his employment"—

(a) Shall not cover an employee except while he is engaged in, on, or about the premises where his services are being performed, which are occupied by or under the control of the employer, or while he is engaged elsewhere in or about his employer's business where his service contracted for or reasonably volunteered or rendered for the protection of his employer's interests requires his presence as a part of such service at the time of the injury and subjects him to dangers incident to that employment.

(b) It shall not include an injury caused by the willful act of another directed against him for reasons personal to such employee and not against him as an employee or because of his employment.

(c) It shall not include a disease or infection except as it shall result from the injury.

SEC. 28. That where in any case payments have continued for not less than six months either party, provided said party is a citizen of the United States, may, upon due notice to the other party, apply to the court having jurisdiction of the territory within which the accident occurred for an order commuting the future payments to a lump sum. The application shall be considered by the court sitting without a jury, and may be granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future monthly payments will be for the best interest of the person or persons receiving or dependent upon such compensation, or that the continuance of monthly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States. Where the commutation is ordered the court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments, capitalized at their present value upon the basis of interest calculated at 4 per cent per annum with annual rests. Upon paying such amount the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, upon filing which, or other due proof of payment, the liability of such employer under any agreement, award, findings, or judgment shall be discharged of record.

SEC. 29. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

SEC. 30. If either the employee or the employer shall file exceptions to the report of the adjuster, as provided in this act, he may on motion in writing have the cause removed from the district court of the United States to any State court of competent jurisdiction, in the county where the cause of action arose or where the employer resides or is doing business at the time of such removal, by filing in such State court, within 30 days from the filing of said exceptions, a certified copy of the report of the adjuster and his exceptions thereto, and thereupon the case shall proceed and trial shall be had in said State court in the same manner as is provided in this act for trial in the district court of the United States: *Provided*, That if the employer removes said cause, such removal shall be to the county where the cause of action arose or where the employer resides. If both the employee and the employer shall file motions for removal as above provided, the motion first filed shall prevail. When a case is removed to a State court it shall not thereafter be removed to a court of the United States. Appeal from and writ of error to such State court shall lie as in other cases. The provisions of this section shall be applicable and become effective in any State whenever and only whenever that State by appropriate legislation shall authorize the proceedings and practice in the courts of that State provided in this act for the trial of such causes in the district court of the United States.

SEC. 31. That it shall be the duty of every employer subject to this act to make reports of accidents, payments, and operations under this act to the Interstate Commerce Commission in such detail and at such times as the said commission may by general regulation require. Such reports shall be compiled and the general results thereof published as soon after they are received as practicable.

SEC. 32. No employee nor dependent, who shall have lost his right to compensation hereunder by reason of the invalidity of this act or any part of it, in case the act or any part of it shall be held to be invalid, shall be deprived of any right of action to which he would otherwise have been entitled if this act had not been passed, and such right in such event is hereby preserved and may be enforced within two years from and after the adjudication of such invalidity.

SEC. 33. That this act shall take effect on the 1st day of July, 1913, and may be cited as the Federal accident compensation act of 1913.

The SPEAKER. Is a second demanded?

Mr. FLOYD of Arkansas. Mr. Speaker, I demand a second.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects, and the Chair appoints the gentleman from Georgia [Mr. BRANTLEY] and the gentleman from Arkansas [Mr. FLOYD] to act as tellers.

The House divided, and the tellers reported—ayes 149, noes 61.

So a second was ordered.

The SPEAKER. The gentleman from Georgia is entitled to 20 minutes and the gentleman from Arkansas to 20 minutes.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Can a vote be had on any particular paragraph of this bill?

The SPEAKER. It can not.

Mr. RODDENBERY. At any time will it be in order to offer an amendment to the bill?

The SPEAKER. It will not be.

Mr. BRANTLEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. STERLING]. [Applause.]

Mr. STERLING. Mr. Speaker, a little more than two and a half years ago Congress passed a joint resolution providing for the appointment of a commission to investigate the subject of workmen's compensation. That resolution was approved on the 25th day of June, 1910. Within a very few days after that the

commission was organized and proceeded to its work. It was directed in the resolution to make report to Congress and to recommend such legislation on the subject of workmen's compensation as it deemed best. That commission was engaged for a little more than a year and a half in investigating that subject.

It had numerous hearings. The representatives of the railroad companies on the one side and the representatives of the railway employees on the other side were given every possible opportunity to be heard and express their views on the subject. Experts investigated the subject of workmen's compensation in European countries. The commission gathered, I think, all of the available data in this country on personal injuries on railroads and costs relating thereto, and the amount of compensation actually received by injured men in railroad accidents. A little more than a year ago the bill which was prepared by the commission was introduced in the Senate and in the House. A few weeks later that bill passed the Senate. The Senate bill and the bill introduced in the House was pending before the Judiciary Committee of the House until four weeks ago. The bill that passed the Senate is now before the House with various amendments proposed by the Judiciary Committee of the House. The purpose of the bill is to provide relief for employees injured in interstate commerce in the railroad service of the country.

From the best obtainable data it has been determined that the cost per annum to the railroad companies of the country for personal injuries is $10,085,000, a little less than one-fourth of which has gone into the hands of the injured employees. Out of this vast sum of money which the railroads have paid on account of personal injuries received in accidents the victims have had but two and a half million dollars. Experts have carefully considered the question as to how much it will cost the railroads under this bill, if it becomes a law, to compensate for such personal injuries, and they find that it will increase the liabilities of these companies to the sum of $15,000,000, all of which will go direct to the injured employees or their families. This law will increase the cost to the railroads about 50 per cent, but it will increase the compensation to the injured employees by at least 500 per cent. The prodigious waste that has been going on under the present system of liability is a disgrace to American civilization and to American jurisprudence. Three-fourths of the money actually paid on account of these injuries has gone into the pockets of the attorneys and to the payment of court costs and witness fees, while at the same time more than one-half of those injured were unable to recover at all. Under the plan proposed in this bill all waste is eliminated and all moneys paid by the employer goes to the injured employee. In every case where the employee is injured in the line of duty the victim will receive compensation under this plan except in those where the injury resulted from the willful intention of the employee or where he was under the influence of liquor.

This bill is in harmony with the spirit of the age and enlightened civilization. It lifts the burden of industrial accidents from the shoulders of those least able to carry it and places it where it belongs. Why should the injured man or his family bear all the loss incident to accidents in the operation of these great quasi public enterprises. Railroads are operated for the benefit of society, and society should bear the burden imposed by them.

I trust the House will pass this bill to-night. Not only are the railroad men of the country demanding it but humanity requires it. I trust the great work which has been done by this commission and by the committees of the House and Senate will not fail to-night, and that these great labors will not have been in vain. Whatever opposition there may be to this bill arises from a lack of knowledge of its provisions and its purposes.

It is intended to give prompt and adequate relief to the injured man in the hour of his need and to his widow and children in case of his death. It is in harmony with Christian civilization, and its adoption is imperative if our Government is to keep step with the onward march of progress. These new industrial conditions which have sprung up in the last half century have necessitated this revolution in legislation pertaining to this subject. The old laws should be abrogated, because our civilization has outgrown them. The time has come when we must strip ourselves of laws which, although good in their day, are now wholly inadequate to meet new conditions.

When law has outlived its usefulness it should be repealed and new principles established to meet the needs of mankind. Government should never retard progress, but should always keep step with the advancing hosts of mankind. Let us to-night, in the closing hours of this session, as the Representatives of the people, move forward and join in the forward march of human progress.

The United States is far behind every civilized country in the world in legislation of this kind. All of the European nations and many States of this Union have gone further and given better relief to injured employees than has the Federal Government, but I believe, and I think it is agreed by men well acquainted with the features and merits of this bill, men on both sides of the question, representatives of railway trainmen and representatives of the railroad companies—all agree that this is the most comprehensive and the most generous bill that has ever been proposed in any legislative body in the world, and if it becomes a law it will be the most comprehensive and most generous compensation law that was ever passed. [Applause.]

Mr. BRANTLEY. I will ask the gentleman from Arkansas [Mr. FLOYD] to use some of his time.

Mr. FLOYD of Arkansas. Mr. Speaker, I am not opposed to the principle of compensation, but I am opposed to this bill. I have given it a careful study and I declare to you that it is a railroad bill pure and simple. [Applause.] The distinguished gentleman from Illinois [Mr. STERLING] who has just closed his remarks says that it is the most generous compensation act ever proposed in a legislative body. Yes; for the railroads, but it is the most outrageous, unjust, and damnable law that was ever brought forward in the name of virtue. [Applause.] It is the favorite method of those who seek to procure the enactment of bad legislation to seize upon and champion some popular idea or sentiment and then accomplish their ulterior purpose by indirection. That is what is sought by this legislation. This legislation originated with the claim agents of the great railroad systems of this country as disclosed in the hearings before the Committee on the Judiciary of the House.

Mr. STERLING. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. No; I decline to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. FLOYD of Arkansas. A greater outrage perhaps than the preparation and presentation of this bill is the manner in which the proponents of this measure seek to pass it through this House [applause] under suspension of the rules with 40 minutes' debate, 20 minutes on a side. I decline to yield to any man who is seeking to enforce such an injustice upon the membership of this House. It comes in here with 94 amendments from the Committee of the Judiciary of the House. I am determined that no man shall vote for this bill without being told of its purposes. What is the purpose of this bill? Let me tell you the chief object sought to be accomplished by it. The Federal employers' liability act of 1908, as amended in 1910, in my humble judgment, is the most comprehensive and most complete and the most favorable law to railroad employees that was ever enacted in this or any other country in the world [applause], and in less than two months after the constitutionality of that law was upheld by the Supreme Court of the United States this bill was introduced into the Congress. And what is its primary object and purpose? It is to repeal the employers' liability act of 1908 and wipe it off the statute books. [Applause.] How many of you gentlemen would dare vote for the naked proposition if a bill were introduced into this Congress to repeal the employers' liability act? That is what you are doing when you vote for this bill, and if you pass it you will repeal it in toto, every line of it, and that wholesome law in behalf of the railroad employees that they have been striving for 25 years to enact into legislation will be wiped out and a new, untried, experimental law will be substituted in its place that will take another 25 years to settle in this country.

Now, we have some economists in this House. There are those of us who stand for economy. This bill proposes to create a system of Federal adjusters. These Federal adjusters are to be made officers of the United States and to be paid salaries from $1,800 to $3,000 a year. How many of them are there? There is to be one in each judicial district of the United States, to be appointed by the judge of that district, and as many more as the judges in their discretion may see fit to appoint. There are 67 judicial districts at present and the cost of maintaining these adjusters and their expenses will be four or five hundred thousand dollars a year.

Mr. ALEXANDER. Will the gentleman yield?

The SPEAKER pro tempore. Will the gentleman from Arkansas [Mr. FLOYD] yield to the gentleman from Missouri?

Mr. FLOYD of Arkansas. I am sorry, but I have not the time to do so.

The SPEAKER pro tempore. The gentleman from Arkansas declines to yield.

Mr. FLOYD of Arkansas. What are these adjusters? Are they judges, do they preside over a court? No. What are

they? They are claim agents for the railroads, to be paid for out of the Federal Treasury. They are claim agents for the railroads with the power of subpœna. You can not differentiate their functions from those of claims agents now employed and paid by the railroads. Oh, you say, these adjusters will be impartial. Every honest claim agent of a railroad who is loyal to his employer is now impartial; he investigates and reports to his company the real facts. What else about these adjusters? You can not get into court without first having a trial before the adjuster. Under the existing law a man can bring his case either in a State or Federal court. Under this new law, which is exceedingly technical, no man has a right to bring an action directly either in State or Federal court. He must bring it first before an adjuster. He must go through the formality of a trial before a Federal adjuster who has no judicial power and yet who acts in the capacity of a judge and performs the pseudo functions of a court. Yet his decision is not worth the paper it is written upon. Either party can except to his findings, and it nullifies the entire proceedings; and either party may then appeal or take his case into the Federal district court. And yet this outrageous law is brought forward in the name of labor. I am sorry to say that many labor leaders have been advocating it. But I want to call your attention to this fact, that no railroad company, no railroad attorney, has entered any protest against the passage of this law. [Applause.]

I understand that a railroad lobby is now in this Capitol working for this bill. There is some undisclosed, some powerful influences behind it. It is not in the interests of labor. I want to read you what Mr. Gompers had to say in response to a question which I propounded to him when he was before the Committee on the Judiciary last June. I read from page 192 of the hearings. Mr. Gompers was before that committee advocating at that time the passage of this law. I will read:

Mr. FLOYD. In that connection I want to ask another question. You have appeared a great many times before this committee, Mr. Gompers, and I want to say that usually I have been in sympathy with the legislation you were seeking. But since I have been a member of this committee in every instance except this one, when you sought legislation in behalf of labor, representatives of capital were here protesting. None are here on behalf of the railroads protesting against this legislation. How do you account for that if it is such a good thing for labor?

And after talking two or three minutes, Mr. Gompers in response to that question made this observation:

I do not know in what position the question of Mr. FLOYD places me—whether I do not know what I am talking about, or whether I am talking for a bill which the railroad companies want. In either case I should regard myself in a very unenviable light.

The most charitable view that can be placed upon the position of Mr. Gompers in regard to this legislation is that he has been misled in regard to it, as many other good people have been.

On January 24, 1913, Mr. Gompers again appeared before the Judiciary Committee and made a further statement concerning the changed attitude of the American Federation of Labor in regard to this bill. I quote from page 467, Serial No. 10, of the hearings before the Committee on the Judiciary, House of Representatives, Sixty-second Congress, on H. R. 20487 (S. 5382):

Mr. GOMPERS. Since my appearance before the committee advocating the passage of this bill there has arisen some difference of opinion among the workmen—or, I should more properly say, among the members of the organizations, the brotherhoods of railway employees—who are primarily concerned and interested in this legislation. In view of that fact, my associates and I in the American Federation of Labor, to which several of these brotherhoods are not affiliated, have felt that if these men are not united on a proposition of this character, the provisions of which affect them much more than they do us who are directly affiliated to our federation, it is scarcely right, scarcely the right thing for us now, to continue to advocate strongly a measure toward which they feel either a sort of indifference or hostility. Now, whether the reasons be good or no, the fact that they are divided among themselves on the question is sufficient to warrant, at least for the time being, our not taking any positive position or to continue our positive affirmative advocacy of the passage of the bill.

I repeat I am not opposed to the principle of compensation embodied in and underlying this proposed legislation. I am opposed to this bill. From a careful study and analysis of its several provisions I am firmly convinced that its enactment into law would be detrimental to the best interest of labor and highly favorable to the railroads. The railroad employees in this country, as already stated, have been striving for years to secure legislation favorable to their interests.

All these years they have been earnestly striving to secure legislation that would abolish and get rid of the old common-law doctrine of fellow servants, assumed risk, and contributory negligence. They first appealed to the legislatures of their respective States, and many State legislatures passed liberal laws in their favor. They finally appealed to Congress, and Congress in 1906 passed the first Federal employers' liability act, which was afterwards held to be unconstitutional. With the decision of the Supreme Court in that case before them, Congress in 1908 again took up the subject and passed another act, known as the Federal employers' liability act of 1908, the validity of which has since been upheld. After the passage of this act the railroad companies and their attorneys no doubt became fully convinced of its constitutionality long before the opinion of the Supreme Court was handed down, and it was during this period that the claim agents of the railroads began the agitation and discussion of the advisability of seeking the passage of compensation laws to supersede and take the place of our present employers' liability laws. It is shown in the hearings that in 1910, if I remember correctly, the claim agents of several great railroad systems met in Chattanooga, Tenn., and discussed the question of Federal compensation. Afterwards a meeting was held in Montreal, Canada, where the matter was again brought up and discussed. A meeting was held subsequently in Chicago, at which the matter was fully discussed, and it was decided that the railroad companies should take some steps looking to the procurement of compensation legislation. A committee of five was appointed, of which Mr. Whiting, of the New York Central Railroad, was chairman. They prepared a draft of a compensation bill, which appears on pages 210 to 216 of the hearings. Afterwards the Federal commission was created and appointed, which reported and brought in the bill under consideration. Mr. Brown, president of the New York Central, was a member of that commission, and Mr. Whiting, as I understand, was in attendance with the commission much of the time they were considering this question, and was freely consulted by them. These are some of the reasons, Mr. Speaker, that impel me to the conclusion that the idea of workmen's compensation legislation as embodied in this bill had its origin and inception with the claim agents of the railroads.

A further objection to this bill is that it not only repeals the Federal employers' liability act but it relieves the railroad companies from the added penalties in that act and in our safety-appliance acts, which provide that railroad companies which fail to comply with the requirements of law by equipping their cars with safety appliances shall have no right to plead the negligence of any employee in an action brought against them for damages in personal-injury cases. This, in my judgment, is the secret and underlying cause of this persistent and insistent demand for this proposed legislation at this time. The object is to repeal the existing settled law, the employers' liability act, and substitute therefor a new and untried law of compensation, and thereby relieve the railroads of millions of dollars on account of their failure to comply with our safety-appliance acts, and leave the rights of railroad employees again unsettled for a long period of years. If we pass this bill, let us not add insult to injury by resorting to the shallow and specious pretense that we are passing it in the interest of labor, but let us do it openly, frankly, and avowedly for the real purpose for which it has been promulgated and brought forth, namely, to relieve the railroad companies from heavy liabilities under our present laws.

This bill is against the interest of labor. I assert—and defy any advocate of the bill to show to the contrary—that there is not an administrative feature in the entire bill that is not more favorable to the railroads than to employees and that is not less favorable to the employees than the provisions of the existing laws.

Under the present law an injured employee may bring his action within two years. Under the terms of this bill as amended by the Judiciary Committee notice of the accident must be given by the employee, or, in case of death, by his dependents, within 90 days, unless, for causes stated in the bill, such time is extended to six months, and within six months in all cases, or the claimant loses his right of action and he is forever barred from recovering compensation under this act. The giving of this notice of the accident is made jurisdictional, and a failure to give it within the period prescribed bars the right of action. After this jurisdictional notice has been given an action must be instituted before the proper adjuster within 12 months from the date of the accident or the claim for compensation is forever barred. Under the bill as originally introduced this jurisdictional notice is required to be given within 30 or 90 days or the claimant loses his right of action, and if notice is given he must institute his action for recovery of compensation before the adjuster within six months or his case is forever barred.

Under our present law an employee or his dependents can bring an action directly in any State or Federal court of competent jurisdiction. Under this bill no employee can bring an action for compensation directly either in a State or Federal court. He must first institute his action before a Federal adjuster appointed by a Federal judge and go through the formality of a trial before this adjuster, who, as I have already shown, is

without judicial power, but who nevertheless acts in the capacity of judge and performs the functions of a court. There is no possible way in which any claimant under the terms of this proposed act can get his case in court except by a trial or hearing before an adjuster. Under our present law State courts have concurrent jurisdiction with Federal courts in personal-injury cases. Under the terms of this bill the Federal courts are given jurisdiction in the first instance when exceptions are filed to the findings of the adjuster, and under the bill as originally introduced had exclusive jurisdiction in all cases. The Committee on the Judiciary undertook by an amendment to give State courts concurrent jurisdiction with the Federal courts by a removal of the cause as provided therein, but the amendment adopted contains a provision that no removal of such cause can be had from a Federal court to a State court until the legislature of the State in which said cause is pending has passed a law authorizing Federal procedure in State courts in the trial of causes arising under this act. In the meantime employees are denied the right to have their cases determined in their local or State courts.

Under our present laws the parties to an action are allowed a trial by jury. Under this bill, as originally introduced, the right of trial by jury was restricted as far as it was possible to do so under Article VII of the Constitution. I am glad to state that the bill was amended by the Judiciary Committee so as to give to both parties the full right of trial by jury. If we pass the bill as amended and send it to conference this amendment may be stricken out and the original provision may be restored to and retained in the bill. This is true as to every other one of the 94 amendments adopted by the Judiciary Committee of the House. This House passed a bill during this Congress allowing jury trials in contempt cases, and if this bill should pass and go to the Senate and be referred to a conference committee, it is my earnest hope that the House conferees will never consent to restore the original provision in the bill which virtually denied the right of trial by jury in personal-injury cases. So much for the administrative features of the bill.

But there are other more serious and fundamental objections to the passage of this bill. The bill is exclusive and compulsory. As already shown, section 3 repeals the employers' liability act and makes this compensation act the sole and exclusive remedy in all cases of accident resulting in injury or death to railroad employees. I have insisted in the committee, and I insist here now, that if this bill is to be enacted into law it should be amended and made optional and should not be an exclusive remedy. At least it should be so made during the experimental stage of the new law. None of us know or can know how it is going to operate when applied in actual practice. I have therefore maintained and now maintain that as careful and conservative legislators we should leave the present employers' liability law in full force and effect.

This proposed law should be made optional or cumulative, an additional and not an exclusive remedy. Without this optional feature—and it is not possible to amend the bill under the pending motion—it is my judgment that the bill should be defeated outright. The proponents and friends of this measure have resisted at every stage of its consideration all attempts to incorporate therein an optional feature, insisting that such provision would destroy the purpose of the bill and would be unjust to the railroads. The answer to such contention is that as drafted now it is unjust to the railroad employees.

In this proposed law liberty of contract is denied to the injured employee and his dependents. However serious the injury, no amount can be legally paid him in excess of the amount allowed in the act, and all contracts made in excess thereof are void. If an employee makes a contract with an attorney to represent him in one of these cases, the adjuster or the court may annul the contract and fix the fee or allowance in his discretion. The railroad companies are left free to pay their attorneys whatever amounts they see fit. The bill seems to be based upon the theory that railroad employees as a class are a lot of incompetents, and that the employer, on account of some superiority, real or fancied, should be made the guardian and protector of the employees. Under the terms of the bill, if an employee should recover judgment against the railroad company, the company is allowed to withhold the amount of the judgment and pay it in installments. The rates of compensation provided in the bill are low, but when an employee recovers judgment it is not to be paid as other judgments are paid. It is expressly provided that the money adjudged against the railroad companies is to be paid to the employees in monthly installments for a period of eight years, and thereafter all compensation ceases. This provision is based upon the idea or principle that if the employer company so manages or mismanages its affairs as to cut off a man's leg or arm or put out his eye, that thereupon it is entitled to become his guardian. Why this provision withholding from the injured employee money adjudged in his favor by the courts of his country? Is it for the benefit of the employee? No; like many other provisions of the bill it is a forbearance in favor of the railroads. Many of these injured employees in the course of eight years will die, and when one of them dies who has no family or dependents the railroad company will be relieved of the unpaid balance of the judgment. Such provision if enacted into law will result in the grossest injustice to railroad employees—that great army of men engaged in a most useful and honorable field of labor, but one that is hazardous and that costs 10,000 of them their lives each year. I shall not by my voice or vote be a party to any such act of injustice to these unheralded heroes of our great industrial railroad systems. What can a man give in exchange for his life? Yet the life of a railroad man under the terms of this bill is fixed at a value of $4,800. I deny that railroad employees in this country need any guardians. If they are to have guardians, I deny the right of any man to make their employers, the railroad companies, their guardians. I deny that the rich and often profligate owners of railroads, who manipulate stocks and bonds, who summer in Europe, winter in yachts in southern waters, and clip bond coupons for a living, are the proper persons to become the guardians of anybody, much less of the great working classes between whom and the railroads there is a constant clash of interests. The workingman's toil has piled up the millions that these financial magnates and rich railroad dignitaries to-day enjoy. These workingmen are intelligent, trustworthy, vigilant; they are themselves the guardians and protectors of the lives and safety of the entire traveling public; and, in addition, the properties and the earnings of the railroad companies are under their supervision, care, and protection. What would the railroad companies be without this noble band of intelligent and trustworthy workingmen known as railroad employees? By their brawn and brain and with their own hands they have constructed all of our railroads, made every cut and fill, driven every tunnel, built every culvert and bridge, placed every crosstie, laid every rail, erected every depot, built every car, constructed and operated every engine, and run every train in the United States. Yet it is proposed in this bill to constitute a lot of railroad dignitaries and coupon clippers as the guardians of these men. The proposition is an insult to labor. If I believed that any class of these railroad employees needed guardians, I should never give my consent to turn them over to the care and keeping of their employer—that inanimate thing known as a railroad corporation, dominated and controlled by men whose lives are devoted to the manipulation of stocks and bonds and the accumulation of money, whose church is the temple of greed and whose god is gold. May the Lord deliver us from the charity and altruism of such men.

Mr. Speaker, the report made by the Judiciary Committee in favor of the passage of this bill was not unanimous. The gentleman from North Carolina [Mr. WEBB], the gentleman from Missouri [Mr. RUCKER], the gentleman from Tennessee [Mr. HOUSTON], the gentleman from Texas [Mr. BEALL], and myself joined in a report expressing the views of the minority, to which I wish to direct your attention and which is as follows:

VIEWS OF THE MINORITY.

The undersigned submit the following as our views in opposition to the passage of S. 5382 as reported by the committee:

Before submitting our objections to the bill as it now stands we desire to state that it is our judgment that the bill as reported is a great improvement over the bill as it passed the Senate and over H. R. 20487, relating to the same subject matter, which was introduced in the House by Mr. BRANTLEY, of Georgia, and which was also considered by the committee. We therefore cheerfully join with the majority in the recommendation that each of the committee amendments be adopted. We have no criticism to offer to any of said amendments except as to the amendment relating to the jurisdiction of State courts. We think the bill could be improved by adopting a substitute for this amendment or by striking out the last sentence thereof, but if neither of said changes can be secured we favor the adoption of this amendment in its present form. But we can not join with the majority in recommending the passage of the bill as reported without further amendment.

It is our judgment that the bill in its present form, if not designed, will operate primarily in the interest of the railroads and will relieve the railroads from the burden of paying damages in personal-injury cases under our present employers' liability act, the validity of which was upheld by the Supreme Court of the United States at its October term, 1911, in the case of Mondou v. New York, New Haven & Hartford Railroad Co. et al. (See U. S. Reports, vol. 223, p. 1.) The bill if enacted into law will not only relieve railroad companies from all liabilities by reason of their own fault or negligence for damages in personal-injury cases, but the theory and purpose of the proposed legislation is to transfer the burden of compensating injured railroad employees or, in case of death, their dependents, resulting from all accidents, from the railroad companies to the general public, the effect of which policy must necessarily result in a general increase in freight and passenger rates to meet the increased burden imposed upon said companies by reason of the passage of this act.

Section 3 repeals the existing employers' liability act and provides that the proposed law shall be compulsory, and shall constitute the sole and exclusive remedy for compensation of railroad employees engaged in interstate commerce for injuries received by accident while so employed. It is our judgment that section 3 should be so amended as to leave in full force and effect our present employers' liability act, with a proviso making it optional with the employee, or with both employer and employee if deemed advisable, to elect at any time before the date of the accident as to whether in case of injury or death compensation shall be claimed under this act.

In our judgment the proposed legislation is revolutionary both in theory and principle and of doubtful constitutional validity, but if deemed and held to be constitutional, it is nevertheless new, untried, and wholly experimental in Federal practice, and may therefore in its actual operations disappoint the expectations of its friends and supporters among the laboring people and result in great detriment to railroad employees, the particular class of persons for whose benefit the passage of this bill is urged. Doubts as to the constitutional validity of the proposed act in the minds of the proponents of the measure are suggested by the fact that an amendment has been incorporated by the committee as section 33 which reserves all rights of employees under existing laws in case this act should be held invalid. This we regard as one of the most salutary provisions in the bill. In view of the excellent and substantial remedies provided for injured employees under our present laws we think it unwise, unsafe, and an act of the grossest injustice to deprive them of such remedies and supersede these laws with this or any other new and wholly experimental law.

In our judgment the administrative features of the proposed act are in the interest of the railroads. In our view of the general proposition the administrative features of the bill are exceedingly unjust, arbitrary, complicated, technical, and cumbersome. Such regulations must always and of necessity result to the detriment of the person who is required to maintain an action under them, which in this case is the railroad employee or his dependents. Under the provisions of this proposed act compalnants in personal-injury cases are denied the right to bring an action directly in either Federal or State courts to recover compensation for injuries received in railroad accidents. All proceedings must be first instituted before an adjuster appointed by a Federal district judge. There is no possible way, under the terms of this bill, in which an injured employee can get his case either into a Federal court or a State court without first going before an adjuster, who is without judicial power, but who nevertheless is authorized to go through the formality of a trial, and who in the performance of his duties in conducting such trial or hearing exercises the functions of a court and acts in the capacity of a judge. His findings are binding upon nobody, and the whole proceeding before him is absolutely useless without both parties assent to his decision. Exceptions to his findings by either party nullify all proceedings before him, and the case must be tried de novo in the Federal court, or if removed to the State court, as provided in the bill, must be tried de novo in the State court. Hence, a double trial and double cost to the employee in such cases. Thereafter the case may be taken to the appellate court and to the Supreme Court of the United States.

Section 11 provides for a review of any case tried before the adjuster at the instance of either party at any time within two years from the date of the accident whenever it is alleged in a proper complaint that the injury complained of in the original action has increased or diminished or ceased altogether, and the adjuster thereupon is empowered to review, modify, set aside, or annul any agreement, award, findings, or judgment previously rendered in said cause. Thus it will be observed that this adjuster is authorized and empowered under the provisions of this bill to review, modify, set aside, and annul a decision of the Supreme Court of the United States if the same case should again be brought before him within two years of the date of the accident. To those who believe in the doctrine of res adjudicata and who have been taught that the judgments of the Supreme Court are final unless subsequently reviewed by that same high tribunal this particular provision of the bill is as novel as it is absurd and as absurd as it is novel.

The bill also in effect relieves the railroad companies from the added penalties now enforceable in damage suits against railroad companies for noncompliance with our safety-appliance acts. In the safety-appliance acts passed by Congress failure to comply with the law by furnishing the required equipments, in addition to fines that may be imposed for such failure, there are provisions that forbid the railroad companies in case of such failure to plead the negligence of an employee as a defense in any action brought against such company for damages in personal-injury cases. This provision is nullified by the provisions of this act, for all compensation under this act is fixed, arbitrary, and limited in amount, and it becomes wholly immaterial whether an employee who is injured was, under its provisions, careful or negligent. The same compensations under the terms of this act are paid for like injuries in all cases.

The limitations as to the giving of notice of the injury and as to the time of bringing action or instituting proceedings under the provisions of this bill we regard as arbitrary, unjust, unfair, and unreasonable, and we have found no precedents, either under our State or Federal laws, except where specific liens are involved, in which the period of limitation fixed for bringing an action is so short as that provided in this bill. Within 90 days, unles for reasons stated in the bill the time for giving notice of the accident is extended to six months, and within six months in all cases, the injured employee is required to give notice of the injury received by accident, and in case of death his dependents are required to give such notice to his employer. The giving of this notice is made jurisdictional, and hence upon failure to give the required notice within the said period of 90 days or 6 months, as the case may be, the employee is forever barred from his right to compensation under the terms of this act. This requirement, if enacted into law, will result in barring by limitation the rights of hundreds of employees or their dependents each year on account of the short period of limitation. This provision we regard as unjust and unreasonable from the standpoint of the employees, but will result in incalculable benefit to the railroad companies.

We also object to the passage of this bill because it creates a large number of Federal officers, to be known as adjusters. The bill provides that the judge of the Federal court shall appoint one or more adjusters for each judicial district in the United States. There are at present 67 districts, and there will be at least 67 adjusters and as many more as the district judges in their discretion may see proper to appoint. The duties and mission of these adjusters are to try to settle and adjust disputes and controversies for compensation provided for in this act between the railroad companies and their employees, and yet it is expressly provided that these Federal adjusters shall be officers of the United States and shall receive an annual salary of not less than $1,800 nor more than $3,000, to be fixed by the Attorney General, to settle and determine controversies that are properly within the jurisdiction of our law courts and which could, in most instances, be more readily settled by agreement of the parties or by a trial in the first instance in the courts than under the plan proposed. The decision of the adjuster settles nothing unless both parties are willing to be bound by it. Exceptions filed by either party to his findings nullify the proceedings before the adjuster and the trial proceeds de novo in the court having jurisdiction of said cause.

The bill as originally introduced gave the Federal courts exclusive jurisdiction in all cases arising under this act. An amendment was adopted by the committee, the purpose of which is to give State courts jurisdiction concurrent with Federal courts in cases arising under this act, but it is expressly provided in said amendment that the provision shall not be effective until the legislatures of the respective States shall prescribe that the practice and procedure of the Federal court in the enforcement of the provisions of this act shall be followed by the State courts in the trial of causes which originate under the provisions of this act and are afterwards transferred to State courts for final determination as provided in said bill. This we regard as exceedingly unfortunate and unjust. We believe that the bill should be so remodeled and drafted as to give State courts concurrent jurisdiction in all cases arising under the provisions of the act without requiring any action on the part of State legislatures to give validity to such provision of the act. The amendment referred to does not do so, but imposes upon the railroad employees the necessity of securing legislation in their respective States before they can exercise the right to remove their cases from the Federal court to a State court for a trial and determination. This provision, in our judgment, will operate to the benefit of the railroads by enabling them to have these cases tried in the Federal courts.

The rates of compensation provided for in this bill are so at variance with the amounts that may be recovered under the existing law and in many instances are so small that they are wholly inadequate to the necessities of the injured employees or their dependents that if we pass this bill without incorporating in it an optional provision giving employees the right to elect whether they will seek compensation under this act or under our general employers' liability act, we may expect a general storm of protests and indignation from the rank and file of railroad employees throughout the country against our action.

In conclusion, we submit that our primary and fundamental objection to the passage of this bill, as reported, is that it repeals the Federal employers' liability act and contains no optional feature. If the employers' liability act was not repealed and an optional feature was incorporated in the bill, it is our judgment that the importance of the objections herein made, while not altogether removed, would be greatly minimized.

Respectfully submitted.

J. C. FLOYD.
E. Y. WEBB.
W. W. RUCKER.
W. C. HOUSTON.
JACK BEALL.

I also desire to submit for your consideration Serial No. 8 of the hearings of the Committee on the Judiciary, House of Representatives, Sixty-second Congress, third session, on H. R. 20487 (S. 5382), and will ask that the same be printed as an appendix to my remarks. This serial embodies a detailed statement made by me before the Judiciary Committee of the House in opposition to the passage of this bill, together with numerous letters and protests by railroad employees from my own State and from other sections of the country against the passage of this bill.

APPENDIX.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 20 and 21, 1913.

The committee met at 10.30 o'clock a. m., Hon. HENRY D. CLAYTON (chairman) presiding.

Present: Messrs. WEBB, HOUSTON, FLOYD, THOMAS, GRAHAM, DAVIS, MCGILLICUDDY, BEALL, STERLING, NORRIS, and DODDS.

The CHAIRMAN. The committee will come to order. Mr. FLOYD desires to make a statement.

STATEMENT OF HON. JOHN C. FLOYD, M. C.

Mr. FLOYD. Mr. Chairman, since this bill has been under consideration, I have received from the railroad employees of my State many protests against the passage of the bill in its present form. And I feel it my duty to them to incorporate these protests in the record, and also incidentally to state my views concerning several different propositions embodied in the proposed legislation.

I wish right at the outset to state some fundamental objections that I have to the bill as a whole. The first objection I have to it is that it seeks to eliminate trial by jury in personal-injury suits, and I think it practically does so.

In the first place, the trial is before an adjuster, and in this trial before the adjuster there is no provision for trial by jury whatsoever. The findings of the adjuster are made prima facie correct, and if an appeal from his decision is taken the case goes to the Federal district court. Exceptions must be filed within 20 days after the findings of the adjuster are made as a basis for an appeal. Within five days after these exceptions are filed the opposite party, if he desires a jury trial, must notify the clerk of the court of that fact and pay a $5 jury fee as a prerequisite to having the case tried by a jury. And if he fails to do that he must try his case de novo in the Federal court without a jury.

Mr. STERLING. Not a jury fee, is it?

Mr. FLOYD. A jury fee of $5; yes. If you will examine the bill, you will find it is so provided therein.

Now, I desire to give you an illustration of how that would work in my State. The western district of Arkansas has three divisions of the court, and the district extends over the extreme southwestern part of the State, arcund the western part of the State, and the northern part of the State. One of the courts is located at Harrison, in the northern part of the State; another at Fort Smith, in the western part of the State; and another at Texarkana, in the extreme southwestern part of the State. No one can tell where that adjuster would

reside. But let us suppose that he resided at Harrison. The railroad communication between Texarkana and Harrison would be 300 or 400 miles, involving numerous delays and transfers. If he should be called to Harrison to try his case before the adjuster and should take the train, the railroad attorney could immediately file his exception after he had take a train for home, and it would be an utter impossibility for that man to get home and ascertain that exceptions had been filed and get his application for appeal and jury fee back there in five days. It would be a physical impossibility for him to do it.

I wish to show you by the record in this case that it was the purpose of those who framed this bill to eliminate jury trials in these cases.

Mr. DAVIS. Your objection there goes to the time allowed for filing exceptions?

Mr. FLOYD. No; my objection goes to any device that will deprive a man of his constitutional right to a trial by jury in this class of cases.

Mr. DAVIS. The particular inconvenience that you are using as an illustration, as you stated, I take it is solely that the time allowed for filing the exceptions is not sufficient. In other words, the difficulty of travel from Texarkana to Harrison?

Mr. FLOYD. No; not wholly. I wish to show you that while this particular provision of the bill is so constructed that it pretends to give him the right of trial by jury, it is done in such a complicated way that it virtually destroys the trial by jury. Now, I wish to show you from the record in this case that it was the intention of the makers of this bill to deprive claimants for damages in personal-injury suits of the right of trial by jury. I read from page 65 of Senate Document No. 338, Sixty-second Congress, second session, as follows:

"The CHAIRMAN. What would you think of our power to provide that a jury trial should be waived—should be deemed to be waived—unless an employee, upon entering employment, has reserved it?

"Mr. FREUND. That is an interesting suggestion. I had not thought of that.

"The CHAIRMAN. We have laws in many States that provide that jury trials shall be waived unless demanded at a certain time. Of course that is after the cause of action has arisen. Now, whether we could go back of that and provide that the jury trial should be deemed waived unless the right to it was reserved by the employee when entering the employment is a matter for consideration.

"Mr. FREUND. I can not say that there is any rule that a jury trial should be waived at any particular stage. Trial by jury is a right purely of the individual. He may waive it.

"Senator CHAMBERLAIN. Do you think it would result in the employee waiving that right as a condition of securing employment? It would work a hardship on the employee if he was required or requested to waive a jury trial.

"Mr. FREUND. That is a matter of consideration by Congress. I do not know whether that would be a constitutional question in itself. I think it would not, perhaps, be quite fair to the employee if he has a right to jury trial that he should be compelled to waive it. I have my doubts about that.

"The CHAIRMAN. My inquiry was wholly tentative.

"Mr. FREUND. I believe that as long as we have a Constitution we ought to observe it. I am not in favor of schemes that try to beat the Constitution in some way because it is inconvenient."

Right in this connection I wish to state that I fully indorse that sentiment expressed by Mr. Freund, and I think that this bill is devised with that very purpose in view in so far as the jury provision is concerned. That is, I think the provision relating to a jury trial is a scheme to try to beat the Constitution because it is inconvenient.

Mr. NORRIS. Of course the object of the bill is to avoid litigation. A jury is one of the incidents to litigation.

Mr. FLOYD. I understand that.

Mr. DAVIS. Let me ask you this question in that connection: Is not the whole theory of workmen's compensation acts to substitute for the very uncertain assessment of the jury a fixed standard of values and compensation? Is not the very purpose of the bill to get away from assessment by juries?

Mr. FLOYD. I think, in so far as this bill is concerned, and the men that prepared it, that was the very purpose in view, to get away from a trial by jury in these personal damage suits.

Mr. DAVIS. Does not that lie at the bottom of all workmen's compensation acts, to a larger or smaller degree?

Mr. FLOYD. I am not prepared to answer that question.

I will now proceed to read further from the statement of Mr. Freund:

"I am quite loyal to the Constitution, but I believe that some time it will have to be changed in some respects.

"Mr. BRANTLEY. What would be the value of the compensation law if we had the jury trial left?"

Now, that is Mr. BRANTLEY, the author of the House bill, asking that question. Let me repeat the question: "What would be the value of the compensation law if we had the jury trial left?" What stronger argument can I make to sustain my contention stated at the outset that the deliberate purpose of the drafters of this bill was to take away from the injured employee his right of trial by jury than to call attention to this question interjected at this point by the author of the House bill?

Mr. Freund proceeds:

"I do not believe it would be used to any extent. If you have a clause relating to attorney's fees—that is why I mentioned the two together—I do not believe the employee would seek delay by a jury trial unless he was spurred on, unless he was urged to do it. I mean that I do not believe there would be any very serious obstacle in the way of the operation of the act.

"Mr. BRANTLEY. You think the compensation fixed by the act would be accepted generally in lieu of trial?

"Mr. FREUND. I think in nine cases out of ten—yes, in ninety-nine cases out of a hundred—there would be no question of a jury trial. I think if the jury trial should be abolished there should be a clause in the act stating that that should be severable, so that the invalidity of that would not invalidate the whole act."

Mr. Freund insists on leaving a provision somewhere in the bill for jury trial, so that if the court should hold that, under Article VII of the Constitution, Congress did not have the right to deny the trial by jury that that saving clause would preserve the constitutionality of the act. And you will remember that during the hearings that I conceded the constitutionality of the act on that very ground, and contended that the provision for a jury trial was all that saved it. But I insist that the bill does not contain any just or fair or reasonable provision for a jury trial; that the sentiments expressed by the proponents of the measure which I have quoted were carried out in the drafting of the bill as far as they felt they could possibly carry them out and preserve the constitutionality of the act.

Now, I will not take the time to read other discussions upon the same subject, but the subject of jury trials is discussed on pages 58, 218, 254, 266, 369, 375, 877, 878, 1011, and 1132 of Senate Document No. 338 already referred to. And the same views are expressed throughout by the various persons who appeared before the commission to discuss that question, all agreeing that it was desirable to eliminate the jury trial if it could be done, and expressing doubts as to whether an act affirmatively eliminating jury trials would be constitutional. It was insisted by some of the proponents of the measure that the jury trial ought to be preserved, not for the purpose of ascertaining the amount of damages under the law, but for the sole purpose of determining whether or not the person claiming damages was an employee of the railroad. And you will notice that where the jury trial is demanded, and where the injured employee has paid his fee as required in the proposed bill, it is left in the discretion of the district court to propound interrogatories, and to submit to the jury the issue to be tried.

Mr. DAVIS. Is not that true of every jury trial under the Federal practice? Has not the court the right to propound to the jury special interrogatories on any question of fact involved in any cause?

Mr. FLOYD. Certainly, they have that right, but in this case in actual practice you would find that that provision could be used for carrying out the purpose in the minds of the makers of the bill to submit the question as to the liability of the railroad company to a jury and not the question of the amount of damages.

Mr. MCGILLICUDDY. You think, Mr. FLOYD, they could eliminate the question of compensation and submit only the question of negligence?

Mr. FLOYD. Undoubtedly they could under this bill as drafted. What would the jury know about it if the district judge should propound an interrogatory, and submit nothing to them except the question of the liability of the company under the circumstances?

Mr. MCGILLICUDDY. I have never understood that under the bill he could do that.

Mr. DAVIS. I think if he did he would certainly have a reversal.

Mr. FLOYD. It is susceptible of such construction. It is within the judge's discretion to propound special interrogatories. He can submit whatever he pleases to the jury, and he can limit the issues. And on the question of compensation I wish to say that under the terms of this bill they have largely eliminated any necessity for a jury as to that, because if the adjuster should perchance allow the man the maximum amount the jury would have no discretion, except to cut him down. They limit the amount he may recover by ironclad rules of law to a fixed amount, and they could not go beyond that.

That is my first fundamental objection to this bill. I do not know what others may think about the jury system. I know it is often criticized. But I do not think that anything was ever invented in the jurisprudence of the world that has done so much for the benefit of humanity, and especially the poorer classes of humanity, as that same much-abused jury system. And I am never by my vote going to aid in the passage of any bill that directly or indirectly destroys the right of trial by jury.

The CHAIRMAN. You do not mean, Brother FLOYD, that the jury system itself is abused. You mean it is maligned.

Mr. FLOYD. I mean maligned, certainly.

To repeat, that is my first fundamental objection to this proposed law, and it would seem to me that this great committee which has during this Congress gone beyond what previous Congresses have done in upholding jury trials and has reported out a bill granting jury trials in contempt cases ought not to pass a bill to deny jury trials in personal-damage cases. And that is the effect of this bill as drafted.

I do not say that it completely eliminates all provisions for jury trials, for it does not, but in practical effect, it destroys the efficacy and the efficiency of jury trials in proceedings provided for under the terms of this bill.

Now, as to the second objection.

Mr. STERLING. Have you said all you are going to say on that question of giving the State courts jurisdiction, Mr. FLOYD?

Mr. FLOYD. No, indeed; I am going to come to that next. If you want to ask me any further questions about the jury provision of this bill I would be glad to answer you.

Mr. GRAHAM. Could your objection which you have just stated be removed by extending the five days to such time as you would consider reasonable?

Mr. FLOYD. Not by that amendment alone, because the adjuster in this case performs the functions of a court and acts in the capacity of a judge, and the original trial is before this adjuster. He has the power to subpœna witnesses, to hear them, and there is no provision in the bill that that testimony taken before that adjuster shall be preserved. But after he has heard orally the testimony of the witnesses that appear before him, and that testimony is locked in his own bosom, it provides that he shall make written findings of facts, that these written findings shall be filed with the court, and they are made prima facie evidence of their correctness. If the witnesses that testified before the adjuster should die between the time that the trial was had before the adjuster and the time of the trial in court, or if any other contingency should happen to prevent the employee from producing the witnesses, and the adjuster had made a wrong finding, had made a finding not substantiated by those facts, his findings would control in the district court, the burden would be upon the employee to overturn those prima facie findings of the adjuster. I do not think that is right. I do not think that is fair. The adjuster might be an unbiased man, he might be an accurate man; but, on the other hand, he might be an inaccurate man, however unbiased, and then he might be very much biased, and a reflection of his views might not give the district court or the jury that is to try the case in the district court any real and true conception of what the evidence in fact disclosed.

Mr. MCGILLICUDDY. Mr. FLOYD, what would you suggest as a preliminary tribunal to try questions of facts, having in mind the principle of compensation, not negligence? If not an adjuster, what would it be, or what should it be?

Mr. FLOYD. If I had any suggestion to make on the subject I would make this suggestion, to preserve the right of trial by jury in any court of original jurisdiction in which the case was brought, with a proviso that by consent of the parties the determination of facts might be submitted to a master or to an adjuster, whatever you choose to call him, and then when they had given their consent to that arrangement, it would be reasonable to bind them by his findings. But I would preserve in its full force the jury trial, and would oppose any scheme devised to deprive either party of trial by jury guaranteed under the Constitution where the amount in controversy is over $20; and then if a convenient method of ascertaining the facts was desired, I would leave it for the parties, by agreement, to say to the court, we are willing, instead of having a jury in this case, that the court may designate an adjuster or a master—call him by whatever

name you please—to hear this testimony and report it back to the court.

Mr. MCGILLICUDDY. As a matter of fact you would never get an agreement of that kind in actual practice. The parties would always want to submit their case to the jury—the plaintiff would.

Mr. FLOYD. If that be true, and I think it is true, ought that fact not to condemn this proposed law at the outset, because that is only another argument that we are doing something that will not meet the approval of the parties most concerned in the result of the litigation, the parties seeking to enforce legal rights in the court.

If you have no further questions on that subject, I wish to proceed to consider another objection that I have to the bill, and that is, that it takes away from the State courts the jurisdiction that they now have in personal injury suits, and gives the sole and exclusive jurisdiction of these cases to the Federal courts. Under the existing Federal liability law, the act of 1908, as amended by the act of 1910, the State courts are given concurrent jurisdiction with the Federal courts in all suits for damages—in personal injury cases against the railroads.

Mr. DAVIS. Let me ask you a question. Have cases under that law been held removable as arising under a law of the United States?

Mr. FLOYD. I am not sure about that.

Mr. DAVIS. My impression is that they would be, but I am not sure about that.

Mr. FLOYD. But that would be immaterial to the substantial merits of the proposition, because in all cases which would not be entitled to removal under the general Federal statutes, the cause would have to be tried in the State courts.

Mr. DAVIS. That point was in my mind. Cases brought under the liability law are of course brought under a statute of the United States, and as such, regardless of the citizenship of the parties, would be removable unless there is something on the face of the law to prevent it. My impression, although it is only an impression, is that cases under that law have been held removable because they involve the construction and application of a law of the United States.

Mr. FLOYD. If you will permit me, Mr. DAVIS, I am of the very strong impression that the contrary principle is announced and declared in the decision affirming the constitutionality of the employers' liability act of 1908 and the amendatory act of 1910. They hold that the act simply confers upon the State courts jurisdiction, and when it does that the Federal statute, being a part of the law of the land, may be enforced by the State courts, and I think on investigation that you will find that on questions of removal that the same law will apply to removals in such cases as will apply in any other class of cases.

Mr. STERLING. That law expressly provides that they can not be removed when they are commenced in State courts.

Mr. DAVIS. It does so provide.

Mr. FLOYD. Its constitutionality has been upheld.

Mr. STERLING. Since that amendment, do you understand it could be removed?

Mr. DAVIS. I am asking for information.

Mr. FLOYD. Mr. STERLING brings to my attention the fact that that law does expressly provide that cases brought in State courts shall not be removed, and the constitutionality of that amendatory act has been upheld by the Supreme Court of the United States.

Mr. STERLING. Did they pass on that in the cases they decided last year?

Mr. FLOYD. Yes, sir; that is my understanding. They passed both upon the law and upon the amendment, and it is in the decision upholding the amendment that I think you will find that very question discussed.

Mr. STERLING. I know they answered every question that was raised by counsel on either side.

Mr. FLOYD. Let us look at this proposition now with that view alone. It certainly would be to the great advantage of injured employees to have an opportunity to adjudicate their cases, whatever the method or whatever the system adopted be, in the local courts of their respective communities. It would save them hundreds of dollars in expense.

Mr. NORRIS. Right on that point I wish to ask you this question: Could not we reach that in this bill by the proper amendment and give the State courts jurisdiction?

Mr. FLOYD. Oh, I think so; and amendments of that purport will be offered. If that was the only defect in it, I think we could reach it easily by an amendment, and I shall vote for such an amendment when it is offered. I do not think that I have an amendment prepared just in that form, because my amendments are drafted along another line, with a view to preserve in its entirety the existing law. But if another member of the committee submits such an amendment, I shall cheerfully vote for it.

I think we are making a serious mistake in attempting to pass this bill. We cut down the amounts that employees may recover under the existing law. We fix an absolute and arbitrary maximum limit of recovery for personal injuries, and yet we provide that they can not take their claims into their local courts, State courts—that they must take them into a Federal court. Well, in sparsely settled communities, where Federal courts have extensive territorial jurisdictions covering half and in some instances the whole State, taking these two propositions together, limiting the amount they can recover and making recovery more expensive and at the same time requiring them to go into foreign jurisdictions, to leave their homes, to appear in a court 100 miles distant, and in the case I have already cited 300 miles away by the nearest public conveyance, to assert their claims against the railroad company, it seems to me the proposition is too unjust.

Mr. NORRIS. If that applied to all the cases it would be very serious, I think myself; but it is at least the theory of the law that if it is enacted those things will very, very seldom occur; that they will not get into any litigation; that they will never have a trial. It will be adjusted in the first instance, as the law provides it shall be.

Mr. FLOYD. In answer to your first suggestion, I wish to observe that the law will apply to every case.

Mr. NORRIS. It will be possible in every case; that is true. It has to be, under the Constitution.

Mr. FLOYD. But the principle of law will apply in every case, and it will deny every man the right to a trial in the State court. He must enter upon his trial in the Federal jurisdiction whether that court be convenient or inconvenient to him.

Mr. DODDS. It would have an influence to make the claimant accept less, perhaps, by reason of the fact that if he resisted he would be put to large expense.

Mr. FLOYD. I think so, and that is the evil of it. While the amounts are small that the employees are entitled to recover, the difficulties of recovery are so great that I think the practical operation of this law would result finally, after the railroad companies had tried a number of cases, in compelling every man injured to accept just that amount which the railroad companies would voluntarily give him and no more. That is what I think would be the final effect of the operation of this law.

Mr. NORRIS. Can you not assume that the adjuster will do what is right if there is such a trial, if it gets that far? Of course, the believers in this law think it will never get that far, that it will be settled without any trial. That is the theory of the law; and if it does not have that effect, the law will be a failure without a doubt. And, then, as you said a while ago, if the adjuster goes that far and gives the employee the maximum amount under the law, then the railroad company would take it up; then the very objections you urge to the adjuster's judgment being practically final would redound to the benefit of the workman rather than the company, because they would have to overcome it when they got into court.

Mr. FLOYD. It would in that particular instance, it is true, but you forget that the trial in the district court is not the end of the litigation. This bill gives the right of appeal from the district court to the circuit court of appeals and to the Supreme Court of the United States.

Mr. NORRIS. Of course, we have to do that to make it constitutional.

Mr. FLOYD. Certainly you do; but instead of it being framed in a way to prevent litigation it is so devised, it seems to me, that the only thing about the bill that would prevent litigation is what I have already suggested, that the difficulties in the way of the injured employee to recover against these tremendous odds that are given to the railroads in the bill would be such that he would be compelled in the last analysis to accept just such compensation as the railroad companies would voluntarily pay him. It is a wrong assumption, in view of the history of railroads in the past, to say that because these amounts are small that the railroad companies would not go to law over them.

A few years ago I had occasion to stop for a few days in a city in a neighboring State. I had some business there, and I was invited by a railroad attorney, with whom I was acquainted, to make his office my headquarters while I was in the city. During the time I was there he called my attention to a brief of several hundred pages and wanted me to look over it. He was very proud of his brief. I examined it, and to my astonishment I discovered that the amount in controversy was $1.75. He had carried it up to the supreme court of the State. I asked him, how is it that you can afford to go to all this expense of preparing this elaborate brief and conducting this case through the various courts and appealing it to the supreme court of the State in order to settle a controversy where only $1.75 is involved. "Why," he said, "it is this way: The railroads employ their attorneys by the year, they employ their stenographers by the year, and while the amount in controversy in this case amounts to nothing, if we win this suit, or if we lose it, it will have cost this litigant so much money to assert his rights that 100,000 claims of a similar character for $1.75 each will never be presented to the railroad company."

Mr. NORRIS. Mr. Floyd, if you will permit me, those of us who believe in workmen's compensation law had in mind that very condition, and it is the object of the law to make such a thing impossible. We desire to avoid litigation. If we are mistaken about it, of course, we are wrong. But we want to avoid it, and we know now that in the present conditions what the railroad companies do, and an employee who undertakes to get into litigation with them realizes, to begin with, that he has got to travel with them as long as there is a court to go to. We want to avoid that.

Mr. FLOYD. I believe that the sincere advocates of this bill have that in mind, but they overlook the fact that in constructing this bill they have nowhere in it put any obstructions against the railroad companies to pursue this litigation to the highest court in the land, but on the contrary it expressly provides that they may.

Mr. NORRIS. Of course, we have to do that. You must concede that we have to do that under the Constitution.

Mr. FLOYD. You have to do that in order to make it constitutional.

Mr. NORRIS. Yes.

Mr. FLOYD. Whenever you do that you fail to accomplish by the legislation the very object you seek to accomplish.

Mr. DAVIS. Have they not in the very opening paragraph of the bill, as I recall it, put the very strongest obstacle in the path of the railroad companies doing that, by imposing on them that absolute liability?

Mr. NORRIS. That is the object of it. That is what we want to do.

Mr. FLOYD. I will have something to say later about that absolute liability. I do not care at this time to go into that, but later on I will be glad to do so. I wish you would call my attention to it again, because I have some views I wish to express on that particular point.

For the present I wish to pursue this particular subject a little further. There is nothing that has occurred in recent years that has varied or caused the railroad companies to vary from their long-established custom to make litigation so difficult that claimants will be afraid to bring suit against them. Within the last three or four years an incident occurred in my own State that illustrates the methods of the average railroad company. The legislature of the State had enacted a law requiring the railroad companies to build bridges or crossings wherever a public road crossed their tracks, the law requiring them either to make overhead bridges or to prepare for crossings on the level of the tracks. In this case a deep cut was made right across the public road. The statutes of the State fixed a penalty of $5 a day for every day that they neglected to put in that overhead crossing, and yet they neglected it. The district attorney had to bring suit against them. He recovered in damages, under the statute, $2,000 for their neglect and failure to comply with that law, and then they paid that $2,000 and built the overhead crossing. Under this law there is nothing to prevent the railroad companies from carrying their litigation to the highest courts. At this point I believe I will mention the different ways in which I think that the shrewd railroad agents or the shrewd railroad attorneys can get advantage of the injured employee under the terms of this bill. There are several devices in this bill whereby settlements may be effected. In the first place, it provides that by mutual agreement in writing these damages may be settled, and this written agreement filed with the adjuster shall be binding upon the parties. That is No. 1. I think that a shrewd, well-posted railroad agent or railroad attorney, meeting a poor, unfortunate injured employee, would, in nine cases out of ten, get the best of that employee on a contract, because he would not make it unless he did get such advantage.

Mr. DAVIS. He can do the same thing under the present law, can he not?

Mr. FLOYD. Yes; he can do the same thing under the present law, but there is not the inducement to do it under the present law that there would be under the new law.

Mr. DAVIS. There would be more, because the risk of recovery is greater, according to your theory.

Mr. FLOYD. I think not, but I will have something to say on that later.

Mr. DODDS. And would not the employee himself have information and believe that he is better protected than he is now under the present law?

Mr. FLOYD. Not in my State. If there is a railroad employee in the whole State of Arkansas that favors this bill, I have failed to hear from him. I have here protest after protest bitterly complaining against its passage, stating that it will absolutely ruin them and their organizations if it is passed. And I have the first single letter to receive from anybody in my State asking me to support this bill.

Device No. 2 provides for a committee. It provides that the injured employee may select one, the employer may select one, and these two may select the third. This committee, composed of three individuals, may hear the evidence and may make an award, and that award, when filed with the adjuster, becomes binding.

Mr. DAVIS. Again, that is true under the present law, isn't it?

Mr. FLOYD. There is opportunity No. 2 for the shrewd railroad agent to get the advantage of the employee.

I do not know. Mr. DAVIS, as to any provision in the existing law for arbitration of that kind. Of course they might arbitrate their controversies under State laws or by mutual agreement.

Mr. DAVIS. Let me ask you this: It is purely a voluntary proceeding under this bill. Of course, if it is a voluntary proceeding under this bill, the parties would have the same voluntary rights in the absence of the bill; and is not that true that in every State of the Union an arbitration of that sort may be consented to in writing, may be entered into, and with the consent of the court?

Mr. FLOYD. Of course, that is true in my State, with the right of appeal. But, to resume my argument, that is opportunity No. 2, in my judgment, under the provision in this bill for the railroad to get advantage in the settlement.

Mr. DAVIS suggests that they might do the same thing under the present law, but under the existing law the amount that a man may recover in these personal-injury suits is not limited. It is left to the discretion of the jury; and the inducement to make settlements under the existing law, if a man has a cause of action, is nothing as compared with his inducement to make settlement under this kind of a law, which absolutely and arbitrarily limits the amount that he may recover at the end of the litigation.

Device No. 3 is the trial before an adjuster.

The third proposition which I wish to consider is that this whole matter of adjustment is turned over to an adjuster appointed by a Federal judge—a district judge—with a provision that the adjuster shall be a competent person who shall not be related to the judge, but with no provision that he shall not be related to the railroads; and a judge could appoint the claim agent of the railroad to be an adjuster under the terms of this bill.

Mr. DAVIS. Do you think he would since the Archbald case?

Mr. FLOYD. I doubt whether he would since the Archbald case; but we ought not to leave it within his power to do such a thing under any circumstances. The only qualification provided for an adjuster in this bill is that he shall be a competent person. He is not required to possess any other qualifications than to be a competent person in the judgment of the judge.

Mr. NORRIS. Mr. FLOYD, I think you are striking a point in the bill that if there is a way under the Constitution to amend it, it ought to be amended. I do not like that, either.

Mr. FLOYD. There are plenty of ways under the Constitution to amend it, if you will permit an interjection.

Mr. NORRIS. Yes; I think so; but under the Constitution that adjuster would have to be appointed either by the judge or by the President or by the head of a department, would he not? He would be an officer of the United States, I presume.

Mr. FLOYD. The bill provides that he shall be an officer of the United States enjoying a salary, but it provides that the judge shall appoint him and the Attorney General shall fix his compensation at not less than $1,800 nor more than $3,000 per annum.

Mr. NORRIS. If we amended—and I should like to have you discuss this; I have thought about it a good deal—I have rather come to the conclusion, under the Constitution, that we would have to provide that if the judge did not appoint him he must be appointed either by the President or by the head of a department. That would be the Attorney General, I presume. Because the Constitution provides that the President shall appoint ambassadors and all officers of the United States, excepting that Congress may provide by law that such appointments may be made by the head of a department or by the court. I have thought of this, and I should like to get your idea on it, that we could provide by law, for instance, that these appointments should be made by the President or by the Attorney General, or even by the judge. The Civil Service Commission, for instance, participates in making those appointments by submitting names to the officials for them to select from. That could not make it binding under the Constitution, because the appointment, to be legal, must be made by one of those three officials. But if we pass that kind of a law they would never go outside of the list that the commission submitted. But we could devise some other methods of suggesting names to the official who did have the appointing power, and the effect would be that no official would go outside of that list. That is the basis of our present civil-service law in many cases.

Mr. FLOYD. Do you think that would give you better men than the judge would select?

Mr. NORRIS. I am inclined to think so. I have a prejudice against the judges of the Federal courts appointing these adjusters. I think that is a weak point of the bill.

Mr. FLOYD. I think so, too; but I have not gone carefully into the proposition you are discussing as to providing a better means of selecting the adjusters in case we agree to that kind of a provision. I have already suggested that, in my judgment, there should not be a permanent adjuster; that the court in which the case originated should have the authority, by consent of the parties, to waive the jury and submit the findings of facts to the adjuster.

Mr. NORRIS. Of course that would still leave the appointment of the adjuster in the hands of the Federal judge.

Mr. FLOYD. That would leave his appointment in the hands of the Federal judge, but by consent of the parties litigant in every instance at the time the case was up for consideration. There would be this difference; he would not be a permanent officer.

I have another serious objection to that provision of the bill providing for adjusters, in that it provides for at least one, and there may be more, in every judicial district in the United States; and, if I remember correctly, there are 67 of them.

Mr. NORRIS. Yes.

Mr. FLOYD. And when you go to figure on the cost of paying these adjusters, with their compensation fixed between $1,800 and $3,000, we are incorporating into the law a very great item of expense to do work which may be done better in the courts which are already maintained and must still be maintained at the public expense at a very high cost.

Mr. NORRIS. That is true; it would be expensive. But what we want to do—I think we are all agreed on that—we want an adjuster who is competent and unbiased.

Mr. FLOYD. Absolutely; we could not afford to stand for any other principle——

Mr. NORRIS. No.

Mr. FLOYD (continuing). Than to have an absolutely impartial adjuster, if we adopt the system of having adjusters at all.

Mr. NORRIS. But if we could avoid it we would have to have some machinery. If there is any other system to get rid of these adjusters, I would be glad to consider it, but it seems to me there must be something if we take that out of the law to put in its place, or our law would fall of its own machinery. It would not be workable.

Mr. GRAHAM. The salary proposed is not too big, I am certain. The adjuster would be kept busy in his own judicial district.

Mr. NORRIS. That is more or less of a guess, as I take it. Nobody knows now. The theory of the law is that most of these cases will be settled as a matter of form without any litigation and without any trouble; that they will never even get to the adjuster. If it should turn out that they would all go to the adjuster, I would not favor the law. We only put the adjuster in, as I understand it, and that method of settlement, to avoid the constitutional limitations that we have. But the theory is that this machinery will not be in continual use, that the difficulties will be settled as they come along without any trouble, without going into court, without getting into any litigation of any kind. If that theory does not work out, then the law, of course, will fail. But we are met with the constitutional provisions about every man having a right of a jury trial, and so on, and in the appointment of the adjuster we are met with the other constitutional provision limiting the officials who can make this appointment. So we have got to provide this machinery. But the theory of the law is that it shall be so circumscribed, and the recoveries made so definite and certain that the machinery will not be used.

Mr. FLOYD. You mean, Mr. Norris, that the theory of the advocates of the law is that?

Mr. NORRIS. Yes.

Mr. FLOYD. That the machinery will not be used?

Mr. NORRIS. Yes.

Mr. FLOYD. If you will pardon me for expressing my own opinion, there is the fatal mistake that they are making. There is nothing in this proposed law, in my judgment, that will cause the railroad companies to change their former policies in regard to litigating cases of this character.

Mr. NORRIS. Do you not think that, as Mr. DAVIS mentioned awhile ago, that the provision of the law that fixes these recoveries at a definite sum will be beneficial?

Mr. FLOYD. I desire to answer that a little later on in discussing another branch of the case. I have some decided views on that question. I will answer now that I do not think that this bill, if enacted into law, would have the least effect in that regard. Some one interjected some provisions into this bill that controvert the very theory that no doubt every sincere friend of the bill has in regard to it, namely, that it will lessen litigation and tend to produce speedy settlements. If that is the purpose of the bill, and if the men who framed the bill had that alone in view, I want to ask why they put in section 11, by which, after an employee has gone before the adjuster, has gone before the district court, has gone before the circuit court of appeals, and has appealed his case to the Supreme Court, and it has been affirmed, allows this Federal adjuster to review the case, and gives the employer the right to summons him to appear before the adjuster at any time within two years from the date of the accident to ascertain whether or not his injuries have increased or diminished or ceased altogether.

Mr. DAVIS. Will you let me make a suggestion there?

Mr. FLOYD. Yes.

Mr. DAVIS. I think the reason that the clause went into the bill is because the bill clearly divides them into two classes, permanent and temporary. Where the injury is permanent the finding of the adjuster is final, and where it is recognized as being temporary and the purpose is to compensate for a temporary injury, there must be some machinery to determine when that temporary injury has ceased.

Mr. FLOYD. True enough; but let me go on with my argument in regard to this provision and see whether or not it is calculated to prevent litigation.

There is no question that a new proceeding may be instituted under section 11 at any time within two years after the injury has occurred, and there is no limitation in section 11 to any particular kinds of injury. It may be, in fact, that it would be practically limited to that particular class of cases referred to, but that does not matter. It is still true as to that particular class, and it is that particular class of injuries which will be the source of the most litigation.

A railroad company, like anybody else, when they have a clear, unquestioned case against them, will usually surrender, but if there are any complications, any element of doubt, then they never surrender until they have carried their case to the highest court. What would be the effect of that provision? The practical effect of the provision in section 11 is that the employer, within two years from date of the injury, may summons the injured employee to appear as often as he sees fit before the adjuster for rehearing to ascertain whether or not his injuries have increased or diminished or ceased altogether, and the penalty for his refusal to appear is that his compensation at once ceases. If he does not appear to answer the summons his monthly allowance ceases.

Mr. MCGILLICUDDY. Does not that section give the injured employee that same right if his injuries have increased?

Mr. FLOYD. Oh, yes.

Mr. NORRIS. I can imagine that there might be some cases where the decision perhaps would be that the injured employee was entitled to a certain amount, and it might develop, even after that was adjudicated, that this injury had increased so as to result in more serious injury, and he ought to have the opportunity to have that matter taken up, had he not?

Mr. FLOYD. Your whole fundamental theory of the proposed law is that you are going to wipe out all the distinctions and give them all equal damages for like injuries, whether injured by their own negligence or otherwise.

Mr. NORRIS. That is the theory; but there are a lot of injuries that we know sometimes get better or that sometimes get worse—that no

human mind can foresee in advance—and we ought to make some provision for that. If a man recovers entirely from the injury, then his compensation ought to cease.

Mr. FLOYD. I am not controverting that proposition. My criticisms are to this bill and its construction. I wish to pursue that argument further to show what the result of this section 11 will be in connection with other provisions of the bill. Suppose a railroad employee is injured. He goes before the adjuster and gets a satisfactory allowance under this bill—that is, as satisfactory as it can be under the low rates of compensation allowed. His case is taken to the district court and is tried there de novo. The employee recovers judgment, and it is satisfactory to him. He gets the maximum. It is then appealed to the circuit court of appeals and subsequently to the Supreme Court of the United States, and it is finally adjudicated in his favor in the Supreme Court before the end of two years. Yet that does not end the litigation. The adjuster, at the instance of the railroad company, under the terms of this bill, can summon him again for trial, review the case, modify, set aside, or annul a decision of the Supreme Court of the United States. There is no escaping from that conclusion.

Mr. NORRIS. That would only be in cases where, subsequent to the first adjudication, there had been a change, either better or worse, in the condition of the man who was injured.

Mr. FLOYD. He could be cited for that reason whether there had been any change or not.

Mr. DAVIS. You must assume that in any law; and does not your assumption involve corrupt action on the part of the adjuster?

Mr. FLOYD. No; I am not assuming corruption upon the part of the adjuster.

Mr. DAVIS. You are assuming that the adjuster would do that without any adequate cause.

Mr. FLOYD. I am not assuming that on the part of the adjuster. He might have adequate cause; but here is the great Judiciary Committee of the House considering a bill under the provisions of which, if it should become a law, it would be possible for a Federal adjuster to annul and set aside the decision of the Supreme Court of the United States in a personal-injury case where the employee had been compelled by the railroad company to fight his case up to the Supreme Court.

Mr. NORRIS. Would you want to eliminate section 11?

Mr. FLOYD. Absolutely; yes. There should be an end of litigation somewhere.

Mr. NORRIS. It might be possible to eliminate; but if you do, it would work the other way—that employee who only received in the first adjudication a small amount, that his injury would increase away beyond the expectations of any authority that examined him.

Mr. FLOYD. Yes.

Mr. NORRIS. And he would have the right to go in and get additional compensation?

Mr. FLOYD. But in arguing this question I am answering the suggestion that this bill is going to prevent litigation. It is going to multiply litigation. It does not involve the proposition suggested by Mr. DAVIS that I am claiming that this adjuster would be corrupt at all. It gives the railroad people, if their case should be finally adjudicated within one year, or the employee, either, another whole year to start that whole procedure over again, and it does not limit either party to one such citation. They may make as many other citations as they please within the time specified.

Mr. GRAHAM. Is it not really a new proceeding? If they reach a different conclusion from the one first reached they would not reverse the Supreme Court. They would act on a different state of facts?

Mr. FLOYD. It is a new proceding, but it is an answer to the contention that the law is so fixed that it will avoid litigation. It makes possible not only the one new proceeding but makes possible a half a dozen or more new proceedings. It controverts the contention that the bill will prevent litigation.

Mr. GRAHAM. Is not that true about every lawsuit—every legal remedy? We have an adjudication between parties to-day on an existing statement of facts. Now, between the same parties there might arise to-morrow, growing out of the same general subject matter, new proceedings based on a changed state of facts.

Mr. FLOYD. I do not know of any provision in the existing law that enables a railroad company that has been finally adjudged to pay damages in a personal-injury suit to hve a rehearing of the whole matter before any other court or tribunal. If that is in the law it is something entirely new to me, and I am opposed to putting any such provision in the law. That is my objection to this provision of the bill.

Mr. NORRIS. If there was any probability that a case like you cite coming up a second time——

Mr. FLOYD. That is an extreme case, but it shows the possibilities for litigation under this bill.

Mr. NORRIS. But it would just as often result to the detriment of the employee as it would to the railroad company.

Mr. DAVIS. My suggestion is this: You and I might have litigation to-day about a piece of real estate in which I am adjudged the lawful owner, and the Supreme Court confirmed that decree. As soon as the court does that I go and buy an outstanding title. I may go and litigate with you again on that. That is not overruling the decree of the Supreme Court as between ourselves, but is a new adjudication on a new state of facts.

Mr. FLOYD. This suggestion was made, and it is tenable, under the proposed law, for the sole purpose of answering the suggestion made by Judge NORRIS that the friends of this bill stood for it because they believed it would lessen litigation, keep down and prevent litigation. And I suggested the successive steps that might be taken in one of these cases as showing the possibilities, and, I grant you, the extreme possibilities of litigation under the framework of this proposed bill.

Mr. GRAHAM. But Judge Norris answers that, Judge Floyd, by saying that a great majority of the cases probably would not reach the adjuster at all. But even if some of them reached him twice there would still be a diminution of the cases.

Mr. FLOYD. I wish to mention that in connection with another suggestion later on. I wish to answer that very point, and I would be glad if you would call my attention to that when I come to the discussion of that branch of the subject.

Mr. BEALL. Let me see if I understand your interpretation of section 11. Suppose this matter has been referred to the adjuster and he has rendered his decision, and it then goes to the court. The finding of the adjuster is approved by the court, and it is then appealed to the circuit court of appeals. Say, that it is affirmed there, and then goes to the Supreme Court of the United States. Suppose it is affirmed there, and that decision handed down within the two years after the original findings, a railroad company can file an application with the adjuster for a new hearing. He is granted no discretion; he is compelled to do it?

Mr. FLOYD. Absolutely; the employee must appear or lose his compensation from the date of his refusal to do so. His pay ceases when he refuses to submit to a rehearing or reexamination of his case.

Mr. BEALL. Suppose upon that new hearing the adjuster adheres to his original decision. Has the railroad company the right then to go from that adjuster on this new application into the court again?

Mr. FLOYD. Undoubtedly, and take that case again to the circuit court of appeals and to the Supreme Court after the decision in the first or original case involving the same injury had been duly affirmed.

Mr. BEALL. If the trial court reaffirms the decision of the adjuster, they can then appeal it anew to the circuit court of appeals, and from there to the Supreme Court of the United States?

Mr. FLOYD. I think so. That is the way I construe it. And to show you that section 11 provides that he may do that very thing, I read:

"At any time before the expiration of two years from the date of the accident, but not afterwards, and before the expiration of the period for which payment of compensation has been fixed thereby, but not afterwards, any agreement, award, findings, or judgment may be from time to time reviewed by the adjuster upon the application of either party after due notice to the other party upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished."

Judgment refers to the judgment of the district court, the judgment of the circuit court of appeals, and judgment of the Supreme Court of the United States.

Mr. GRAHAM. Suppose a case—that there is a railroad wreck and an employee is injured; that he receives a traumatic injury on the head. He claims an epilepsy results from that injury, and that case is tried before the adjuster. The proof seems to establish the presence of epilepsy, a dreadful disease, entitling him to very big damages, and he gets the big damages. But after receiving them it turns out that it did not result in epilepsy; that he got more than he was entitled to. Then, what injustice would be done by a review or the rehearing of that case on the new state of facts? And, reverse that. Suppose that he was injured, and that after the adjustment was had the injuries resulted in enlargement of the bony matter of the skull, a consequent pressure upon the brain, and epilepsy. He received no compensation for that injury. Why should he not be able to reopen it and present the new state of facts and get compensation commensurate with the injury?

Mr. FLOYD. I think, Judge Graham, you are confusing this proposed law with existing law. No man can recover very large damages under this proposed law, and this bill proposes to compensate injured employees regardless of their fault or negligence. The man who is grossly negligent when injured, unless he is intending to destroy his own life or the life of another or is drunk, can recover under this bill the same amount of damages that the most careful employee of the railroad can recover for a like injury incurred without fault.

Mr. GRAHAM. Yes; but there is a minimum and a maximum.

Mr. FLOYD. There is a maximum; that is true.

Mr. GRAHAM. He may have been allowed the minimum when he should have been allowed the maximum.

Mr. FLOYD. But the theory I have of the proposition is that by putting in a provision to protect an extreme case you will subject the employee to litigation in hundreds of cases in which there is no merit whatsoever, instituted for the sole purpose of compelling railroad employees generally, in the last analysis, to take what the railroad companies are willing to pay them in settlement for these damage suits.

Mr. GRAHAM. I was addressing my objection more particularly to the increase in litigation, and that does not offer any insuperable objection to me if the additional litigation is in the interest of justice.

Mr. FLOYD. But that last case mentioned is an extreme case. I mentioned it to show you the limitations and the effect of the law.

Mr. NORRIS. But all cases under section 11 are extreme cases.

Mr. DAVIS. Let me ask you there, as a practical matter—of course it must be a mere matter of opinion with all of us, because it is purely experimental—do you believe that under section 11 there will be as many instances of a reopening of the case and a readjustment and readjudication as there are now under the present practice of appeals, reversal of new trials and reappeals, rereversals, and additional new trials?

That goes to the question of diminution of litigation.

Mr. FLOYD. I am answering the argument of the friends of this bill. I am not committed to this bill on that theory or any other. I am answering the contention of the friends of this bill that their object is to prevent litigation. I am trying to show that it will not eliminate, but multiply, litigation.

Mr. DAVIS. I am suggesting that under this bill there will be less litigation.

Mr. FLOYD. Before I am through I am going to largely concede that premise—I may just as well do it here—I admit that the machinery under this bill is so complicated that in many cases employees will surrender their rights and compromise rather than go to law for the small amounts allowed. There are two trials before you can get the case disposed of in the district court. You must have a trial before the adjuster; there is no escape from it. The notice is made jurisdictional. The case must be taken before the adjuster first, and for that trial the employee must summons his witnesses. He must get them there. They are heard orally by the adjuster. What they say is locked up in his memory. He makes his findings in writing and they are made prima facie evidence, and if the case is appealed to the district court he has to have another trial de novo. He has to get all of these witnesses back before the district court. He has to retry his case. There you have multiplied litigation. There are two trials under this proposed new law where you have but one under the existing law. You bring your suit at present directly in the State court or Federal court. You have it tried, and then you go to the court of appeals.

Mr. DAVIS. Will you let me restate that proposition? You have a possibility of two suits, under the existing law you are bound to have one.

Mr. FLOYD. You are bound to have one under the new law.

Mr. DAVIS. Not necessarily.

Mr. NORRIS. Oh, no.

Mr. FLOYD. Unless you compromise. Under the present law you are not bound to have one suit. Hundreds of cases are compromised under the existing law.

Mr. NORRIS. There would be very few cases, I think, Mr. FLOYD, that there would be a controversy in. If a man has his arm cut off the law specifically states what compensation he shall get. In the

majority of cases there would be no litigation whatever. If that is not true, then the law is a failure. I admit that.

Mr. FLOYD. That is an assumption, and in a measure it is true and in a measure it is not true, because you can raise many other questions in one of these personal-injury cases.

Mr. NORRIS. Oh, yes.

Mr. FLOYD. You can raise the question as to whether he is an employee at all, or as to whether or not he was entitled under the terms of the law to be compensated.

Mr. DAVIS. That would be a very unusual case, though.

Mr. FLOYD. Even in those cases where the amount is fixed there has to be an adjustment. He has to have his witnesses. He has to go before the adjuster and produce his testimony.

Mr. DAVIS. And you can see yourself how much simpler that proceeding would be than the ordinary jury trial.

Mr. NORRIS. In the first place, he would not need a lawyer.

Mr. GRAHAM. It was the experience of those who addressed the committee that where it had been in operation it did have the effect of reducing greatly the number of cases that went to the adjuster.

Mr. FLOYD. I have studied very carefully other compensation laws, and I am frank to say that I read all the reports that the committee cited, and the laws in foreign countries, and I have not been able to find just this kind of a law in any of the books.

Mr. DAVIS. Does not that argue that this is the best law that has been devised up to the present time?

Mr. FLOYD. It may be a basis for that argument——

Mr. NORRIS. Of course, the authorities are necessarily limited.

Mr. FLOYD. They ought to cite authorities on the point. This is a brand-new proposition.

Mr. NORRIS. That is true.

Mr. FLOYD. We are promulgating an entirely new scheme of legislation, and that is why I am protesting against this bill being reported out in its present form. We have worked for years on legislation for railroad employees along well-established lines, and finally evolved what I think, from the railroad employees' standpoint, the finest system of laws that were ever devised—the Federal liability laws of the United States, namely, the act of 1908 and the amendatory act of 1910.

That brings me to a further objection, and, I will add, the most serious objection to this bill.

Mr. GRAHAM. There is one objection you urged to which I should like to call your attention. Taking your own district as an illustration, you gave three points at which your court is held.

Mr. FLOYD. Yes.

Mr. GRAHAM. And you assumed that the adjuster would live near one of those points, perhaps the extreme northern one. Why could not he go to the other two points, as the court does? That is, instead of bringing the litigant and witnesses to him, why could he not go to that point where the Federal court was held nearest the litigants?

Mr. FLOYD. It might be that he could. It might be that he would, but there is no provision in the law that requires it.

Mr. NORRIS. He would not necessarily have to go to a place where court was held. He could go where the witnesses were, regardless of where court was held?

Mr. DAVIS. The Senate amendment provides that he shall go to the most convenient place.

Mr. FLOYD. It may be that some of these criticisms that I am making of the bill will be obviated by amendments made in the Senate bill. It is the House bill that I have particularly studied, and I am very glad to welcome any amendment whereby it is bettered, I am sure.

I desire now to state my principal objection, my fundamental objection, to this bill, and that is the provision that makes it the sole and exclusive remedy for injured railroad employees. I think if we pass this bill in its present form we ought to pass it for the avowed purpose of relieving the railroad companies from excessive or heavy damages that they are liable to under existing laws, and not under any pretense that we are doing something for the benefit of the laboring people, because I do not believe we are.

Mr. NORRIS. Has it not been the universal testimony here of all those who appeared—I remember particularly Mr. LEWIS, a Member of the House of Representatives, who has given a great deal of study to questions of this kind. He gave it as his opinion that if this bill were passed it would largely increase—and he gave the figures; I do not remember them now——

Mr. FLOYD. Yes; and I have those figures in mind.

Mr. NORRIS (continuing). The amount of money that the railroad companies would pay and that their employees would receive.

Mr. FLOYD. I remember that, and I have some notations here in regard to that very proposition.

Mr. NORRIS. Of course, on that point it must necessarily follow that his figures were only an estimate, and no one can give anything but an estimate, because we have never had a law like this.

Mr. FLOYD. I desire to discuss in this connection that very proposition.

Mr. NORRIS. Do you remember what his figures were?

Mr. FLOYD. I do not remember Mr. Lewis's figures.

Mr. DAVIS. Mr. Brantly gave it as about $16,000,000. Mr. Lewis said he thought it would not stop short of $50,000,000.

Mr. FLOYD. The commission's report, as I remember it, is $15,000,000. I have figured on that basis.

Mr. NORRIS. I was under the impression that Mr. Lewis gave it as his opinion that it would be $20,000,000.

Mr. FLOYD. The most reliable statistics on the subject show that under previous laws, and including such time as the present law has been in force, the amount recovered against railroad companies in damage suits is about $10,000,000 a year.

It is claimed by the friends of this measure that such recoveries would be increased to $15,000,000 a year under the terms of this bill. Assuming that that is correct, that the aggregate amounts of these judgments under this proposed compensation act, if enacted into law, will amount to $15,000,000, then what do we find? Under the existing law these judgments are due at the termination of the litigation and are payable in cash. Under this bill the larger amount recovered is distributed in partial payments, and the actual amount, assuming that $15,000,000 is a correct amount, that the railroads will pay the first year will be $1,875,000.

Mr. NORRIS. That is, the actual amount of increase, you mean?

Mr. FLOYD. No; the actual amount paid. The sum mentioned is one-eighth of $15,000,000, which is the actual amount paid. The railroad companies reserve the remainder of that $15,000,000 under their own control and for their use. Figuring the interest on money due the railroad employees that the railroad companies are holding and controlling at 5 per cent per annum, this interest would reduce the actual amount of cash that they would have to pay the next year. In other words, they would have to pay out of their proceeds $1,218,750 the second year, and the residue of the annual payment, $1,875,000, would be made up by the interest that they had received from the money that was due the railroad employees.

Mr. DAVIS. $1,875,000 to be added to the second year payment?

Mr. FLOYD. I anticipated that question. It would not affect the result one particle, because under the existing law recoveries amount to $10,000,000 a year, and each year would stand absolutely alone. And the third year they can come in for another $10,000,000 and the fourth year for another $10,000,000, and each fund would be a segregated fund that would go to the employees.

Mr. NORRIS. Mr. Floyd, it seems to me that while those figures might work for the first year, they would not afterwards, as you have given them.

Mr. FLOYD. Let me go right on with these figures. You catch my point?

Mr. NORRIS. I think so.

Mr. FLOYD. For the third year it would be $1,279,688, supplemented by the interest on the remainder, which would bring it up to $1,875,000; the fourth year, $1,343,672; the fifth year, $1,410,856; the sixth year, $1,481,399; the seventh year, $1,555,469; the eighth year, $1,643,262; a total of $11,808,094 which the railroad companies would have paid of their own money. The remainder paid would be money derived from interest on amounts withheld from the railroad employees.

Mr. NORRIS. Mr. Floyd, that is in eight years, is it not?

Mr. FLOYD. That is in eight years. That is the limit of time in which it is distributed.

Mr. NORRIS. But the second year in which your figures would be in operation there would be another eight-year period commence?

Mr. DODDS. Each year would have to stand upon its own footing.

Mr. FLOYD. Each year would have to stand upon its own footing.

Mr. NORRIS. You do not mean to say that if this bill were enacted into law that they would only pay $11,000,000 in eight years?

Mr. FLOYD. No; they would pay $15,000,000 in the eight years.

Mr. NORRIS. Yes.

Mr. FLOYD. But I mean to say that the difference between the $15,000,000 and the $11,808,094 would be derived from interest at 5 per cent on money withheld from employees which under existing law they would have received the first year.

Mr. DODDS. It would show the difference between the present worth of what they would pay and what they would actually pay.

Mr. NORRIS. Exactly; but you know you have taken one eight-year period. After your eight-year period had operated one year another eight-year period would begin, etc., and so on all the way through.

Mr. FLOYD. Certainly; but that does not affect this result.

Under the existing law they would have been paid $10,000,000 in the first year. These same employees, had they recovered in that year the larger amount under this bill, would be paid the $15,000,000 distributed over eight years.

Mr. NORRIS. I understand that; but you do not mean to say that if this law were in effect they would only pay each year the several amounts that you have given there?

Mr. FLOYD. No; I mean to say that in the eight years they would pay the full $15,000,000, but I mean to say that the difference between $15,000,000 and $11,808,094 would be made up of accumulated interest on money withheld from employees. The railroads would pay each year $1,875,000, but I mean to say that amount would be reduced each year by interest that the railroad companies would collect or derive from money withheld.

Mr. NORRIS. I think that is correct, but you do not mean to say that if this law were in effect they would only pay something over $1,000,000 a year?

Mr. FLOYD. No; that is not my point at all. They will pay in the course of eight years the full $15,000,000.

Mr. NORRIS. Yes.

Mr. FLOYD. That is, the railroad employees will receive it. But I claim that nearly $4,000,000 of it will be derived from interest on the money that the railroad people were withholding from them.

Mr. NORRIS. Then under your analysis they would pay something more—$11,000,000 a year instead of $10,000,000 that they pay now—would they not?

Mr. FLOYD. They would pay actually of their own money, ignoring this question of interest, $11,808,094.

Mr. NORRIS. What I mean is, that that would be the total sum of those figures you have given, $11,000,000, and something over?

Mr. FLOYD. That would be the total.

Mr. DODDS. That would be the present worth of what they would be required to pay. That is, they would be required to pay $15,000,000 instead of $10,000,000?

Mr. FLOYD. That is it. That would be the present worth of what they were required to pay.

There is another point about it. I contend that it is not going to cost the railroads this increased amount of money. They will recoup from interest on the money of employees nearly $4,000,000 of such increase. But the entire body of those injured employees are not going to survive for the period of eight years. Many of them are going to die from the result of their injuries and other causes, and whenever one of them dies his compensation ceases, and the railroad company will be saved an indeterminable sum in that way.

Mr. NORRIS. Here is another point I think we ought to consider, Mr. Floyd. You have not given credit there for any hospital expenses, and such items as that that they have to pay under this law, have you?

Mr. FLOYD. No, sir.

Mr. NORRIS. It is not counted in this?

Mr. FLOYD. No; I have not given attention to that. I have tried to analyze this one naked proposition, assuming the estimate, $15,000,000, to be correct.

Mr. DAVIS. I think the answer to that is this: You start with the premise that the estimate given the committee of $15,000,000 is entirely correct.

Mr. FLOYD. I am not assuming that it is correct at all.

Mr. DAVIS. You must, in making that comparison.

Mr. FLOYD. Yes; for purposes of calculation.

Mr. DAVIS. Everybody admits that it is purely a matter of opinion. There is no actuarial basis on which that can be fixed. If it should transpire that the railroad companies are not paying out under this law what they should pay, then there will happen what, in my judgment, will sooner or later happen anyway, perhaps before the law has been in force any great length of time, and that is an increase in the rates under the schedule. My answer to your proposition would be—and I am not entirely satisfied myself that the rates given in that schedule are correct—that as long as there are some statistics on which to base it it must in all fairness be kept down to a reasonable minimum until the statistics are present to show what it is.

Mr. FLOYD. In reply to that, I would suggest that that is merely an assumption, and, in my opinion, under these schedules, as provided in this bill, the railroad employees will not and can not by any possibility recover nearly so much as the $10,000,000 a year which they recover now, because under existing law practically all defenses are cut off except those provided for in this bill.

Mr. DAVIS. What do you think will happen when they make that appear to a committee of Congress?

Mr. NORRIS. They would increase the compensation.

Mr. FLOYD. Sure they would increase the compensation. I am in favor of that. If I support his bill at all, I am in favor of increasing the maximum compensation on every item. The Senate just the other day allowed a girl $8,000 for losing her scalp, and $4,800 is the premium put upon a life by this bill.

The most serious objection I have to this bill is that it is not optional, but is made the exclusive remedy and repeals all existing liability laws on the subject. I desire to argue that question quite at length, and I want to show from the records of some of these organizations that their representatives, who have been appearing before us regarding this legislation and urging its passage, have not reflected what I understand to be the wishes of the rank and file of laboring people on that question.

Mr. GRAHAM. You contend that it should be optional?

Mr. FLOYD. Optional; yes. I am opposed to disturbing the Federal liability law of 1908 as amended by the supplemental act of 1910. I want to give my reasons for taking this position. You will recall that during the course of the hearings, when Mr. BRANTLEY was before the committee, that I stated to Mr. BRANTLEY that if he would strike out section 3 and leave it optional with the employee to seek compensation under this act or under our liability laws that all my objections to the passage of this bill would cease; that I would never say another word against it.

Mr. NORRIS. Of course. I think this is true on that point, Mr. FLOYD, that if we do make it optional, then the reason for increasing the compensation named in the bill has disappeared, practically, has it not?

Mr. FLOYD. I did not catch that question, Mr. NORRIS.

Mr. NORRIS. I say if we do make this optional, then the reason that many of us think exists now for increasing the compensation named in the bill would disappear at once, because the class of employees who would sue under the law would be that class to whom negligence could not be attributed, I take it, and those who would come under the law would be those who could not recover if the law did not exist. And it is conceded that if we can make a distinction between those two classes the man who is not negligent ought to get more than the man who is.

Mr. FLOYD. If it is made optional, there would be no occasion for changing the rates of compensation fixed in the bill.

Mr. DAVIS. I desire to ask Mr. FLOYD what he is going to contend in discussing the question as to the time when the electional remedy should be made, whether before or after the occurrence of the injury?

Mr. FLOYD. I would say after the occurrence of the injury; and I have some amendments prepared which make the provision in section 3 optional, and provide that when the party desires to seek compensation under this bill, and takes the initial step for compensation under the bill, he thereby waives his right under the liability laws, and that the filing of a suit under the liability laws shall be deemed a waiver of his right to claim compensation under this act. He should be required to put himself in one class or the other when he commences an action to recover damages for the injury incurred.

Mr. DAVIS. I understand the New Jersey system to be that 60 days at least before the occurrence of the injury he must elect the status.

Mr. FLOYD. Before I conclude for to-day I wish to put in the record a matter for you to study and consider. The representatives of organized labor have been here. The leaders have been here asking us to pass this legislation. In my State railroad employees were forbidden to make any comments on this legislation until the day the bill passed the Senate. The day the bill passed the Senate the lodges in my State, the locals, were notified that they might then say what they pleased about the compensation bill, and protest after protest, which I will not take time to read, but which I will put in the record, I have here, and the protests are universal in so far as the people of my State and the railroad employees of my State are concerned.

Here is what purports to be, and I presume it is, genuine Circular of Instructions No. A–22, Grand Lodge, Brotherhood of Railroad Trainmen, office of president, Cleveland, Ohio, June 19, 1911. Here is the legislative committee's report on workmen's compensation. It is as follows:

"We recommend that the convention go on record as favoring the adoption of strong liability laws in every State, Province, and Territory, eliminating the common-law doctrine of fellow servant, assumed risk, and contributory negligence. We also favor the principle of workmen's compensation, but, realizing the narrow limits of our national and State constitutions, we urge all persons having to do with legislation to concentrate their efforts in behalf of an employers' liability law, believing as we do that such a law will prove a solid foundation upon which to build up a system of workmen's compensation laws.

"Moved by Baker (186) and Waid (420) that the report of the committee be adopted. It was discussed by Feick (158), President Lee, Overhiser (416), Reese (438), McKinley (206), and President Lee. Motion to adopt report of the committee carried."

Whence comes the demand to repeal all existing liability laws? It certainly does not come from an organization which reflects the sentiments embodied in that legislative report and adopted by the Brotherhood of Railroad Trainmen.

I believe, if it is the pleasure of the committee, that I will postpone expressing my views on other points until our next meeting.

Thereupon the committee adjourned.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, January 21, 1913.

The committee this day met at 10.30 o'clock a. m., Mr. EDWIN Y. WEBB (acting chairman) presiding.

STATEMENT OF HON. JOHN C. FLOYD, OF ARKANSAS.

The CHAIRMAN. Gentlemen, if the committee will come to order we will proceed with Mr. FLOYD'S continued argument against the compensation bill.

Mr. FLOYD. Mr. Chairman, there is only one other general proposition pertaining to this bill that I desire to discuss. I stated the proposition at the conclusion of my remarks on yesterday. My chief and principal objection to this bill, which is fundamental, is to that provision which repeals all employer's liability laws on the subject—Federal and State—and makes this proposed law afford the sole and exclusive remedy for railroad employees in damage suits in personal-injury cases.

The CHAIRMAN. That is embodied in section 3.

Mr. STERLING. In interstate commerce.

Mr. FLOYD. Yes; in interstate commerce; thank you.

Mr. STERLING. It does not affect State laws.

Mr. FLOYD. I think it does affect State laws in a way, because under the present laws we have a right to bring suit in the State courts.

Mr. STERLING. Yes; in interstate commerce; and it does affect State laws in regard to that.

Mr. FLOYD. I am not sure about that. It declares on its face that it shall be the sole and exclusive remedy in these personal-injury cases.

Mr. NORRIS. But isn't it true that Congress has no jurisdiction as to intrastate law?

Mr. FLOYD. The Supreme Court has so held in passing on the liability act of 1906, which was held unconstitutional; but we are dealing with a legislative proposition now, and, while the Supreme Court has so held, Congress, by the wording of the bill referred to, had undertaken to do that very thing.

Mr. NORRIS. In that bill you have made reference to.

Mr. FLOYD. But that is immaterial for the purpose of my argument. My objection to this bill is on the ground—a fact which is not disputed by anyone—that it seeks to repeal all of our existing Federal employers' liability laws in their entirety. It wipes out Federal employers' liability laws in toto and affords to railroad employees under the provisions of this new law their sole and exclusive remedy for compensation or damages for personal injuries received while engaged in interstate commerce.

Mr. NORRIS. I think that is right.

Mr. FLOYD. That much is absolutely conceded by everybody. Now, that I object to. I think it would be a serious mistake on our part to destroy the substantial remedies which railroad employees now enjoy and substitute therefor a new, untried, and experimental law like the one now proposed. It goes further, and indirectly repeals every safety-appliance act that the Congress of the United States has heretofore passed. It does not expressly repeal safety-appliance acts, but it in effect relieves the railroad companies from the penalties imposed in damage suits in case they fail to comply with the requirements of such acts.

Mr. GRAHAM. Make that clear, Judge.

Mr. FLOYD. Yes. The penalty imposed in the safety-appliance acts of Congress upon the railroad companies for their failure to comply with the requirements of these acts is that they are subjected to and made liable for damages in all cases, regardless of the fault of the employee—just as it is proposed they shall be subjected to and made liable for damages in cases under this bill, regardless of the fault or negligence of the employee. What is the effect? When we pass this bill, when we provide that injured employees shall receive a like sum for like injuries, regardless of their negligence or fault, what reason is there for railroad companies to go to great expense in order to meet the several requirements imposed on them by Congress in these safety-appliance acts?

Mr. STERLING. Penalties will exist just the same.

Mr. FLOYD. Yes; but what will it amount to? The real penalty imposed in such acts is that the railroad companies which fail to comply with the safety-appliance acts shall have no defense against an employee who is injured in their service. Express provisions in these statutes take away from noncomplying companies all their defenses when actions are brought against them in personal-injury cases.

Mr. NORRIS. Isn't there any other penalty in that connection? Can we compel them to comply?

Mr. STERLING. That is not in the safety-appliance act; it is in the employers' liability bill.

Mr. FLOYD. Isn't it in the safety-appliance act? I think it is. I don't know of any graver penalty; do you?

Mr. STERLING. There is no failure to comply with the law.

Mr. FLOYD. What is the penalty?

Mr. STERLING. I don't know what it is.

Mr. FLOYD. It is that all defenses are taken away from the railroad companies, and they can't plead the negligence or other fault of the employee when actions are brought against them for damages for personal injuries.

Mr. STERLING. Is that in the safety-appliance act or in the liability act or law?

Mr. FLOYD. I so understand it; such provision is in our safety-appliance acts and in the employers' liability act also.

Mr. NORRIS. That would be necessary there; but do you mean to say, if we passed this bill, for instance, the law that provides there shall be air on the trains can be disregarded?

Mr. FLOYD. It can be disregarded entirely, and no additional penalty would be imposed upon the railroad company by reason of that failure, because, if a man is injured under this new law he will get the same compensation whether he is negligent or otherwise.

Mr. NORRIS. But does the law provide for its enforcement, so far as the liability is concerned?

Mr. FLOYD. I am not sure as to that; I don't deny that proposition; but I am speaking of this penalty that is imposed in addition to any fine that may be imposed upon them, and this additional penalty, if the law is complied with, will cost the railroad companies millions of dollars in excess of any fines that will be imposed on them for failure to comply with those laws; because it is this additional penalty which I am dealing with that takes away from the railroad company any defense whatsoever, and leaves the railroad employee injured by reason of their failure to comply with these safety-appliance acts in the precise position in which you are proposing to put all railroad employees under this bill. I think this raises a question we should seriously consider. If I am in error I shall be glad to be corrected. I have the safety-appliance acts before me, and that is the way I construe them in regard to liability in damage suits as to the additional penalty. The fact that a fine may be imposed also in no way affects the soundness of my position.

Mr. STERLING. Your proposition, Mr. Floyd, amounts to this: They could not plead negligence, as they can now, where the injury results from the failure to comply with the safety-appliance acts.

Mr. FLOYD. Yes. It amounts to that proposition; it simply deprives them of their ordinary defenses in personal-injury suits.

Mr. STERLING. They can't plead negligence now.

Mr. FLOYD. It amounts to this, that the railroad company is deprived of any defense if it fails to comply with the safety-appliance acts and an employee is injured by reason of that failure.

Mr. STERLING. Practically no defense.

Mr. FLOYD. Practically no defense. Hence there would be no difference to the railroad companies so far as damage suits are concerned whether they complied with such laws or whether they did not if we pass this compensation act.

Mr. NORRIS. As far as damage for injury to an employee is concerned that is right.

Mr. HIGGINS. Have you the safety-appliance act here, Mr. Floyd?

Mr. FLOYD. Yes; there it is. That is all I desire to say on that particular proposition.

Now, it is insisted that we ought not to eliminate section 3—we ought not to make this proposed law optional; and it has been insisted before our committee by various advocates of the measure that we ought to follow the precedent found in the laws of European countries and be guided by the enlightened judgment of the Old World in this compensation legislation. Now, most of the laws pertaining to this subject in continental Europe are insurance propositions—compulsory insurance laws in which the employee is compelled to contribute from his earnings a certain stipulated amount from time to time, which goes into the insurance fund out of which he is paid in case of injury or accident; so the advocates of this measure can find no precedent in those insurance laws for this particular bill and the particular provisions that are embodied in this bill.

So let us consider the compensation acts proper that have been adopted in other countries and see how they compare with this proposed law. I had some difficulty—I don't know whether you gentlemen did or not—in finding in the report the compensation laws of other countries, because in the citation found in the report of the commission there is an error in part. The citation gives the Twenty-fourth Annual Report of the Commissioner of Labor, 1910, as including those laws. The error is in "1910." It should be "1909." In the Twenty-fourth Annual Report of the Commissioner of Labor of 1909 foreign insurance and compensation laws are printed in full.

Mr. STERLING. Mr. FLOYD, don't you think this would develop a complete insurance policy among the railroads of the country? It would have this advantage, that the employees would not be obliged to contribute to that. The railroads would undoubtedly indemnify themselves by insurance just as soon as this goes into effect.

Mr. FLOYD. That might be; I am not prepared to answer that question or controvert it. But I want to compare this proposed law with compensation laws in other countries and see where we must look for any precedent for it. I will not take time to read them in full, but I want to submit extracts from a number of those laws.

I submit an extract from the Alberta workman's compensation act, 1908, and I will read in this connection the optional clause only, and print the whole section:

"(b) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this act shall affect any civil liability of the employer; but in that case the workman may, at his option, either claim compensation under this act or take proceedings independently of this act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this act, and shall not be liable to any proceedings independently of this act except in case of such personal negligence or willful act aforesaid."

Now, there you have an optional clause such that, if substituted for section 3 of this bill, would preserve intact our present employers' liability laws and would meet with my hearty approval. I do not think the remedy ought to be cumulative; I do not think the employee ought to have the right to seek compensation under an act such as is proposed here and at the same time have the right, as an additional cumulative remedy, to go into court under our liability laws and get redress there also.

Mr. HIGGINS. Would you be willing, Mr. Floyd, to let the employee make his option at the time of his employment?

Mr. FLOYD. I would not, under any circumstances. I think he ought to be given the right to exercise his option after the action accrues, and in an amendment I have prepared to section 3 it is provided that when he files his petition for compensation under this act, he waives his right to claim damages under the employers' liability act, and when he files a suit under the employers' liability act, he waives his right to compensation under this act.

Mr. NORRIS. Judge, I want to ask you a question about the Alberta law that you have just read. That is just a little different from what most of the people want who claim, like you do, that a man ought to have his option. I will say I agree with you if he has an option, he ought to have a right to exercise it after the injury. But you will notice that Alberta act provides that this right to sue the company only exists where the company is negligent or some employee is negligent for whose acts the company is liable. Now, if the employee would, we will say, decide to pursue the remedy provided in that exception in that law you have read, and it should be determined at the end of the suit that the company was not negligent; then he would fail, wouldn't he?

Mr. FLOYD. Certainly.

Mr. NORRIS. Now, in that case he would not have any remedy whatever, would he? He would be cut out entirely.

Mr. FLOYD. He would, and I don't think it would be unjust. If you give an employee two remedies and he selects the wrong one he must abide the consequences. I know of no way to guarantee rights and at the same time obviate the possibility of errors.

Mr. NORRIS. There might be a case now where the company is liable, and he might think they were negligent and commence his action on that theory, and the evidence might develop conclusively that they were not negligent; then the employee would be cut off from compensation.

Mr. FLOYD. I will not take issue with you as to that. It might easily happen.

Mr. NORRIS. It would be dangerous, it seems to me.

Mr. FLOYD. And in some of these optional clauses in foreign acts a provision is made, as you suggest, that if the employee fails in his action under liability laws, he may seek his remedy under the compensation act; that is, if he fails under the first, he may seek his remedy under the other, notwithstanding. But I am not inclined to that view. I do not believe an employee ought to be permitted to have cumulative remedies in such cases.

Mr. GRAHAM. But the policy you have laid down would be a departure from the theory underlying this bill—a theory of public policy—that the man should get something. In that case he would get nothing.

Mr. FLOYD. The injured employee is given the right to get something under the law. But you can't frame a law that will protect the injured man, or any other claimant, in all his rights under all circumstances and in every contingency. He may have a claim under the compensation act and may neglect to put in his claim and he would get nothing although he had a just cause. It would be difficult, indeed, if not impossible, to frame any law that would guarantee any man all his rights and at the same time protect him against loss in unforeseen contingencies that may arise.

Mr. WEBB. It seems to me the Alberta law would induce more employees to take compensation under the compensation bill. If there were any doubt of the right of the injured employee to recover on the ground of negligence of the railroad company or employer, he would not take any chances; he would seek his remedy under the compensation act.

Mr. HIGGINS. Under the common law are not the rights of the employee preserved?

Mr. FLOYD. I assume so.

Mr. GRAHAM. If he seeks his remedy at law he would have to assume all the common-law provisions. If he resorted to the common law he has to take it as he finds it.

Mr. THOMAS. Referring to your statement, I would like to call attention to the further penalty provided of $100 a day in addition to the penalties you have stated.

Mr. STERLING. That is for our record.

Mr. FLOYD. Put that statement in the record. I had not looked up the matter of fines, having investigated specially the penalty imposed in damage suits.

Now, I submit, without reading it in full, the Alberta workman's compensation act, section 3:

"Alberta.

"[Workman's compensation act, 1908.]

"LIABILITY OF EMPLOYERS TO WORKMEN FOR INJURIES.

"SEC. 3. If in any employment to which this act applies personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this act.

"(2) *Provided*, That—

"(a) The employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed.

"(b) When the injury was caused by the personal negligence or willful act of the employer or of some person for whose act or default the employer is responsible, nothing in this act shall affect any civil liability of the employer; but in that case the workman may, at his option, either claim compensation under this act or take proceedings independently of this act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this act, and shall not be liable to any proceedings independently of this act, except in case of such personal negligence or willful act as aforesaid.

"(c) If it is proved that the injury to a workman is attributable to the serious and willful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or permanent disablement, be disallowed.

"(3) If any question arises in any proceedings under this act as to the liability to pay compensation under this act, including any question as to whether the employment is one to which this act applies, or as to whether the person injured is a workman to whom this act applies, or as to the amount or duration of compensation under this act the question, if not settled by agreement, shall, subject to the provisions of the first schedule to this act, be settled by arbitration, in accordance with the second schedule to this act.

"(4) If within the time hereinafter in this act limited for taking proceedings an action is brought to recover damages independently of this act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this act, the action shall be dismissed; but the court in which the action is tried shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this act. In any proceeding under this subsection when the court assesses the compensation, it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this act." (Report of Commissioner of Labor, 1909, pp. 2436–2437.)

Mr. FLOYD. I also submit, without reading it, an extract from the British Columbia workmen's compensation act, 1902, containing the same optional provision found in the Alberta law:

"British Columbia.

"[Workmen's compensation act, 1902.]

"1. This act may be cited as the 'Workmen's compensation act, 1902.'

"2. (1) If in any employment to which this act applies personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this act:

"(2) *Provided*, That—

"(a) The employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed;

"(b) When the injury was caused by the personal negligence or willful act of the employer or of some person for whose act or default the employer is responsible, nothing in this act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this act or take the same proceedings as were open to him before the commencement of this act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this act, and shall not be liable to any proceedings independently of this act except in case of such personal negligence or willful act as aforesaid;

"(c) If it is proved that the injury to a workman is attributable solely to the serious and willful misconduct or serious neglect of that workman, any compensation claimed in respect of that injury shall be disallowed.

"(3) If any question arises in any proceedings under this act as to the liability to pay compensation under this act (including any question as to whether the employment is one to which this act applies) or as to the amount or duration of compensation under this act, the question, if not settled by agreement, shall, subject to the provisions of the first schedule to this act, be settled by arbitration in accordance with the second schedule to this act.

"(4) If, within the time hereinafter in this act limited for taking proceedings, an action is brought to recover damages independently of this act for injury caused by any accident and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this act, the action shall be dismissed; but the court in which the action is tried shall, if the plaintiff shall so choose, proceed to assess such compensation and shall be at liberty to deduct from such compensation all the costs which, in its judgment, have been caused by the plaintiff bringing this action instead of proceeding under this act. In any proceeding under this subsection when the court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this act.

"(5) Nothing in this act shall affect any proceedings for a fine under the enactments relating to mines and other industries or the application of any such fine, but if any such fine or any part thereof has been applied for the benefit of the person injured the amount so applied shall be taken into account in estimating the compensation under this act. (60 and 61 Vict. (Imp.) 1897, c. 37, s. 1.)

"3. (1) Proceedings for the recovery under this act of compensation for an injury shall not be maintained unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or in case of death, within six months from time of death: *Provided always*, That the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not prejudiced in his defense by the want, defect, or inaccuracy or that such want, defect, or inaccuracy was occasioned by mistake or other reasonable cause." (Report of the Commissioner of Labor, 1909, pp. 2467–2468.)

Mr. FLOYD. I now submit an extract from the laws of the Cape of Good Hope workman's compensation act, 1905, section 22, making that statute optional:

"*Cape of Good Hope.*

"[Workman's compensation act, 1905.]

"SEC. 22. If any workman become permanently totally incapacitated for work by reason of a personal injury, for which an employer or principal is liable to pay compensation under the provisions of this act, such workman shall, subject to the provisions of sections 29, 30, and 31 of this act, and in addition to the provisional order, have a right of action in the magistrate's court of the district in which he received such injury, against the employer or principal for the recovery of a sum not exceeding three years' wages at the rate of wages drawn by such workman at the time of the injury, less any wages received under any provisional order as hereinbefore mentioned, provided such sum shall not exceed £600 [$2,919.90] in all. Regard shall be had in fixing such amount to the workman's necessities." (Report of the Commissioner of Labor, 1909, p. 2476.)

Mr. FLOYD. Now, I submit an extract from the laws of Denmark, of January 7, 1898, workman's insurance, article 12. The act is optional in regard to this insurance provision:

"*Denmark.*

"[Law of Jan. 7, 1898, workman's insurance.]

"ART. 12. If a workman or his survivors have claimed or received money payments in accordance with the provisions of the present law, he or they shall have thereby waived the right to make at the same time or subsequently a claim against the employer or others under the other existing laws concerning legal claims for damages. If, on the other hand, an injured workman or the survivors of a deceased workman have made a claim against the employer or others under these general laws, above mentioned, he or they may not, at that time, appeal to the present law or call for a decision from the council, nor subsequently, unless the council, after becoming acquainted with the details of the case and after receiving a petition, shall give its consent." (Report of Commissioner of Labor, pp. 2479–2480.)

Now, I submit an extract from the laws of France, act of July, 1907——

Mr. HIGGINS. Mr. FLOYD, under the Denmark statute the employee has to contribute.

Mr. FLOYD. Yes; but it is not compulsory; it is optional with him whether he so contributes or not, but if he does not he receives no benefit under that statute.

Mr. HIGGINS. But he is subject to the liability law whatever it is.

Mr. GRAHAM. And it practically takes the place of our voluntary associations.

Mr. FLOYD. I submit an extract from the act of July, 1907, France, voluntary affiliation with legislation regarding industrial accidents. The act leaves it to the voluntary act of the employee whether or not he will participate under the provisions of this law:

"*France.*

"[Act of July, 1907, voluntary affiliation with legislation regarding industrial accidents.]

"ART. 2. The legislation regarding industrial accidents becomes thereafter applicable in full force to all of his workmen, employees, and domestic servants who shall have declared in the pass book (carnet), mentioned in the preceding article, their voluntary affiliation plainly signed and dated by themselves.

"If the workman, employee, or domestic servant does not know how to or can not sign, his declaration of voluntary affiliation shall be received by the mayor, who shall mention the same in the pass book. The same applies to the affiliation of minors and married women, without necessity for them to obtain the consent for this purpose of the father, guardian, or husband." (Report of the Commissioner of Labor, 1909, pp. 2507–2508.)

Mr. FLOYD. I submit an extract from the laws of Great Britain, workmen's compensation act of 1906. This contains the same optional provision in the identical language of the Alberta law, Alberta being a Province of Great Britain.

"*Great Britain.*

"[Workmen's compensation act of 1906.]

"An act to consolidate and amend the law with respect to compensation to workmen for injuries suffered in the course of their employment [21st December, 1906].

"*Be it enacted by * * * Parliament assembled, and by the authority of the same, as follows:*

"1. (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this act.

"(2) Provided that—

"(a) The employer shall not be liable under this act in respect of any injury which does not disable the workman for a period of at least one week from earning full wages at the work at which he was employed.

"(b) When the injury was caused by the personal negligence or willful act of the employer or of some person for whose act or default the employer is responsible, nothing in this act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this act or take proceedings independently of this act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this act, and shall not be liable to any proceedings independently of this act, except in case of such personal negligence or willful act as aforesaid.

"(c) If it is proved that the injury to a workman is attributable to the serious and willful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed." (Report of the Commissioner of Labor, 1909, p. 2553.)

Mr. GRAHAM. Which was earlier, the British law or the Alberta law?

Mr. FLOYD. The notation on the extracts submitted will show when each was adopted. I don't have in mind now which was the earlier statute, but the date of each act is noted on the papers delivered to the stenographer. I submit an extract from the law of the Netherlands relating to legal insurance of workingmen.

Mr. STERLING. That does not apply to railroads, Mr. FLOYD, does it?

Mr. FLOYD. It applies to railroads and also to other industrial corporations, as I understand.

Mr. STERLING. All employees of labor, practically.

Mr. FLOYD. I think a general distinction between those foreign laws and our laws is that they include a great many industries in addition to railroads—practically all of the industrial corporations and concerns of the country.

Mr. STERLING. That applies to all the insurance acts of other countries?

Mr. GRAHAM. There is not any reason there for confining it to railroads as there is here.

"*The Netherlands.*

"[Law of Jan. 2, 1901, relating to legal insurance of workingmen.]

"AS TO THE EFFECT OF THE INSURANCE UPON THE CIVIL LAW.

"ART. 87. The civil liability of the employer for pecuniary damages sustained by an insured workman in the course of his employment ceases under reservation of the provisions of the next paragraph and of article 88, as well as with the further reservation that the liability extends to damages done to the property of the person injured by the accident.

"Should an insured person whose daily earnings exceed 4 florins [$1.61] meet with an accident while at work, the liability of the employer remains; the court, however, in estimating the compensation, must take into consideration what has already been awarded to the plaintiff by reason of this law.

"ART. 88. The civil liability of the employer arising out of articles 1406 and 1407 of the Civil Code is not removed if the insured person has met with an accident and the head or director of the establishment is duly convicted for a violation of any of the provisions in titles 7, 19, 20, and 21 of book 2 of the Penal Code.

"If the head or director of the establishment is convicted by default by a judge on account of any of the violations referred to in the preceding paragraph, the civil liability mentioned in articles 1406 and 1407 of the Civil Code shall not be invoked before six months of the date of such judgment by default, unless the head or director of the establishment has filed an appeal before such time.

"ART. 89. The Royal Insurance Bank acquires the right to the amount which the insured person or his surviving relatives may derive from articles 1406 and 1407 of the Civil Code.

"Every settlement with regard to these rights which the insured person or any of his surviving relatives makes without the intervention of the board of directors of the Royal Insurance Bank shall be null and void." (Report of the Commissioner of Labor, 1909, p. 2656.)

Mr. FLOYD. Now I submit an extract from the laws of South Australia, workmen's compensation act of 1900. Paragraph G makes it optional.

"*South Australia.*

"[Workmen's compensation act, 1900.]

"1. This act may be cited as 'The workmen's compensation act of 1900.'

"2. In this act—

"'Dependents' means the wife, husband, parent, grandparent, child, grandchild, and stepchild of a workman wholly or in part dependent upon his earnings at the time of his death.

"'Employer' includes any body of persons, corporate or unincorporate, and the legal personal representative of a deceased employer.

"'Engineering work' means any work of construction or alteration or repair of a railroad, harbor, dock, canal, sewer, or tunnel, telegraph, telephone, or electric power, and includes any other work for the construction, alteration, or repair of which machinery driven by steam, water, or other mechanical power is used.

"'Factory' means any manufactory, workshop, workroom, or premises wherein or whereon manual labor is exercised for the purpose of gain in or incidental to the making, altering, or repairing any article by way of trade or for purpose of gain for sale, and includes any ship or boat in port, dock, wharf, quay, or warehouse, so far as relates to machinery and plant in the process of loading or unloading therefrom or thereto, and every laundry worked by steam, water, or other mechanical power.

"'Injury' means personal injury or loss of life by accident arising out of and in course of employment or injury to health or loss of life arising out of or consequent upon any employment declared by proclamation to be dangerous to health or dangerous to life or limb: *Provided*, That no such proclamation shall issue except on addresses of both Houses of Parliament.

"'Proclamation' means proclamation by the governor in the Government Gazette.

"'Workman' includes every person who is engaged in an employment to which this act applies, whether by way of manual labor or otherwise, and whether his agreement is one of service or apprenticeship or otherwise, and is expressed or implied, is oral or in writing, and includes seaman and the personal representative and the dependents of a deceased workman.

"3. This act applies only to injuries to workmen employed by employers—

"(i) On or in or about a railway, waterwork, tramway, electric-lighting work, factory, mine, quarry, or engineering or building work.

"(ii) On or in or about any employment declared by proclamation to be dangerous or injurious to health or dangerous to life or limb: *Provided*, That no such proclamation shall issue except pursuant to addresses of both Houses of Parliament.

"4. When personal injury arising out of and in the course of his employment is caused to a workman his employer shall be liable to pay compensation, except in the following cases:

"(a) When the injury is attributable to the serious and willful misconduct of the workman injured, and to no other cause; or

"(b) When the workman is not disabled for at least one week from earning full wages at the work in which he was employed.

"5. The compensation for which an employer shall be liable pursuant to the preceding section shall be subject to the scale and conditions in the first schedule.

"6. (1) Where personal injury is caused to a workman by the personal negligence or willful act of his employer, or of some person for whose act or default such employer is responsible, such workman may, at his option, either claim compensation under this act or take proceedings to recover compensation independently of this act.

"(2) No employer shall be liable to pay compensation both under this act and independently of this act. (Report of Commissioner of Labor, 1909, p. 2699.)

Mr. FLOYD. I submit an extract from the law of Sweden, the law of July 5, 1901, relating to compensation for injury resulting from industrial accidents.

Mr. HIGGINS. Do these extracts just relate to the optional feature?

Mr. FLOYD. Some of them do, and some of them embody the entire section in which the optional feature appears. But I cite the particular page in the commissioner's report in which you can find the full body of each of the acts referred to.

Mr. STERLING. Are you citing those countries where it is not optional—in these extracts?

Mr. FLOYD. No, sir; I am citing those where the law is optional and am not citing all of the insurance laws. I will make a statement in regard to other acts not cited at the conclusion.

Mr. GRAHAM. Are you citing the State laws in the United States?

Mr. FLOYD. No, sir; I have not gone into that.

Mr. HOUSTON. Do you state how many different countries have the optional feature and how many have not?

Mr. FLOYD. I could not state it offhand, but I think I have here in these different papers extracts from the laws of practically all foreign countries where the optional provision appears in the law; I am not sure as to that, however.

Mr. STERLING. Mr. Floyd, have you read the New York decision declaring the compensation law unconstitutional?

Mr. FLOYD. No, sir; I have not read it.

"Sweden.

"[Law of July 5, 1901, relating to compensation for injury resulting from industrial accidents.]

"ART. 9. If any person has the right to compensation in accordance with this law, he shall not thereby be barred from entering a claim against the employer or other person for indemnity which might be due to him in accordance with the common law or special law: *Provided, however*, That the employer may deduct from such indemnity the amount of the compensation to which he is liable under this law.

"If a person other than the employer is liable for indemnity, the employer may, after duly suing the person who is liable, receive such indemnity, instead of the person to whom it is due, provided he pays a corresponding compensation in accordance with this law." (Report of the Commissioner of Labor, 1909, p. 2709.)

Mr. FLOYD. Now, I submit an extract from the laws of Switzerland, Federal law, June 25, 1881, article 6, liability laws. Article 2 and article 8 make this law optional.

"Switzerland.

[The Swiss laws here reproduced are not, accurately speaking, compensation laws, but are liability laws of a very inclusive and stringent type, and are published as showing probably the nearest approach to the force and value of a compensation act that can be attained under the form of liability laws.]

[Federal law June 25, 1881, art. 6, liability laws.]

"The court shall determine, after consideration of all the circumstances, the amount of the damages, which, however, in the most serious cases (arts. 1 and 3) shall not exceed six times the annual earnings of the employee or workman, and shall in no case exceed the sum of 6,000 francs [$1,158].

"The court is not restricted to this maximum when the injury or death was caused by any act of the employer which would render him liable to a criminal prosecution.

"The costs of medical treatment, maintenance, and burial are not to be included in the above maximum."

[Federal law of Mar. 28, 1905, relating to the civil liability of railways, steamboats, and the postal service. (Recueil Officiel des Lois et Ordonnances XXI, p. 351.)]

"ARTICLE 1. Every railway shall be liable for damage resulting from the loss of life or injuries sustained by a person in the course of the construction or operation of its lines, or while engaged in accessory work involving railroad risks, unless it is able to prove that the accident was due to superior force [act of God], to the fault of a third party, or to that of the injured person himself.

"No one shall be regarded as a third party within the meaning of the present article who is an officer or employee of the road, engaged either in transportation or in the construction of its lines.

"ART. 2. In case of death, damages paid shall cover expenses, including those of burial. If death does not occur immediately, they shall include the expense of treatment and compensation for loss from disability. When, through the death of the injured person, other persons are deprived of their means of support they shall be likewise compensated for such loss.

"ART. 3. Personal injuries shall entitle the injured person to reimbursement for expenses and to damages for total or partial disability. If the injured person has been mutilated or disfigured in such a way as to interfere with his employment, the judge may also allow him a compensation for such injury.

"ART. 4. When the injured person realized exceptionally high returns from his labor the judge, taking all the circumstances into consideration, may reduce the compensation in such manner as seems just.

"ART. 5. If the accident is in part due to the fault of the injured person, the judge, taking all the circumstances into consideration, may reduce the compensation proportionately.

"ART. 6. There shall be no ground for compensation if the connection with the railway of the person killed or injured was the result of his own criminal act or act of bad faith.

"ART. 7. If the connection with the railway of the person killed or injured arose from his having knowingly violated any police regulation, the judge may reduce the compensation or even absolve the road from all liability.

"ART. 8. In case of negligence of the railway or of the persons named in paragraph 2 or article 1, the judge, considering the particular circumstances, especially when fraud or gross negligence has been shown, may allow to the injured party, or in case of death to his family, an equitable sum, independent of reparation for actual damages.

"ART. 9. The compensation may be allowed in a capital sum, or as a pension, or in a capital sum combined with a pension. The judge may determine freely the method of payment without being bound by the opinions of the parties. He shall take, whenever necessary, proper measures to insure the payment of the pension." (Report of Commissioner of Labor 1909, p. 2716.)

Mr. FLOYD. I submit an extract from the law of the Transvaal workmen's compensation act. I failed to get the date of that. Section 4 embodies an optional feature.

"Transvaal.

"[Workmen's compensation act.]

"PROVISIONAL ORDER TO RECOVER PERIODICAL PAYMENTS OF COMPENSATION.

"SEC. 3. Save as in section 2 is provided, if personal injury is caused by any accident to a workman necessitating his absence from work for a longer period than one week, the employer and every principal shall be liable to pay to such workman compensation as in section 7 is provided.

"SEC. 4. (1) Any such workman who is desirous of obtaining compensation under this act shall give or cause to be given notice of such injury, at his option, either to his employer or to any principal. Such notice shall be given within 14 days of the injury, and if not given within such period no compensation shall be payable under this act to a workman unless he shall have obtained from the magistrate of the district in which he received the injury a certificate that the time for giving notice should, having regard to all the circumstances, have been extended. If he shall have obtained such certificate and give notice to the employer or such principal within a period of one week after the receipt of such certificate, the notice of injury shall be deemed to have been given within the time required by this subsection.

"(2) The employer or the principal to whom notice has been given may, on receiving such notice, require the workman to submit himself for examination by a medical practitioner named by the employer or such principal.

"(3) If the employer or such principal shall not, within one week after transmission to him of such notice, agree with the workman for payment of compensation for the injury, the workman may transmit to the clerk of the court of resident magistrate for the district in which such injury was received notice in writing of such injury and of the name of the employer or such principal, and with such notice shall transmit a certificate by a medical practitioner to the effect that, in his opinion, the injury necessitates or has necessitated the workman's absence from work for a longer period than one week. Such clerk shall cause such information and certificate to be at once laid before the magistrate of the said district." (Report of the Commissioner of Labor, 1909, p. 2719.)

Mr. FLOYD. Now, in regard to those countries where the law is compulsory, and where it is not an insurance plan but a compensation plan, I am not able to give you full details as to just what foreign countries have such compulsory laws. I think that that is the case in Germany, but there is a very marked distinction between Germany and the other countries referred to.

Mr. GRAHAM. But is compulsory in Germany.

Mr. FLOYD. It is compulsory in Germany; but there is an economic condition in that country which does not exist in this country or in the other countries referred to. The Government owns the principal part of the railroads in Germany; they have Government ownership of railroads there, and where your claim is against a sovereign you have no recourse except by some compulsory or arbitrary law, because a citizen does not have the right in any country, to my knowledge, to sue the sovereign on a matter of personal damages.

Now, I desire to submit certain protests received from railroad employees of my State against the passage of this bill. I will not ask to read them. I will simply call attention to the different letters in such a way as to identify them and will have them printed in full in the record. First, I submit a letter from Mr. W. W. Dunn, secretary of the Order of Railway Conductors, dated Little Rock, Ark., May 12, 1912, protesting against this legislation, and in connection with it I desire to submit and have printed my letter in reply, in which I call attention to certain minor objections to this bill which I have not discussed before the committee.

Mr. GRAHAM. Do you know the attitude of the organization he represents is the same now as it was when that was written?

Mr. FLOYD. It is the same, only stronger against it.

ORDER OF RAILWAY CONDUCTORS,
Little Rock, Ark., May 12, 1912.

Hon. J. C. FLOYD,
Congressman, Washington, D. C.

DEAR SIR: As representative of approximately 1,000 conductors in the State of Arkansas, wish to register an emphatic objection to the so-called employers' liability and workmen's compensation act. The bill, framed as at present, is the worst piece of legislation to railroad through

Congress that the men have ever had to fight. It has not one redeeming feature; it is all bad.

After years of struggle we succeeded in getting rid of the fellow servants' assumption of risk and contributory-negligence laws in the employers' liability law passed in 1908, and now the railways are trying to wipe out all those years of earnest effort in this damnable compensation act.

It is not necessary for me to go into the bill with you gentlemen, for no doubt you are more familiar with it than I am; but, for example: I lose a leg on my run to-night; adjusters award me $30 a month; company gives me service at $50 per month; six months, I die; payments stop; my family gets nothing. If I refuse service because I can do better through relatives, influence, or sympathy, payments stop. If I take service at $85 per month somewhere else, that cuts off $15 of my payments. So the system of the bill is all wrong. For the sake of crippled railroad men, their wives and orphans, and justice, defeat or delay this infamous measure.

Yours, truly,

[SEAL.] W. W. DUNN, *Secretary.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 16, 1912.

Mr. W. W. DUNN,
Secretary Order of Railway Conductors, Little Rock, Ark.

DEAR SIR: I am in receipt of your favor of May 12 protesting against the passage of the so-called employers' liability and workman's compensation bill. As a member of the Judiciary Committee of the House, I have carefully considered this bill and am utterly opposed to it in its present form. I have heretofore been doing and propose to continue to do all I can to prevent favorable action on same by the committee or in the House. I fully concur with you in the several objections you urge to the bill and could add many more. I regard it as a bill in the interest of the railroads and against the interest of employees. I have served in the State legislature and have served a number of terms in Congress, and I regard this as one of the worst legislative propositions that I ever saw brought forward in the name of virtue.

Section 3 repeals every law now on the statute books in favor of workingmen, whether common law, State or Federal law, and provides that the sole and exclusive remedy for injured railroad employees shall be under the provisions of the proposed act.

The employers' liability act passed by Congress in 1908, the validity of which was upheld by the United States Supreme Court only about two months ago, is to be repealed by the passage of this act.

Every administrative feature of the proposed law is in favor of the railroad companies. All trials must be before a Federal court or before an adjuster appointed by the judge of a Federal court. The right to go into a State court and try your case is denied. The right of trial by jury is denied in the first instance, as there is no provision for a jury trial before the adjusters, who to all intents and purposes act in the capacity of judges and perform the functions of courts in adjudicating claims. The only way in which you can secure a trial by jury under the terms of the law is to except to the findings of the adjuster and take your case to the court, where you may demand a jury, and then the case is tried de novo. Hence, a double trial and therefore double costs to protect your rights. The findings of the adjuster are made prima facie correct, and the burden of proof is placed upon the employee. Even then the law limits the amount you may recover to the arbitrary and low rates fixed in the bill. So the jury has no discretion except to cut you down and give you less than the law fixes as the maximum rate of compensation for the particular injury—they can not give you more.

The bill denies to employees freedom of contract. The bill provides that an injured employee may employ counsel, but that the counsel need not be a member of the bar. It provides that any contract made for attorney or counsel fees must be filed with the adjuster, but further provides that the adjuster or the court shall have power to arbitrarily fix the attorney's fee in all cases. This is true even where you have a written contract with the attorney and have filed it with the adjuster.

This power to fix attorney's fees, given to the adjuster and the court, may be abused to the detriment of the laborer in two ways. The adjuster or court can fix the fees so high that no employee, out of the meager allowance under the terms of the bill, can afford to pay them, or can fix them so low that no good or reputable lawyer could afford to take the cases. I will simply say I regard the proposed bill as one of the most unjust, unfair, and outrageous legislative propositions ever presented to Congress, and will further state that you can rest assured that it will have my determined opposition at every stage of its progress, both before the Judiciary Committee and in the House. It is urged here by the advocates of the measure that laboring men and labor organizations all over the country favor it. Such representations are calculated to secure many votes from those who know little about the bill and who are made to believe that employees generally favor the legislation. But I have studied it and know it to be a vicious, bad bill for employees. I am opposed to it, no matter who favors it. I am unwilling to see crippled and maimed employees of our railroads and the near and dependent relatives of those who are killed have the substantial remedies guaranteed to them under the existing law taken away from them and for them to be made destitute and penniless even by their own consent. In its every feature it is a railroad bill, pure and simple, and it ought not to pass.

You are at liberty to use this letter in any way you see fit.

Yours, truly,

J. C. FLOYD.

Mr. FLOYD. Now, I submit a letter from A. N. De Mers, chairman of legislative board, Brotherhood of Locomotive Firemen and Engineers, dated Little Rock, Ark., May 15, 1912, protesting against the passage of this bill in its present form:

LITTLE ROCK, ARK., *May 15, 1912.*

Hon. J. C. FLOYD,
Congressman, Washington, D. C.

DEAR SIR: It affords me pleasure to write you on behalf of the engineers and firemen, members of our organization, numbering about 2,000, protesting against Senate bill No. 5382, now pending before the House, and known as the exclusive liability and workmen's compensation act.

The title of this act sounds good to hear it spoken, but when you read through this bill you can read between its lines—"mighty trusts." In connection with our protest I desire to say that the laboring people have not the slightest degree of knowledge as to the merits of this bill, they do not know that it repeals all other "liability laws." The few who have had a chance to learn the requirements of this bill are at a loss to believe that Congress would pass this measure without knowing the principles contained therein. The labor leaders who are now advocating this measure are "false prophets," not representing the wishes of the laboring people, but the interest of the "mighty trusts" for personal gain. In repealing the good laws now on the statute books, which stand as a monument to your great work, you would write the darkest page in the history of this country.

I ask you, in the name of our people, to give them a chance to learn what they are to pay for this supposed great compensation law. I ask you not to consider the pleas of the supposed representatives of the working people who are in Washington fighting for this measure, claiming that the laborers want it. I tell you now, and you can show them this letter, they are the hirelings of the mighty trusts, working not for the people but for the undoing of the people; they are lower than the serpent who lays as though dead only to jump and strike you a death blow.

I have not the ability to argue the demerits of this measure as I would like to, yet the position of the men I represent is clear; they don't want this measure; they ask you as their Representative to use your every effort to kill this proposed law; protect the weak, the rich will protect themselves; they have in the past; this you know better than I.

In closing I again ask that you do all in your power to prevent the passage of this bill at this time. If it is good now it will be good later; the working people would rather wait and have a chance to learn something about a matter that is of so much concern to them. Thanking you for your assistance and wishing you every success, I am,

Very truly, yours,

A. N. DE MERS,
Chairman Legislative Board,
Brotherhood of Locomotive Firemen and Engineers.

Mr. FLOYD. Now, I submit a letter from Mr. W. D. Jackson, secretary of the Brotherhood of Railroad Trainmen, Lodge No. 49, dated Little Rock, Ark., May 22, 1912, protesting against the passage of this bill:

LITTLE ROCK, ARK., *May 22, 1912.*

Hon. J. C. FLOYD,
Washington, D. C.

DEAR SIR: In answer to yours concerning the compensation bill will say that the railroad employees of this State appreciate your position on this bill very much, and we urge you to do all within your power to defeat this bill or amend it so it will not repeal our present laws we are now enjoying. If this bill is such a good one for the employees, why not leave the matter elective, so we can get our relief in our State laws if we so desire? I think that the "backers" of this bill know that if the law is made elective and does not repeal our present laws that this law will die of "nonuse."

The by-laws of our organization prohibit us from opposing legislation unless permission is secured from our president, and this permission was withheld from us until the day the bill passed the Senate, giving us no show to enter our protests to our various Senators. The rank and file of the railroad employees of the United States have not the slightest idea of the contents of this bill, and as an illustration as to how well they are informed I will give you one as follows: I was in Pine Bluff last Saturday night and was called into a meeting of the car men's union, and they asked me about this bill, and I asked them the question of how many present had ever seen the bill, and, to my surprise, of the 235 men in the hall not one of them had ever seen the bill. This will give you some idea of how well informed the rank and file of those who will be affected are informed of its contents.

Thanking you for past favors, I beg to remain,

Yours, very respectfully,

W. D. JACKSON,
Secretary Brotherhood of Railroad Trainmen, Lodge No. 49.

Mr. FLOYD. I now submit a letter from Mr. Frank Pace, an attorney, of Little Rock, Ark., dated May 24, 1912, together with an analysis of the bill from his viewpoint. There are certain personal references in that analysis and criticism of the bill which I will omit from the printed record.

Mr. GRAHAM. Just draw your pencil through them.

Mr. FLOYD. I have done so.

MAY 24, 1912.

Hon. J. C. FLOYD,
Member of House of Representatives, Washington, D. C.

DEAR MR. FLOYD: I have been carefully considering the workingmen's compensation act that is at present before Congress, and have carefully gone into it in detail for the purpose of determining what its effect would be upon the workingmen were it to become a law, and I have reached the conclusion that it is about the worst piece of legislation, from the workingmen's standpoint, that has ever been presented to Congress.

The railroads are back of this bill, without a doubt, and are urging its passage, because in it they find an advantage more far-reaching than has ever been accorded to them since legislation upon this subject began. Everybody is in favor of a compensation act that would be fair both to the railroads and to the workingmen, and a compensation act that is fair to the workingmen would be adopted by them in preference to the existing laws. The railroads have taken up the sentiment for a compensation act, fixed up this bill to suit themselves, and named it a compensation act, and are trying to put it through Congress before its true meaning and intent and effect can be known. The railroad men in Arkansas, within the past month, have in a measure become aware of the character of this bill, and I can truthfully state that there is not 5 per cent of the railroad workingmen in this State who favor its passage, and any man who supports that measure from our State will forfeit the vote of the entire organization. In fact, they are more unanimous upon this subject than upon any subject that has ever been presented to them since I have been in Little Rock. This but reflects what the workingmen of the entire United States will do when the provisions of this bill are known to them. Up to the present time the measure has been so quietly, rapidly, and silently put before Congress that the real men who are interested have learned but little about it. The workingmen here feel and expressly declare that there is a combination between the railroads and some of their leaders in Washington who have proven false to their trust to push this bill through without giving it that publicity it ought to have and acquainting those who are vitally interested in it with what there is in it. The engineers recently assembled in national convention indorsed it; but this was done through the effort of a few leaders and without a proper understanding of the measure by those who were in convention assembled, but this will be the last convention that will ever indorse it. This summer all of the conventions of the various trainmen's orders will meet, and the matter will be thoroughly thrashed out if the bill does not pass Congress before that time, and you will find the sentiment so strong against it that if the bill is not passed until fall it will never be heard of again.

We have been representing the railroad men of Arkansas since I came to Little Rock, not only in personal-injury suits, but in much of the

other business that they have, and naturally they come to us for a discussion and an interpretation of this act; and our opposition to it does not arise from the fact that it may interfere with our practice, because if it were a fair act we would make no opposition to it, and then the argument that has been advanced in Congress that lawyers get one-half of all that is paid to injured employees by the railroad companies is so unreasonable and untrue that it should have no weight with anyone. I made an investigation of that matter, so far as it obtains in our State, and the record for the last year shows that more than 90 per cent of the claims that were paid by the railroads to injured employees was paid without the intervention of a lawyer. Lawyers rarely ever get any cases except those where the railroad company denies all liability, and in cases of that kind, when a lawyer conducts it through all the courts of the State and collects the money, he has earned whatever he charged, even if it be more than one-half of the amount recovered. The effect of recent litigation has been to make the railroad companies pay more liberally the injured employee in 90 per cent of the cases that are settled without the assistance of an attorney.

The Arkansas trainmen would not object to the bill if it were amended, striking out that portion of it making the act exclusive and leave them to pursue their remedy under the law as it now exists, or under the new act, if they prefer it, but under no condition do they want it passed making that their exclusive remedy. They want the matter passed until fall, so that they may have an opportunity to investigate the bill and be heard upon it before it is finally acted upon in Congress. I know that you are a member of the Judiciary Committee, and I want you to write me fully about the present status of the bill, and how your committee feels toward it; whether you think they will pass upon the bill favorably or report it unfavorably, and whether committee action upon the matter can be delayed until it will be impossible for the bill to be taken up at this term by the House. Kindly write me fully about the matter and I will appreciate it very much.

I inclose you a copy of a criticism of the bill, in a condensed way, that I prepared at the request of some of the organizations here. The Arkansas trainmen, as soon as they can get their committee together, will send a representative to Washington to oppose the measure. He will possibly be there in 10 or 15 days, and I hope that the committee will not act upon the matter until he can reach there.

Yours, very truly,

FRANK PACE.

Any inaccuracies in the criticism inclosed will be due to the fact that it was hurriedly prepared, much of it being reproduced from speech of Hon. HOKE SMITH.

PACE.

THE RAILROAD TRAINMEN OF ARKANSAS ARE BITTERLY OPPOSED TO THE WORKMAN'S COMPENSATION ACT.

This act, which has recently passed the upper branch of Congress, and is now pending before the House, is stirring the railroad trainmen of Arkansas like no other measure that has ever been presented to Congress. It is only within the past three weeks that this bill has received their attention and consideration, and as they become more familiar with it and learn more of its details the more apparent it becomes to them that it is a railroad bill, pure and simple, dressed up in a workingman's clothes, for the purpose of deceiving the railroad employees as to its true purpose and intent. The railroad men of Arkansas have learned enough about it within this short space of time to know that they do not want the bill passed and are going to exert every effort within their power to defeat it. All railroad men are in favor of a fair compensation bill, drafted upon lines that will be fair both to the railroad and to the employee, but to name the present bill a compensation bill is a misnomer and the whole bill belies the title.

The suspicions of the railroad trainmen were aroused in the first place by the fact that the railroad company was not opposing the bill; in other words, it is evident that the railroads throughout the United States are perfectly satisfied with the bill, and when one reads the provisions of the bill, it causes no surprise when the statement is made that the railroads do not oppose the bill, because the bill is so drafted that the railroads are the only ones whose interests are cared for, and this is done at the expense of fairness and justice and right toward their employees. In fact, every railroad in the United States is back of the bill, with all their power and money, trying to secure its speedy passage before the railroad men, whose material rights are affected, can have secured information about the contents of the bill; in other words, the railroads are trying to railroad this measure through Congress, because they know that if the trainmen of the United States are made to realize the true meaning of this bill, its purposes and its object, before its passage in Congress, that there will be such a protest throughout the entire United States against its passage that its defeat will be assured.

This bill was introduced by Senator SUTHERLAND, of Utah * * *. The bill was introduced in the Senate on the 20th day of February of the present year and reported by the Judiciary Committee on April 3, and passed the Senate on the 6th day of May, and it is now up to the House, where speedy action is at the present time being urged. It has taken more than six years by the successive acts of Congress passed upon by the Supreme Court of the United States before the railroad employees received the place in the protection of their rights that they now occupy. This bill is exclusive; it wipes out all of this legislation that it has taken six years of constant effort upon the part of the railroad employees to secure. Why should there be so much haste about its passage; why not give the employees an opportunity to be heard upon this measure that is of so much vital importance to them and that undoes and wipes out that for which they have worked for a period of six long years? As a result of their efforts during the past six years the railroad company in a suit for personal injuries can no longer set up the defense that the injury was caused by the negligence of a fellow servant, neither can they any longer set up the defense of contributory negligence, neither can they any longer wipe out a claim upon the defense that the risk was assumed. The only defense that they can make now when an employee is injured is that the injury was an accident for which no one is responsible, or that the injury was due solely to the negligence of the injured employee. It is only within the past two months that the full breadth and extent of these acts of Congress were determined by the Supreme Court of the United States, and under the law as it now exists the railroad men are satisfied and can get adequate compensation for injuries that they may receive, and now when they have just come into their own and are about to receive the benefit of this law they are met with this new act proposed in Congress, and are told that it is being passed for their benefit and that it is better for them that the law as it now exists, * * * and when they saw it passed through the Senate, silently, quietly, and rapidly, like a thief in the nighttime, they have begun an investigation, and that investigation has revealed to them the most iniquitous measure that they have ever been called upon to meet.

In the very outset this bill declares itself to be exclusive of all legislation upon the subject. The railroad men would not object to the bill if it was passed in addition to the laws that now exist and would not strike out present legislation, because that would leave them the remedies they now enjoy and give them this new relief, if they saw fit to adopt it. If this measure is to be passed for the benefit of the employee, and will, as the railroad representatives in Congress claim, inure to his benefit and give him speedier and more complete relief than he can secure under present laws, why should it be necessary to declare in this bill that it shall be exclusive by its terms and strike down all other legislation upon the subject, because if it is better for the railroad employees than the legislation that now exists the railroad employees would adopt it in the future in securing relief when injured, and the laws that they enjoy at the present time would die of nonuse, but those who are pushing the bill through know that if this bill were passed with its present provisions no railroad employee would ever avail himself of it, but would pursue his remedy under the present laws, and this law would die of nonuse.

The workmen's compensation act is a sugar-coated pill, it is something that it pretends not to be, and it is time for the railway trainmen of the United States to tear the mask off of it and look it squarely in the face and see it as it is. Under the present law the injured employee can enforce his rights in the court of his own selection, in the State courts or in the Federal courts of the United States, and he can try his case in any county in the State through which the railroad runs, and also he can have a right to a trial by jury. Under the present bill his cause is first heard, not before a jury, but before an arbiter appointed by the Federal court. There will be possibly two arbiters in Arkansas, one at Little Rock and one at Fort Smith, and all of the witnesses that the employee desires to be used in this investigation he must pay the expense of bringing for miles before this arbiter at an appointed hearing. He must submit to an examination by a physician appointed by the arbiter, and then, if the arbiter believes that he is injured, he classifies him and determines according to the provisions of this bill the amount of pay he shall receive for his injury.

If the employee is not satisfied, he then has a right of appeal to the Federal district court, and there has the right of a pretended trial before a jury, because, by the terms of the act, the finding of the arbiter is to be taken as prima facie true, and the burden is upon the employee to show that the arbiter's findings are not correct. Thus it requires the expense of two trials, neither one of which gives to the employee a fair hearing under the law, before a judgment can be obtained. From the judgment of this court either party may appeal it to the higher courts for a final determination of the case, making more litigation than under the provisions of the present law.

But the worst provision of the bill comes in the pretended compensation. Where a man is killed outright, his widow, where there are no children under the age of 16, gets 40 per cent of the wages, to be paid monthly for the period of eight years. If she dies or remarries all compensation stops and the railroads are discharged from the payment of any further sum on account of his death. For the purposes of this act, the wages of any man shall be no more than $100 a month. If the deceased employee is receiving as much as $250 per month, his wages are counted at $100 for the purposes of this act. If he is receiving less than $100, his widow only receives 40 per cent of the wages that was being paid him. If there are children—4, 6, 8, or 10, it makes no difference how many—under the age of 16, the widow and children together receive only 50 per cent of the wages of the deceased employee for the period of eight years. An employee might be killed who was earning $200 a month, leaving a widow and six children under the age of 16 years, and the full compensation they would receive would be $4,800, to be strung out in monthly payments over the period of eight years.

The bill provides that this may be compromised and settled for a lump sum, of which the railroad company would take advantage, and the widow and children would settle for possibly from $2,400 to $3,600, which would mean that they would take nothing for loss of companionship, loss of moral training and guidance by the children, and no compensation for the death of the father and husband, except possibly the salary he would have received had he lived for a year and one-half. Under the terms of the bill provision is made for the payment of stipulated damages for injuries that are definite and fixed and can be determined, like the loss of a leg, the loss of an eye, or the loss of an arm. Reference to one of these will be sufficient to show the inadequacy of the provisions of the bill. These are denominated permanent partial injuries. The bill provides that the loss by separation of one leg, at or above the knee joint, one-half of the salary earned by the employee shall be paid him monthly for the period of 66 months. To the engineer making $2,400 a year, under the provisions of this bill, for cutting his leg off above the knee he would get $3,300, to be paid at the rate of $50 a month. To the trainman making $50 a month it would pay $1,650, at the rate of $25 a month. If the loss of the leg should be below the knee, the engineer would get $2,400, to be paid $50 a month, or $1,200 to the employee making $50 a month. Take an engineer 45 years old; he is master of his business; he is too old to learn another occupation; you cut off his leg just below the knee; his business is gone; his occupation is gone; you give him $2,400, to be paid $50 a month. This would leave him without a job; he can not even get the $2,400 in one sum with which to start into some little business; but if he wants a lump sum, he must compromise with the railroad company and take whatever he can get. Thus you have him with a family on his hands; a complete settlement with the railroad company for $2,400, what he could earn in one year; nothing paid him for the pain and suffering, nothing for the deformity, nothing for depriving him of his only means of earning a livelihood, because he can not hope to continue in the railroad service in that condition, and all of this is settled in full with the railroad company for the sum of $2,400.

Take a young apprentice, 20 years old, making $50 a month. He loses his leg below the knee; he gets $1,200, to be paid him monthly at the rate of $25 a month. No consideration is taken of his wrecked future prospects or the pain and suffering that he endures, but monthly he receives this measly stipend until he has received $1,200; but if he desires to get it in a lump sum, so that he may establish himself in some kind of business, he must take whatever the railroad will give him, possibly $600 or $800 for the loss of a leg. The illustrations serve to show the inadequate and unjust provisions of this bill toward the injured employee, but the further we proceed the worse the bill becomes. Under the provisions of this bill, if an injured employee is offered work by the railroad company, or goes to work elsewhere, and gets 90 per cent of the wages he was receiving at the time he was injured, the railroad company is relieved from paying him any further damages and all pay stops. If the railroad company offers him work, and he declines to take it, that will pay him 90 per cent of his former

wages, then all pay stops and the railroad is discharged from paying him anything further. If he works and receives less than 90 per cent of the wages he was receiving at the time he was injured, the railroad company is required to pay him only the difference between what he makes and what 90 per cent of his wages would be. Thus, if he is able to labor at all and does labor, what he earns is practically deducted from the amount the railroad is required to pay him, and they are relieved from paying him any compensation at all. In other words, although a man is injured, if he has the nerve and courage to get out and work in his unfortunate condition, the result of his labor inures to the benefit of the railroad company, and they are thus relieved from the responsibility of paying him for an injury that they placed upon him.

The great bulk of injuries are those injuries where the extent of the injury can not be definitely ascertained and determined. Sprained backs, fractured limbs, internal injuries—in all of these cases the extent of the injury is left to the adjuster, and the amount of compensation that the injured party is to receive is left to his discretion after he has determined the character and extent of the injury and the injured employee begins to receive the monthly pay. At any time in the future the matter may be called up for trial anew before the adjuster, and the whole hearing gone over again; thus, the injured employee is always under a strain of uncertainty and doubt, never knowing the amount he is to receive, dependent entirely upon the whim and caprice of the adjuster and the number of examinations that the railroads see fit to ask for before the adjuster; thus a man disabled and sick and without money can be continuously subjected to repeated examinations and adjustment of his pay, and if he wants his interests protected he must appear at each examination, pay the expenses of the witnesses that he desires to use, and in this manner, sick in body and exhausted in purse, these repeated examinations will drive him to an abandonment of the entire case and the yielding up of any future payments. To realize the unjustness of this bill, you have only to read it, and to study it will make any trainman rise up and denounce its provisions.

In addition to the above, I can not refrain from calling the attention of the public to one provision of the bill, and that is, that if a railroad employee is killed and leaves no widow, but leaves children over the age of 16 years and not yet of full age, those children do not receive any compensation at all on account of the death of their father unless they are mentally or physically deformed, so that they can not make a living. And if there is no widow and but one child left, who is under the age of 16 years, that child only receives 25 per cent of the monthly wages of the parent until the child arrives at the age of 16 years, and this payment is discontinued when the child arrives at the age of 16 years. For instance, if a father should be killed who was earning $2,400 a year and had a girl 12 years old, she would receive only $25 a month until she reached her sixteenth year, or $1,200 for the loss of her parent, and that paid to her in monthly installments of $25 a month, turning her loose upon the world at the age of 16 years without a dollar in the world and without a protector to provide for her.

Mr. FLOYD. Now I submit a letter from C. J. Rollins, dated Jacksonville, Fla., July 5, 1912, protesting against the passage of the bill.

Mr. GRAHAM. Pardon me, Mr. FLOYD, do those communications protest in a general way, or do they ask for changes in it and are then for its passage with the changes?

Mr. FLOYD. They protest in a general way, and they particularly protest against its passage in its present form—they bitterly oppose section 3, which repeals the employers' liability act. I don't know that any of them go to the extent of saying that they would oppose the bill in any form, but their protest is against the injustice, as they claim, of taking away their rights under the existing law and substituting as their exclusive remedy this new compensation act with its arbitrary and low rates of compensation.

JACKSONVILLE FLA., *July 5, 1912.*

Representative FLOYD,
Washington, D. C.

DEAR SIR: I am writing you in defense of the employers' liability act of 1908, which is far superior to the workingmen's compensation act being discussed by the Congress of the United States.

I was injured by the Atlantic Coast Line Railroad Co. in June, 1910. I recovered $6,500 under the employers' liability act. If I had been under the compensation act that is now being discussed by the National Congress I could have only recovered $912 for the two years; and for the two years under the employers' liability act I recovered $3,900 clear of attorney's fees and costs of court, making a difference of $2,988 in favor of the employers' liability act.

This workmen's compensation act is in no sense in favor of the workingman; it is clearly in favor of the railroad company. The railroad companies have tried to railroad this bill through under disguise of it being a law for the working class of people, as they are being hit so hard by the working class under the present employers' liability act.

If the Const Line Roalroad was polled on the third division you would find that there would be at least 90 per cent in opposition to the compensation act. The only working class of people I find in favor of the compensation act are those who are ignorant of the meaning of this compensation act. This compensation act says railroad men in some cases are not capable of handling large amounts to their advantage if recovered under the employers' liability act, and that paying them by the month under the compensation act would be of more value to them.

I do not think the more intelligent class of railroad men should be made responsible for a few ignorant ones.

I hope you will do all in your power to oppose the compensation act and uphold the employers' liability act.

Yours, very truly,
C. J. ROLLINS,
P. O. Box 1366, Eastford, Fla.

Mr. FLOYD. Now I submit a letter dated Pine Bluff, Ark., May 18, 1912, written by W. L. Meek, J. F. Smith, and J. A. Moore, committee on resolutions, Brotherhood Railway Carmen of America:

PINE BLUFF, ARK., *May 18, 1912.*

Hon. JOE T. ROBINSON,
House of Representatives, Washington, D. C.

We, the members of Cotton Belt Lodge No. 7, Brotherhood of Railway Carmen of America, in regular session, passed the following resolution, for which we earnestly beg your support:

Be it resolved, That inasmuch as the workmen's compensation Senate bill, which is No. 5782, not being in harmony with our demands, and being, we consider, a detriment to railway organizations, we cast a unanimous vote, with 75 per cent of our members being present at said meeting, against the passage of said bill. We have a membership of 255.

Respectfully submitted.

W. L. MEEK,
J. F. SMITH,
J. A. MOORE,
Committee on Resolution.

Mr. FLOYD. Now, I submit a letter, dated Argenta, Ark., July 14, 1912, signed by the secretary of the Brotherhood of Railroad Trainmen, Lodge No. 449:

ARGENTA, ARK., *July 14, 1912.*

Hon. H. M. JACOWAY, Hon. H. B. CLAYTON, Hon. J. C. FLOYD,
Washington, D. C.

GENTLEMEN: The following resolution was adopted at a meeting held by Argenta Lodge, No. 449, at 2 p. m. this date:

Resolved, That this lodge instruct the secretary to communicate with Congressmen JACOWAY, CLAYTON, and FLOYD, requesting them to use their best efforts to induce the Judiciary Committee to recommend that the employers' liability and workmen's compensation act be not reported out of the committee at this session of Congress; and should the committee report on this act, that they recommend that the act do not pass; Be it further

Resolved, That this lodge extend them thanks in behalf of the members of this lodge for their past interest shown in this matter.

Awaiting the opportunity to return the favor, I remain,

Very truly, yours,

Secretary Brotherhood of Railroad Trainmen, No. 449.

Mr. FLOYD. I now submit a letter, dated Argenta, Ark., May 18, 1912, signed by W. E. Pearsall, legislative committeeman, Brotherhood of Railroad Trainmen, Lodge No. 449:

ARGENTA, ARK., *May 18, 1912.*

Much has been said and written recently with reference to this bill, which passed the Senate a few days ago, resulting in 64 votes for and 15 against. Those who have written and discussed this bill through the press most prominently are persons that its provisions will probably never affect; but the rank and file that will be directly affected, should it become a law, has not as yet been heard from individually, the reasons being that a large majority do not fully understand the real purport of the bill, as between the present liability laws, and have not familiarized themselves as regards the many technicalities embodied in it with reference to the methods of adjustments for personal disability or death, as they have had only a limited time to consider it, and I, being one of the rank and file, do not hesitate to frankly express my views. I note the act is silent as to adjustments of temporary disability, except that it is specific in deducting the first 14 days of such injuries, and also specific in the maximum rate of $100 per month, with 50 per cent deductible in the adjustments of permanent-disability claims, and it is very natural to presume that the railway claim agents will immediately establish this basis in making settlements with employees for temporary disability, owing to the fact that this principle is recognized in the bill as being an equitable basis for disability of all classes.

After carefully studying the provisions of this act, and its terms being such a radical departure from American principles and also the old common English law, wherein it seeks to deprive the employees of common carriers engaged in interstate traffic of the privileges guaranteed them by the Federal Constitution, also State constitution, with equal rights with other classes of citizens of having a trial by jury of their peers in both civil and criminal cases, as was instituted by our forefathers, this being the basic principle of the American Government, why should we depart from it at this age?

The real purpose of the words "exclusive remedy" contained in the act were embodied in this bill for the express purpose of depriving the railway men from exercising their rights as other classes of citizens should they desire to avail themselves of such privileges, which is even accorded live-stock shippers, should their cattle or live stock be injured or killed while in transit, to recover losses.

Is it possible the American workmen are to be retrograded by class legislation and the owner of dumb brutes would have more extensive remedies for their loss than would the employees? Why not make it optional for adjustments to be made for death or disability under provisions of this act or under liability laws? In my opinion, the compensation act has the wrong phraseology for its title. It would be more in keeping with its drastic, despotic principles to substitute as its title "Sutherland-Taft live-stock compensation bill," as Senator SUTHERLAND, of Utah, being the godfather of the bill, who sat as the high priest at the hearings of the commission that conceived the philanthropic principles upon which it was founded, and President Taft having the distinguished honor of transmitting this bill by special message to Congress, with a few more frills attached, recommending its speedy passage, in order that the railway men of the United States might be immediately relieved of their burden of constitutional rights which are guaranteed in the Declaration of Independence.

Let us review a few provisions of this bill.

First. It debars an injured employee or the heirs of a deceased employee from recourse through the courts, provided they have not been proffered reasonable compensation for death or injury, yet they do have the privilege of having a Federal juror pass upon the decisions rendered by the autocratic "adjuster," who is appointed to such position by a Federal district judge, and this adjuster will grant them the privilege of employing counsel to assist in reviewing the case and his decision as rendered; and to him is granted the exclusive authority to name the fee that such attorney may receive for his services, and if he so desires he could make such small fees as to force plaintiffs to employ a "quack lawyer," who would be incompetent to handle such cases and combat with the best legal talent which can be obtained by the defendant.

Second. The maximum allowance for compensation is restricted to a specific amount, which, in my opinion, is not liberal enough for death and permanent-disability cases, as compared with the average settlements as have been made in the past few years, more especially so in States where the "fellow-servant" doctrine has been eliminated and liberal liability laws have been enacted. Almost every brakeman, switchman, and locomotive fireman employed on railroads in the western and southwestern zones who has regular employment will learn the maximum allowance for death in approximately four years, and the majority of conductors employed regularly can earn the amount in approximately three years, and the majority of the engineers regularly

employed can earn the amount in approximately two years and six months.

The argument as set forth by those who champion the bill set up one of the reasons for the adoption of the exclusive compensation was on account of the excessive fees being enacted by lawyers from litigants. I am free to admit that such may be the case in many instances, but before accepting this argument, investigation will develop that the plaintiff in many instances of litigation is brought about by the fact that liberal settlements were not offered. If so, this condition of affairs would not exist. Extreme remedies in either direction will never correct evils which may exist. This bill, surrounded by so many technicalities, which seeks to take advantage of the poor, unfortunate man who may be in poor financial circumstances to defend his case and prove his disabilities to the satisfaction of the adjuster; and I rather believe there will be just as many attorneys employed in cases of disability and death under the provisions of the "compensation act" as have been in the past under liability statutes, for this bill does not provide for automatic compensation by any means.

Another bad feature of the bill is that it provides the same compensation for death or disability for the employee who did not exercise due care and was negligent in causing his death or disability as the one that did exercise due care and through no fault of his own caused his death or disability. Where is the argument to sustain such position? Show me where the equity comes in, in any phase of it, and I will eat the paper on which the bill is written.

To any railroad man that is undecided as regards the merits or demerits of this bill I would respectfully refer him to report of the commission and the hearings held before the commission that drafted the bill, and after you have read this report and hearings and carefully analyzed them and the full provisions of the bill, and compare it with the liability laws that we now have, should you then decide it is what the railway men need, in lieu of our present liability laws, I will have nothing more to say on the subject, as you would be an object of sympathy rather than that of criticism.

I have carefully read the report of the commission, which contains every word that was uttered both for and against the bill, and I was very favorably impressed with the arguments presented in opposition to this bill by President J. S. Carter, of the Brotherhood of Locomotive Firemen and Enginemen. He offered statistics as evidence and the result of his investigation of two months' duration in England and Switzerland in the year 1909. He especially investigated this subject. I note he made special reference to the workmen's compensation act which was passed in Switzerland, and when the workmen of that country discovered the many objectionable features in the bill they repudiated that act by placing the referendum on it, and I only wish we had the same privilege in the United States should this bill become a law, as I feel quite sure it would be a very popular law shortly after a trial has been given it.

I think the railroad men of the United States owe Mr. Carter a debt of gratitude for the able manner and the forcible arguments he presented to the commission in opposition to this bill. The members of the Brotherhood of Locomotive Firemen and Enginemen should immediately start a subscription and present Mr. Carter one of the best silver services that can be purchased in this country, for he deserves great credit for his efforts in their behalf.

The railroad men in general owe a debt of gratitude to Senators HOKE SMITH of Georgia, SMITH of Arizona, REED of Missouri, STONE of Missouri, CULBERSON of Texas, DAVIS of Arkansas, GORE of Oklahoma, ASHURST, BRYAN, HITCHCOCK, KERN, LEA, MARTINE, MYERS, POINDEXTER, and SHIVELY for their noble efforts to defeat such despotic legislation.

Should this bill become a law, I am of the opinion it will be attacked upon constitutional rights, and any unbiased judiciary would so construe the act, in my opinion, which I trust will be its final destiny.

W. E. PEARSALL,
Legislative Committeeman Brotherhood of Railroad Trainmen, Lodge No. 449.

Mr. FLOYD. I submit a letter from Little Rock, Ark., dated July 13, 1912, by W. D. Jackson, chairman State legislative board of the Brotherhood of Railroad Trainmen, together with certain resolutions adopted by the Brotherhood of Railroad Trainmen in opposition to this legislation.

LITTLE ROCK, ARK., *July 13, 1912.*

HON. J. C. FLOYD,
House of Representatives, Washington, D. C.

DEAR SIR: Inclosed you will find resolutions adopted by our State legislative board while in session and also a copy of resolution adopted at a meeting of the railroad employees of Little Rock and Argenta, which was largely attended by organized and unorganized employees, and will say that there was not a man present but what was bitterly opposed to this bill.

I desire to thank you for your kindness and prompt attention given our communications; and if any time we can be of any service to you, we stand subject to your commands.

I hope to be in Washington at an early date to appear before the committee against this bill.

Yours, very respectfully,
W. D. JACKSON,
Chairman State Legislative Board.

At a joint meeting of the railway employees held at O. R. C. Hall, corner Markham and Chester Streets, Little Rock, Ark., July 10, 1912, called for the purpose of discussing the merits and demerits of the employers' liability and workmen's compensation act now pending in Congress, the following resolution was unanimously adopted:

COMMITTEE ROOM, *July 10, 1912.*

We, your resolution committee, appointed at a call meeting of the railway employees to discuss the employers' liability and workmen's compensation act now pending in Congress, do hereby respectfully submit the following resolution for your consideration:

Whereas an open meeting of the railway employees called to discuss the merits and demerits of the so-called employers' liability and workmen's compensation act now pending in Congress; and

Whereas the sentiment here to-night of the railway employees assembled has been unanimously in opposition to the proposed measure by all the crafts represented here at said meeting: Therefore be it

Resolved, That we express ourselves as being bitterly opposed to said bill and condemn it in severest terms as being vicious and unjust legislation in its present form to our crippled and maimed brothers, their widows and orphans; and be it further

Resolved, That we as organized labor and individuals do hereby pledge ourselves to do our utmost to defeat or postpone this infamous bill until all who will be affected thereby shall have an opportunity to fully understand its contents; and be it further

Resolved, That a copy of these resolutions be spread upon the minutes of this meeting and a copy be sent to the press and a copy to each of our Representatives in Congress from the various districts and also to local lodges of railway employees in this vicinity who will be affected thereby.

Respectfully submitted.

W. W. DUNN.
W. E. PEARSALL.
H. W. HUNTER.
M. P. MCDERMOTT.
W. D. JACKSON,
Chairman of Meeting.
GEO. F. HILL, *Secretary.*

LITTLE ROCK, ARK., *July 11, 1912.*

To the legislative board of the Brotherhood of Railroad Trainmen assembled:

We, your undersigned committee, appointed to draft resolutions protesting against the passage of the pending employees' compensation bill in Congress, beg leave to report as follows:

Be it resolved, That the legislative board of the Brotherhood of Railroad Trainmen, of the State of Arkansas, in meeting assembled, bitterly protest against the passage of the employees' compensation act pending in Congress and repudiate it in its entirety. Therefore be it further

Resolved, That we urgently request that each lodge under the jurisdiction of the State legislative board immediately pass resolutions condemning said bill and communicate with their respective Congressmen requesting them to use their best endeavors to defeat said bill in the House of Representatives of Congress. Be it further

Resolved, That all members in the State use their undivided and collective efforts to their best advantage to do whatever they consistently can to assist in defeating this bill.

Whereas we believe that the time for decided action is very limited and that the far-reaching scope of this said bill is so important to organized labor that nothing should be left undone to immediately take steps to defeat the passage of same: Therefore be it further

Resolved, That we believe that it is essential that we send a representative to Washington, D. C., at once to appear before the Judiciary Committee of the House of Representatives of Congress to protest against the passage of this bill.

W. E. PEARSALL.
G. F. HILL.

Mr. FLOYD. I submit a letter dated Little Rock, Ark., July 16, 1912, from W. D. Jackson, State chairman legislative board of Arkansas for the Brotherhood of Railroad Trainmen; and also an additional letter from the same party, dated Little Rock, Ark., July 15, 1912, on the same subject:

LITTLE ROCK, ARK., *July 16, 1912.*

HON. J. C. FLOYD,
Congressman, Washington, D. C.

DEAR SIR: Inclosed find letter which I think will cover the matter thoroughly.

It gives our cause for not being able to get away, as you will note. The president of the trainmen knows we are bitterly opposed to this bill, and he is doing all within his power to keep us away from Washington; but if he don't look out we will be there regardless of his opposition to us going. The truth of this matter is we have been very unnecessarily delayed in convening our board, for the grand lodge officers knew we were going to put up a fight against this bill.

Why the presidents of the various organizations are so red-hot for this bill is more than we can understand, for God knows it is not a good law for the men they represent; and it seems to us that our president is blocking us all he possibly can to keep us from being heard on the measure.

Your suggestion that it is best not to agitate a meeting of the committee to consider the bill is a good one, for we think it best to let it peacefully sleep in the hands of the committee; and let us hope that it gently rests there until the adjournment of Congress.

If they get to talking on the bill any more, wire me, and I will leave at once for there.

To say that the railroad employees of Arkansas appreciate your loyalty to use in protecting our interests as our Congressman is placing it very mildly, and hope to some day be able to repay you in our humble way.

It certainly is good luck for us that you are on that committee, and we well realize what a fight you have put up for us on this bill.

Yours, very respectfully,
W. D. JACKSON,
State Chairman Legislative Board of Arkansas for the Brotherhood of Railroad Trainmen.

LITTLE ROCK, ARK., *July 15, 1912.*

HON. J. C. FLOYD,
Congressman, Washington, D. C.

DEAR SIR: Our legislative board has just adjourned its regular biennial session, at which the compensation bill pending in Congress was very thoroughly discussed, and, in fact, we spent more time carefully considering this measure than we did on all the rest of our local legislation.

We gave the measure very careful consideration in every respect, and the entire board to a man was bitterly opposed to this measure, and we wired our president if we could send a representative to Washington to appear before the Judiciary Committee on this bill and pay the expenses out of our general fund, and he wired us back that we could not; so, you see, we were blocked again on our fight. So the board then agreed to take up a subscription among the membership of the State to defray the expenses, and that is being done now.

The State chairman of the Brotherhood of Locomotive Firemen and Enginemen has given me written authority to represent that organization, as he is unable to go in person, and I will kindly ask you on behalf of the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen of Arkansas to arrange with the committee to give me an opportunity to be heard in opposition against the bill.

I would have been in Washington some time ago, but, as we have been unable to get our board together sooner, and then being delayed on account of the financial end of it and having to take up collection

over the State makes it very hard on us, but nevertheless we are making preparation to appear before the committee. The only fear we have is that the bill will be out of the committee before we can get our subscription taken up.

Anything you can do for us will certainly be highly appreciated by the railroad employees of Arkansas.

Yours, very respectfully,

W. D. JACKSON,
State Chairman Legislative Board of the Brotherhood of Railroad Trainmen.

Mr. FLOYD. I now submit a communication dated August 9, 1912, addressed to myself and the members of the Judiciary Committee, from Mr. W. D. Jackson, chairman of the legislative board of Brotherhood of Railroad Trainmen, in which he gives his views at length in regard to the bill, and also attaches certain petitions, letters, and protests from other workingmen in opposition to this legislation.

WASHINGTON, D. C., *August 9, 1912.*

Hon. J. C. FLOYD AND MEMBERS OF THE JUDICIARY COMMITTEE,
Washington, D. C.

GENTLEMEN: I am State chairman of the legislative board of the Brotherhood of Railroad Trainmen of Arkansas and vice general chairman of the general board of adjustment of the Missouri Pacific System, and I also have a letter which authorizes me to represent the Brotherhood of Locomotive Firemen and Enginemen from that State, signed by A. N. De Mers, chairman legislative board for Arkansas, which reads as follows:

"LITTLE ROCK, ARK., *July 15, 1912.*

"To all Members of the House of Representatives in Congress,
"Washington, D. C.

"SIRS: This will introduce to you Mr. W. D. Jackson, legislative board chairman for the State of Arkansas, representing the Brotherhood of Railway Trainmen.

"Being unable to go to Washington at this time I desire to ask you to kindly extend to Mr. W. D. Jackson any hearing that you would extend to me as the representative of the Brotherhood of Locomotive Firemen and Engineers, representing 2,000 members in Arkansas and 80,000 in the United States. I may add that we are opposed to any law which will be compulsory upon the men. We are opposed to the repeal of existing laws. Thanking you very kindly for any courtesy extended to Mr. Jackson, and the hope that you will grant his reasonable demands on behalf of the people who daily protect the lives and property of the people of this country.

"I am, very respectfully, yours,

"A. N. DE MERS.
"Chairman Legislative Board "Brotherhood of Locomotive Firemen and Engineers."

The railroad employees of Arkansas are bitterly opposed to the compensation bill, first, that it is an exclusive remedy and takes away from us our rights of trial by jury within our State courts.

Under section 4 we would not be able to receive any benefits for injuries for the first 14 days, and in case an employee was injured and off 14 days and returned to work and was hurt on the first day of his service and off 14 more days you can readily see that he would be out of service, caused by some defective equipment of the railroads, and through no cause of his he would be unable to receive one cent for his time lost. That is a great injustice to the rank and file of the railroad employees.

In section 5 you only allow a maximum amount of $200 for the hospital service, and will say that in numberless cases this amount is a very small mite compared to the attention needed in such cases as partially and totally disabled, in which there are operations to be performed and long confinement in hospitals. You can readily see how soon $200 would be consumed in cases of this kind. It would certainly work a great injustice upon the injured employee.

In section 7 you will find that it will work a great injustice in a number of cases where you compel the employee to give notice of his injury within 30 days, in writing, of his accident. There are a great number of cases where this would be an impossibility, for the injured employee's dependents are quite often in a foreign city and are unaware of his injury, and in case of death, unless they informed the railroad company in writing of his death or accident, they would absolutely receive no compensation, or in extreme cases you allow them 90 days. I will cite you about a case in which a Mr. Reilly, who had a sister in Wyoming, was killed in Arkansas, and we were 14 months locating his sister. In this case, under this bill, the sister would not have gotten a dollar.

Section 10: The employer can subject the injured employee to numberless examinations, and by doing so keeps the employee continually before the adjuster or courts, and will work a great hardship both physically and financially upon him, and if he refuses to submit himself to examination his right to compensation then stops. This will be an untold hardship upon numberless injured employees.

In section 13 you place upon the injured employees untold hardships, whereby you compel them to pay cash in advance for all witnesses they may desire, and also, if they desire a jury, they have to pay cash in advance for that, and if the railroad companies so desire, the bill is so drawn that it will keep the injured employee continually in the courts and making expenditures of money, which nine times out of ten they will give up all hope and abandon the case on account of lack of funds to properly protect their rights.

In section 14, paragraph 4, it is provided that in a trial by jury or by court the findings of the adjuster shall be received as prima facie evidence of the facts, and also it provides that the court may submit to the jury special interrogatories if it so desires, and I consider this very dangerous and unfair.

Paragraph 5 provides that the adjuster shall fix the amount provided to be paid the attorney, and for what reason that was put in I am unable to say, but we are afraid that the amount made by the adjusters of the various districts would be so small that it would not enable the injured employee to employ competent and able legal advice; and as you well know, gentlemen, the railroad companies have always got the best legal talent that money can buy, and you can readily see, if the employee is hampered by not being able to get the best service, that a great injustice will be done him.

As for compensation for the injured employees, as it has been agreed by all of those who are in favor of the bill, the compensation is entirely too small, and I will not discuss that feature of it further, as we are all agreed upon that one particular point.

In section 9, paragraph E provides that if an employee is partially disabled and the company secures for the party employment and if the employee refuses to take the work, his compensation ceases. Under that particular part of the bill, in case of a railroad strike the company would say to the injured employee, "You go down into our shops and go to work, or go out and guard our property," and if the employee refused to do this, he would lose all right to any compensation he might have because of any injury.

Section 24 says that where an employee is permanently partially disabled and through another accident he becomes totally disabled the employer would only be liable for the partial disability. Now, in that case you could force a partially disabled employee to either go to work or else his compensation ceased, and in case that he did go to work, and was hurt in the discharge of his duty through no fault of his own, you relieve the company of any further liability. You can readily see that this is very unfair and unjust to the employee.

The railroad men of the South and Southwest can not at this time see any just cause or reason why this bill should be rushed through Congress without giving the rank and file an opportunity to be heard and give them time to set out the merits of this bill. I believe I would be safe in saying that not 10 per cent of the railroad employees of the United States ever heard of this bill. There are very few who have read it; as you know, gentlemen, the railroad employees of this country are busy men, and to read this bill it would take some time, and to understand it you have to read it over several times. As an illustration as to how well the employees of the railroads are informed upon this bill I will cite you to the following:

About a month ago I was in Pine Bluff, Ark., and was called into a meeting of the car men's union, of which there were 235 members, and they asked me to explain to them what I knew about the compensation bill. The first question I asked was, "How many men present know anything about this bill; those of you who do, please stand up," and, to my surprise, out of the 235 present there was not a man in the audience who knew anything about the bill.

This will give you a fair illustration of about how well the rank and file are informed on the bill. I notice that Mr. Gompers, who represents many thousands of railroad employees, and the American Federation of Labor are for this bill. I want to say that Mr. Gompers represents the International Brotherhood of Boiler Makers and Iron Ship Builders of the world, and at their national convention held in Little Rock last June they passed a very strong resolution, addressed to the Speaker of the House and Members of Congress, against this compensation bill. The resolution was passed by their convention unanimously. They are very bitter against the bill.

The railroad employees of some of the organizations, and mine especially, have not had a fair chance to express to the Members of Congress their opposition to this bill, because the president of their organization will not permit them to do so. The constitution of the Brotherhood of Railroad Trainmen is very drastic on the members who oppose legislation that has been approved by our national board, and should we do so our membership and protection will be taken away from us.

Our president, W. G. Lee, has been appealed to repeatedly for permission to oppose this bill, but he refused to give his consent until about the day the bill passed the Senate, and then he consented to the members of the brotherhood to oppose this bill if they so desired.

We have not had a fair chance to express to Congress our views on this subject, because the rank and file has not had time to consider the bill and take the matter up with you. The president denies to us the privilege which he assumes himself. He and Mr. Wills, the national legislative representative, are great boosters for this bill, and send out numberless circulars and letters urging you to request Members of Congress to support this bill, but when the membership attempted to circulate letters among themselves they are threatened by expulsion and are made to withdraw their letters. For example, I herewith present you with a copy of each of the two letters from Cleburne, Tex.:

C. O. WHEELER LODGE, No. 409,
BROTHERHOOD OF RAILROAD TRAINMEN,
Cleburne, Tex., May 21, 1912.

To the Senators and Congressmen assembled, Washington, D. C.

DEAR SIRS: Upon receipt of President W. G. Lee's circular letter dated May 13, revoking the power of the president of Brotherhood of Railroad Trainmen to expel members for taking action on legislation relating to the employer's compulsory compensation act, we beg of you to defeat or delay final passage of such bill until the membership can have an opportunity to find out what is in it. Example first: If I should be killed, having three dependent children and wife, who would get 10 per cent each or 30 per cent and 40 per cent of $100, $470 per month, should my wife and two children die or be killed, my surviving heir would not receive their heritage, the company would retain that. Again, there is a maximum limit but no minimum limit. There certainly was not a friend of labor on that commission. The liability act is far better than can possibly be obtained from this, and if you will give us time you will now hear from the rank and file of our order. With many thanks for your efforts to defeat or delay this bill, I am, fraternally,

J. M. YOUNG,
Secretary 409, Brotherhood of Railroad Trainmen.

Brothers, the above is as nothing compared to the fact that should I become crippled by loss of one foot or hand and there should be a strike in any department of the company's service, they will say, sir, you can perform even partially these duties. I have to accept 90 per cent of my former wages and scab on those strikers or forfeit my compensation. Brother, in the name of God wake up and help to remove this mountain of an iceberg looming up before our *Titanic*—the organized labor of train and yard and engine service in the United States—and help to protect the little ones dependent on us for support and protection. There is something peculiarly strange that no one in authority has been able to see this before the bill had passed the Senate, and now before it passes the House of Congress we implore you to prevail upon your Senators and Congressmen to use all their influence against this bill, as the General Managers' Association will have accomplished more in this one bill to bring us on our knees than we have accomplished in all our 29 years of committee and legislative efforts combined. Trusting that all trainmen will give this the consideration we believe it merits,

We are, sincerely,

J. M. YOUNG,
Secretary C. O. Wheeler Lodge, No. 409, Brotherhood of Railroad Trainmen.

C. O. WHEELER LODGE, No. 409,
BROTHERHOOD OF RAILROAD TRAINMEN,
Cleburne, Tex., June 6, 1912.

To the officers and members of all lodges Brotherhood of Railroad Trainmen.

DEAR SIRS AND BROTHERS: Under date of May 21 we sent out letters to all lodges in the United States relative to the legislation on the employers' compulsory compensation act.

Under the authority of the following, over the signature of President Lee, dated May 18, 1912, we thought we could use our discretion in the matter, taking that circular as authority for such action, which reads:

"In compliance with this demand that the law be not passed, or at least be postponed for a time, it has been decided that so far as the proposed compensation law is concerned the last sentence of general rule 23, page 77, will not apply. This sentence reads: 'Any member of the brotherhood using his influence to defeat any action taken by a national legislative representative, or any action regularly taken by legislative representatives in meeting assembled, or of legislative boards under their proper authorities, shall, upon conviction thereof, be expelled, and the charter of any lodge using its influence in like manner may be suspended or revoked by the president.' We never dreamed that we would not be permitted to mention to our brothers that which we could mention to our representatives at Washington.

"And if, through our ignorance of same, we have caused any member or lodge to act not in accord with the best interest of the order, the members, or their families, we certainly regret it, and we therefore take this opportunity to ask your forgiveness for same and to consider this an official recall of same, as we are authorized to do by President W. G. Lee, under date of May 28, 1912, for violation of section 154, page 128, of the constitution.

"Fraternally, yours,

"J. M. YOUNG, *Secretary.*"

You will note by the above, gentlemen, what little show we have to inform one another on the bill when our president and our laws prevent us doing so. I am confident that if this bill was put to a referendum vote of the railway employees of the United States it would lose by 10 to 1, for as soon as an employee reads the bill he becomes bitterly opposed to its passage.

Our convention went on record as follows:

"We recommend that the convention go on record as favoring the adoption of strong liability laws in every State, province, and Territory, eliminating the common-law doctrine of fellow servant, assumed risk, and contributory negligence. We also favor the principle of workmen's compensation, but realizing the narrow limits of our national and State constitutions, we urge all persons having to do with legislation to concentrate their efforts in behalf of an employers' liability law, believing, as we do, that such a law will prove a solid foundation upon which to build up a system of workmen's compensation laws." (Legislative committee's report.)

Some of the grand lodge officers claim that the above is an indorsement of this compensation bill, but I am unable to see wherein they can construe the above as an indorsement of this bill. At a meeting of the legislative board of our organization in Little Rock, held last July, the following resolution was adopted unanimously by our board:

"We, the undersigned committee appointed to draft resolutions protesting against the pending employees' compensation bill, beg leave to report as follows:

"*Be it resolved*, That this, the legislative board of the Brotherhood of Railroad Trainmen of the State of Arkansas, in meeting assembled, bitterly protest the passage of the pending employees' compensation act and repudiate it in its entirety.

"Therefore, we urgently request that each lodge under the jurisdiction of said State legislative board immediately pass resolutions condemning said bill and communicate with their respective Congressmen, requesting them to use their best endeavors to defeat said bill in the House of Representatives of Congress; be it further

"*Resolved*, That all members in the State use their undivided and collective efforts to their best advantage to do whatever they consistently can to assist in defeating this bill.

"Whereas we believe that the time for decided action is very limited, and that the far-reaching scope of this said bill is so important to organized labor that nothing should be left undone to take immediate steps to defeat the passage of same: Therefore, be it further

"*Resolved*, That we believe that it is essential that we send a representative to Washington, D. C., at once to appear before the Judiciary Committee of the House of Representatives of Congress to protest against the passage of this bill.

"W. E. PEARSALL,
"G. F. HILL,
"*Committee.*"

At the session of our board I was instructed to wire President Lee, of our organization, if our legislative board had authority to send a man to Washington to appear before the Judiciary Committee on the compensation bill and pay for same out of the general fund, and he wired us back that we could only act on State legislation; and then the board passed a resolution that a subscription be taken up for the purpose of sending a representative to Washington, D. C. We have been blocked one way or another ever since this bill has been pending, and it is through no fault of ours that you have not heard stronger protests long before now. During the session of our board in Little Rock there was a notice put in the paper to all railroad employees, both organized and unorganized, that there would be a general meeting for the purpose of considering the compensation bill, and everybody was invited to attend. The meeting was largely attended, and the discussion of this bill was had from 8 o'clock until 11.30, and every man bitterly opposed it. When our legislative board was in session we did not act hastily upon the compensation bill, for we put in more time considering this bill in every phase and feature than we did on all of the rest of our matters combined; and if I understand it correctly, the adjuster has the power to reverse the decision of the Supreme Court of the United States.

While en route here to Washington, D. C., I met the general committee of the Missouri, Kansas & Texas Railroad at St. Louis, and they are representatives of several States. They are bitterly opposed to the passage of this bill. They discussed the bill thoroughly and are very anxious that the bill be amended so that it will not repeal any of our laws we may have on our statute books.

Gentlemen, in justice to the railroad employees of the United States, I appeal to you to amend this bill so that it will not repeal our laws. If the law is so much better than the one we now have, and you are inclined to be the friend of the railroad employees, why not leave the bill so that it will be cumulative, and leave it so that the employee can resort to whichever remedy he desires. I think you will make no mistake, if you desire to do the railroad employees a friendly turn, if you will amend it so that it will be elective.

Respectfully,

W. D. JACKSON,
Chairman Legislative Board of the B. of R. T.

ORDER OF RAILWAY CONDUCTORS,
Little Rock, Ark., June 10, 1912.

Hon. J. C. FLOYD, *Washington, D. C.*

DEAR SIR: I have the honor to hand you herewith petitions from railway employees in Arkansas protesting against the passage of the employees' compensation act now before Congress. I have been directed by Little Rock Division, No. 131, Order of Railway Conductors, to request you and the other members of the Arkansas delegation in Congress to use your utmost power in an effort to defeat the measure.

I will thank you to let me hear from you in regard to the matter, and will say that other petitions will follow. Thanking you in advance for any favors shown in the matter, I am,

Truly, yours,

J. S. BARKMAN, *Secretary.*

PROTESTS AGAINST COMPENSATION BILL—RAILROAD MAN SUBMITS ARGUMENTS AGAINST MEASURE RECENTLY PASSED BY UNITED STATES SENATE.

To the Editor of the Gazette:

About two weeks ago there appeared in your paper an editorial relative to "The workman's conference act," just passed by the United States Senate and which bill is now in the hands of the Judiciary Committee of the House.

While we feel your interpretation of this bill was honest and sincere as you saw it, the article was most misleading to the public and a vast number of employees who do not take the time to go into these matters as they should. I am writing this letter hoping you will give it the same publicity you did your article, so that the erroneous impression may be in a manner corrected.

The proposed law not only vitally affects railway employees, of which there are 2,000,000 in the United States, but vitally affects every American citizen, in that one of its first provisions is for an "adjuster," an appointee of the United States Supreme Court, who is practically a dictator, and is the beginning of (or a step in the direction of) the centralization of governmental administration. It denies the right of trial by jury. It denies the right of employment of counsel by the injured party, except as approved by the "adjuster," who also has the power to fix the compensation of the counsel, which may be so low as to exclude the services of a reputable lawyer or so high that no employee, out of the meager allowance under the terms of the bill, can afford to pay them.

If the bill is so just for the employee, why is it being railroaded through Congress as it is?

The bill absolutely says no man's earning capacity is greater than $1,200 per year, and then cuts this in half as the maximum amount of damages to be recovered for permanent total disability or death, and that to be in monthly payments of not more than $50 per month and at the discretion of the "adjuster."

If a man is killed and leaves a daughter 14 years old, she is allowed $25 per month for two years, or $600 for his death, for her clothing, food, and education, and then is turned out on the world penniless.

I wish employees and the public would interest themselves sufficiently in this bill to get a copy of the CONGRESSIONAL RECORD of May 4, 1912, and read the speech made in the United States Senate by the Hon. HOKE SMITH, of Georgia.

I have letters before me written to the secretary of the State legislative board of the Order of Railway Conductors from the Hon. BEN CRAVENS, R. B. MACON, W. A. OLDFIELD, JEFF DAVIS, J. C. FLOYD, and others, condemning this bill as now framed in no uncertain terms.

Here are some of the objections:

It will compel every railroad man to increase his cost of living by purchasing additional insurance.

It displaces the employers' liability act.

It does not provide adequate compensation in the case of injury or death.

It takes out litigation from the State courts and puts it in the hands of one man.

The framers of this bill evidently hold human life and limb cheaply.

It is entirely in the favor of the railroads, and bears no provision in the employee's favor.

Section 3 repeals every law now on the statute books in favor of workingmen, whether common law, State, or Federal law, and provides that the sole and exclusive remedy for injured railway employees shall be under the provision of the proposed act.

The employers' liability act passed by Congress in 1908, the validity of which was upheld by the United States Supreme Court only three months ago, is to be repealed by the passage of this bill.

Why take away from us that for which we have labored and fought so many years, and which has just been declared constitutional by the United States Supreme Court, which will place the negligent employee on the same plane with the careful and considerate worker?

The ability and value to the body politic and society of every man are not the same; for example:

John Smith and Tom Jones attend the same medical school at the same time and graduate together.

Tom Jones by application and perseverance advances in the profession and becomes an eminent surgeon, becoming practically a necessity to humanity. While Jones burns midnight oil, Smith burns the candle at both ends, and is soon relegated to the rear, where he in justice belongs.

Then both are killed in a railway accident. One human life is as valuable as another in the eye of the Maker, but regarded by commercialism the same award will not be made in a monetary value.

What right has any lawmaking body to classify and discriminate between railroad men and men in any other profession? If a man lost his left hand, under the provisions of this bill he would be due $50 per month for 57 months. Should he lose a foot, there would be due him the same amount for 48 months, but if he accepted from the railway company a position as train auditor at $90 they would never have to pay him a dollar for his injury, and when the 48 months expired the company would be at liberty to discharge him, having paid him $90 a month for his work and nothing for his injury. If he refuses to accept the position offered him, he gets nothing.

An effort has been made to show this plan originated with railroad employees. True, but these employees were claim agents for the railroads. This work has been done secretly, and the only knowledge that the railroad employees have of this bill has been gained in the past 60 days.

If Congress wants to do something for railway employees, let this bill be cumulative, let it be in addition to and not in exclusion of our present laws. We are willing to take our chance in our home Arkansas courts for justice. This proposed "workman's compensation act" as now framed is the most damnable piece of legislation that was

ever attempted to be railroaded through any lawmaking body. Every feature of it is bad.

Yours, truly,

R. I. FORSTER,
Chief Conductor, Division 566, Order Railway Conductors.

LITTLE ROCK, ARK., *May 21, 1912.*

To the honorable Members of the United States Congress,
Washington, D. C.

SIRS: We, the undersigned railway employees, members of the Order of Railway Conductors, do earnestly beseech and implore that you use your best efforts to defeat, or at least postpone, any favorable action whatever on the bill entitled "Employees' compensation act."

We are heartily in accord with the minority of the United States Senators, who, in our estimation, stood so nobly by the rank and file of their constituents' interest in an effort to defeat this most infamous legislation.

M. J. Armbrust, conductor; R. W. Darnell, conductor; Wm. Mohnkem; D. Clem; G. Corn; W. A. Perry; J. W. Bond; M. Groom; W. N. Graves; C. D. Reese; Jno. F. Rail; C. L. Spear; W. H. Moore; R. O. Doran.

LITTLE ROCK, ARK., *May 21, 1912.*

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R. L. Jones, W. J. Hubbard, J. H. Williams, J. F. Branham, R. N. Peduck, H. A. Schwenk, J. Honest, William Scott, F. G. Vail, Wm. Slater, O. W. Halter, E. N. Hill, L. M. H. Nowell, P. J. Mickle, Claude Drye, W. H. Fitzgerald, J. E. Holt, J. J. Mundo, Ban Shelton, G. Shelton, J. G. Galstee, Chas. Birss, F. H. Vinsel, C. L. Frith, J. W. McPherson, R. G. McCann, E. J. Callahan, L. G. Bruczyuski, E. Winther, R. G. McCann, Richard Thail, Kirby Dolan, Robt. Lauser, Copperas Brain, Con Bairs, J. A. Epple, Chas. Sechenel, J. G. Kerr, W. P. Booth, Will Eppert, C. E. Weed, A. Wright, S. L. Watts, A. Shirerman, W. S. Pedrick, Nolan West, L. E. Shelton, Fred Shelton, H. Griffin, Al. Wildt, N. L. Rickard, J. H. Lindsey, L. J. Borecky, C. C. Morris, A. L. Elliott, E. A. Morris, G. A. Williams, J. R. Young, F. F. Neely, E. L. Calk, C. F. Guner, J. L. Sutton, D. L. Teeter, Z. M. Branel, J. L. Dilworth, J. O. Hill, Wm. Zwick, F. J. Peil, W. A. Mase, J. H. Niehaus, jr., R. C. Harden, C. D. May, Wm. Cox, M. N. Stilhan, R. E. Achterberg, George Wilkinson, E. J. McGowan.

LITTLE ROCK, ARK., *May 21, 1912.*

To the honorable Members of the United States Congress,
Washington, D. C.

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We are heartily in accord with the minority of the United States Senators, who, in our estimation, stood so nobly by the rank and file of their constituents' interest in an effort to defeat this most infamous legislation.

Alf Johnson, J. B. Milliken, J. G. Kirk, E. J. Rainey, John Rothery, Jno. F. Rail, C. L. Spear, C. J. Silverthorne, C. L. Crawley, J. T. Salter, John Barley Corn, George R. Eckels, W. L. Holley, J. J. Hunter, J. F. Pryor, W. P. Bird, Tom Halliburton, J. J. Fitzgerald, W. W. Barnard, J. C. King, J. D. McGehar, D. A. Brown, W. R. Rogers, J. P. Ferine, William Kelly, W. G. Walsh, A. S. Marrs, H. D. Raiff, J. A. Smith, C. W. Hitchcock, Wm. W. Alls, C. H. Barnele R. E. Mowen, J. A. Merrill, J. O. Swink, A. C. Reynerson, W. McCarron, W. B. Stansbery, and W. T. Roll.

ORDER OF RAILWAY CONDUCTORS,
Little Rock, Ark., July 12, 1912.

Mr. J. C. FLOYD, *Washington, D. C.*

SIR: I have the honor to transmit herewith petitions of railway men against the passage of the workman's compensation act. I mailed to you a number of these petitions in June, and you acknowledged receipt of them under date of June 14, 1912.

Yours, truly,

JIM S. BARKMAN, *Secretary.*

LITTLE ROCK, ARK., *May 21, 1912.*

To the honorable Members of the United States Congress,
Washington, D. C.

SIRS: We, the undersigned railway employees, do earnestly beseech and implore that you use your best efforts to defeat, or at least postpone, any favorable action whatever on the bill entitled "Employees' compensation act."

We are heartily in accord with the minority of the United States Senators, who, in our estimation, stood so nobly by the rank and file of their constituents' interest in an effort to defeat this most infamous legislation.

Wm. Lawton, G. F. Hill, O. W. Guthrie, Jno. H. Paulett, F. V. Dickey, G. L. Ruff, O. B. McGraw, A. W. Butts, M. La Velle, L. E. Akers, J. W. Gossier, P. M. Mayfield, W. A. Cline, I. Bankston, C. A. Myers, L. S. Casstevens, J. M. Gritton, John De Witt, J. F. Jones, R. J. Myer, P. C. Myer, E. L. Yeary, T. O. Woodward, W. W. McNamara, Jno. Farmer, C. E. Hay, D. W. Boggs, M. L. Owen, P. A. Dulin, C. Compton.

LITTLE ROCK, ARK., *May 21, 1912.*

To the honorable Members of the United States Congress,
Washington, D. C.

SIRS: We, the undersigned railway employees, members of the Order of Railway Conductors, do earnestly beseech and implore that you use your best efforts to defeat, or at least postpone, any favorable action whatever on the bill entitled "Employees' compensation act."

We are heartily in accord with the minority of the United States Senate, who, in our estimation, stood so nobly by the rank and file of their constituents' interest in an effort to defeat this most infamous legislation.

J. W. Weed, E. Flavin, H. G. Warren, J. M. Bates, J. M. Graham, C. J. Darrall, F. H. Willis, S. A. Parris, L. R. Conner, E. C. Demington, J. D. Bramblin, F. O. Woodward, T. J. Letson, J. B. Holcomb, W. R. Irving, R. F. Reed, E. E. Young, R. Day.

Mr. FLOYD. Now, in addition to those communications which come from my own State, and in view of the fact that this organization was referred to the other day by Mr. HARDWICK in his discussion before the committee, I desire to submit a letter, dated October 20, 1912, from Mr. W. S. Hall, secretary of the Railway Workers' Nonpolitical Association, Chicago, Ill., together with resolutions adopted by the sixth special congress of the Railway Workers' Nonpartisan Association, while convened at the Briggs House, Chicago, Ill., August 25, 1912:

RAILWAY WORKERS' NONPARTISAN POLITICAL ASSOCIATION,
Chicago, Ill., October 20, 1912.

Mr. L. N. FAULKNER, *Stockton, Cal.*

DEAR SIR AND BROTHER: It is of vital importance that the attention of every railway man in the country be called to the vicious features of the pending "Brantley compensation bill," and that they be given an opportunity to study its application to them personally and those dependent upon them should the measure become a law.

We, the railroad men of Chicago, recognizing the seriousness of the menace and the importance of acting quickly, have formed an organization for the purpose of exposing this infamous measure and to bring to bear against it a strong impulse of protest from the railway workers.

We have printed a series of bulletins such as you will find inclosed and have undertaken to place them in the hands of every railroad man in the United States before the bill comes up for final passage in December.

We would request that you carefully study the bulletins and have them posted some place where railway men congregate, and that they be made a subject for discussion at your meetings, both in and out of your lodge rooms.

If you want a further supply for local distribution, or to send out over the road to isolated groups of men employed along the division, advise us, and we will forward any number of copies that you may require.

We are also inclosing a copy of a petition that we are having circulated. We will furnish other copies of this petition on request, and would ask that you aid its circulation as much as possible and return to us when filled.

We have undertaken to get 100,000 names to this petition to present to Congress in December, when the measure comes up for final passage, and would ask that every man who feels himself interested assist us in this work.

We would advise railway men in all parts of the country to follow the lead of Chicago, call meetings, and organize expressly for the purpose of fighting this measure. Interview your Congressman, find out how he stands on the proposition of compensation, especially if he is standing for reelection.

Kindly advise us of what action you take, so that we may act together and concentrate our force.

W. S. HALL, *Secretary.*

[Resolutions adopted by the sixth special congress of the Railway Workers' Nonpartisan Political Association, regularly convened at the Briggs House, Chicago, Ill., Aug. 25, 1912.]

Whereas there is a plan now well advanced, on the part of the "Taft administration" and those who are overzealous in their friendly interest with the large employers of labor, to have "railroaded" through Congress a measure that would deprive all railway employees in the United States of the rights which, after years of effort, they had finally secured under the employers' liability law of 1908, amended in 1910, and finally declared constitutional by the Supreme Court in January, 1912.

Said law reserves to railroad employees the right to sue under the Federal law, in the State courts, before a jury, for an award of damages in case of injury received in the service of employer; and

Whereas the proposed workmen's compensation bill (S. 5382), which passed the Senate May 2, 1912, restricts these rights by a provision that would repeal the employers' liability law, and nullifies or renders useless the safety-appliance act, in so far as it tends to benefit the workers in case of suit for damages; and

Whereas the Constitution of the United States provides that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The sworn statement of the railway managers of the United States shows a total of 239,455 employees injured in four years.

The proposed compensation bill, section 22, compels a great number of the 239,455 injured employees to accept any position offered them or be denied compensation, thereby creating a system of compulsory service that would compel injured employees to accept service against their will even in time of possible labor trouble; and

Whereas this proposed compensation law restricts the rights of 1,600,000 American railway workers, depriving them and their posterity of their rights to liberty: Therefore be it

Resolved, That we, the members of the Railway Workers' Nonpartisan Political Association, employed as actual wage earners on the railroads of the United States, do hereby protest to Congress against the passage of any measure having embodied a provision repealing the employers' liability law.

Resolved, That we denounce Judge WILLIAM G. BRANTLEY, Member of Congress, as a "quibbler" with this all-important question.

We are aware that the safety-appliance act will not be repealed, but so far as injured employees are concerned it will be a dead letter on the statute books.

Section 6 of the proposed compensation bill says: "That no compensation shall be allowed for the injury or death of any employee where it is proved that his injury or death resulted from intoxication while on duty."

Judge BRANTLEY knows that under the employers' liability law, together with the safety-appliance act, if an employee was injured and such injury was caused by neglect of safety appliance on the part of the employer, even though said employee was proven to have been intoxicated, such intoxication would not be a bar to recovery. And he must admit that the above quoted section of the compensation bill denies the

right to recover if a company could prove intoxication, even though the accident was caused by a violation of the safety-appliance act.

Resolved, That we indorse Division No. 504, Brotherhood of Locomotive Engineers, of Great Falls, Mont., and that portion of their resolution in which it says: "It would tend to make the dependent families of engineers a prey to prostitution."

Resolved, That we indorse, with one exception, the proposed amendments of Senator HOKE SMITH, of Georgia, and extend to him our thanks for his fearless attitude in the interest of the workers by opposing the compensation law which the Taft administration was zealously attempting to force on the great army of railway employees.

Resolved, That we indorse the action of the Committee on the Judiciary of the House of Representatives for their postponement of action on the bill, which permitted the railway workers the opportunity of protest; and, further, we wish especially to express our thanks to Representative FLOYD for his confidence in the rank and file of the workers, and commend his ability and honesty, as shown in the line of questions he put to Mr. Gompers when that gentleman appeared before the committee and stated "that the representatives of the railroad brotherhoods and representatives of the railroad companies agreed on the schedules of the compensation bill at a private meeting."

Resolved, That we indorse W. L. Carter, international president of the Brotherhood of Locomotive Firemen and Engineers, for his stand in our behalf, and the proposed amendments by H. O. Teat, printed in the Firemen's Magazine of August, 1912.

Resolved, That we indorse the resolutions of Messrs. B. J. Jacoway, A. C. Mulford, and W. G. Beanland, committee of Division No. 175, Order of Railway Conductors, at Memphis, Tenn.

Resolved, That we denounce the Taft administration as being plutocratic in its attitude and for its attempt to force his infamous measure on railway workers.

Resolved, That where candidates for State or national offices refuse to answer straightforward questions, without evasion, on matters affecting the industry in which we are employed or affecting employees of said industry, that we refuse to give them our support and, where possible, place our own candidates in the field.

Resolved, That this body denounce as unfair to the workers, labor leaders who have in any way supported the infamous compensation bill of the Taft administration, namely, Messrs. Gompers, president of the American Federation of Labor; Stone, of the engineers; Garretson, of the Order of Railway Conductors; Lee and Cease, of the Brotherhood of Railway Trainmen; and Wills, joint legislative representative.

Resolved, That a copy of these resolutions be sent to all local unions throughout the United States, as well as to all candidates for office, both State and national.

WILLIAM J. PINKERTON,
Y. J. MERRIMAN,
W. LEE HALL,
Committee.

These letters were handed to me by Mr. W. J. Pinkerton, national chairman of this association, who was in my office a few days ago, and who informed me that he had in his possession protests signed by 50,000 workingmen against this legislation, and he submitted to my view a document which, he said, contained those 50,000 names. He said it contained the original signatures of 50,000 workingmen. I have no reason to doubt the accuracy of his statement, for I am convinced that workingmen everywhere who understand this bill are opposed to it.

Mr. STERLING. Were they railroad men?

Mr. FLOYD. Yes.

Mr. DAVIS. What is the total number of railroad employees that would be affected by this bill? Has it appeared anywhere?

Mr. FLOYD. I am not prepared to answer; I don't know; I don't recall that anyone has made a statement or given an estimate of the total number of men to be affected by the bill, but it would certainly be a very large number of the railroad employees of the country.

Now, I have here a statement which is headed: "The following is a short statement relative to the present Federal employers' liability act and the proposed Federal compensation act. This argument was presented to Congress by Avondale Division No. 334, Order Railway Conductors, Birmingham, Ala." I don't know whether that has been printed in the record or not. If not, I would like to have it printed, because it gives a very careful analysis of both our employers' liability law and this proposed compensation act.

The following is a short statement relative to the present Federal employers' liability act and the proposed Federal compensation act. This argument was presented to Congress by Avondale Division, No. 334, Order Railway Conductors, Birmingham, Ala.:

EMPLOYERS' LIABILITY ACT.

The statute makes the railroad company liable to an employee, or his survivors, when he is injured or killed, when his injury or death results in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, trucks, boats, wharves, or other equipment.

The statute also declares that contributory negligence of an employee who is injured is not a defense to any suit that may be brought because of the injury or death of the employee, but it provides that where there is contributory negligence—that is, where an employee is partly to blame for an injury or death—that there should be an apportionment of the damages. So that when an employee is injured and brings suit under this act, if both he and the railroad company were negligent, he would be entitled to a verdict at the hands of the jury, but the jury would have the right, if it saw fit, to reduce the amount in proportion to the amount of the negligence of the person injured or killed.

No contract, rule, regulation, or device whatsoever will enable the railroad company to avoid the payment of damages for any liability under this act. No insurance paid by the railroad company for injuries to employees under this act will relieve the railroad company from the payments of damages for injuries.

This act declares that an employee injured or killed is not guilty of contributory negligence of any kind in any case where his injury or death was caused by the failure of the railroad to comply with any of the safety-appliance statutes of the United States.

Nor can he be held to have assumed the risk of injury or death where the railroad company has failed to comply with the safety-appliance statutes.

The act also provides that suits can be brought under the statute in the courts of any States or of the United States which could have jurisdiction.

It is also provided by the present Federal law that a violation of the Federal safety-appliance acts makes the railroad absolutely liable for an injury or death to an employee and that no defense is available to the railroad where the injury or death results from such violation of the safety-appliance act. It is therefore well to state in this connection the provisions and requirements of the Federal safety-appliance acts.

Locomotives must be equipped with driving power brakes operated from the cab.

All trains must have cars equipped with continuous power brakes to enable an engineer of a train to control the speed of the train without a brakeman.

They must have couplers that will couple by impact; that is, by pushing them together.

They must have couplers that will uncouple without the necessity of men going between the cars to uncouple.

They must have grab-iron handholds on the ends of cars.

There is a standard height of drawbars of cars, and all cars must measure up to that standard.

The boilers of locomotives and its appurtenances must be in safe condition to operate without unnecessary peril to life or limb.

There must be secure sill steps on every car.

Every car must have efficient brakes.

There must be secure ladders on every car.

There must be secure running boards on every car.

There must be secure handholds or grab irons on roof of cars at top of ladder.

They can not haul cars coupled together by means of chains in any revenue train.

Locomotives must have ash pans that can be operated without going beneath the engine.

When a railroad company fails to have any of the foregoing safety appliances on their cars or engines or fails to have them in operating or good condition and an employee is injured or killed, the railroad company is guilty of negligence, and the employee, under the law, is neither guilty of contributory negligence nor has he assumed the risk of injury or death by using the unsafe appliances.

Therefore, when an employee is injured on an interstate highway and he is engaged in interstate commerce and the injury or death is caused by a failure to have any of the safety appliances in operation, the railroad company can offer no defense to the suit. It is only necessary to ascertain the extent of the injury and fix the financial loss for it.

Where the railroad company is itself an interstate highway or handles interstate freight, passengers, or express, and the employee is not engaged in the transportation of interstate commerce, his injury or death by a failure to comply with any of the safety-appliance statutes would give him the right to sue in any State independent of the Federal employers' liability act. He would then be held not to have assumed the risk of injury if he knew that the company failed to use proper safety appliances, for the Supreme Court of the United States has held that the safety-appliance act "is intended to embrace all locomotives, cars, and similar vehicles used on any railroad which is a highway of interstate commerce."

It may be said of the laws of the United States now in force that in practically no case can an employee who has been injured have his right to damages defeated if there is negligence on the part of the railroad. A casual reading of the act will make this clear, and when a failure to comply with the safety-appliance statute results in injury or death there is no defense available to the railroad.

PROPOSED COMPENSATION ACT.

The proposed compensation act contains the following features:

It is exclusive and compulsory, but it only displaces the Federal liability act.

It appoints an adjuster, who is really a special master of the United States court.

The adjuster has the right to fix the amount of compensation to be paid an injured employee under the act.

He has the right, after that amount has been fixed, to increase or diminish it.

He has the right to change a judgment of the court, even though that judgment had been upheld by the court of appeals and approved by the Supreme Court.

He has the right to stop payments provided for in a judgment of the United States court.

Appeals from his decision go to a jury, and the controversy is then between his findings and the injured employee.

It limits the employee in the employment of his attorney but it places no limit on the railroad as to the employment of an attorney.

It provides for compensation for death or injury and makes the following classifications:

Death.
Permanent total disability.
Permanent partial disability.
Temporary total disability.
Temporary partial disability.

It provides that no compensation shall be paid for the first 14 days.

It arbitrarily says that no man's wages shall be greater than $100 per month, and all calculation for compensation is based on that arbitrary declaration.

It provides for the practice before the adjuster, the method of appealing the cases, and as to who shall pay the cost. Under it the injured party will have to pay the cost if he excepts and appeals. If the injured employee excepts to the adjuster's findings, he has to pay the cost incurred thereby. If he wants a trial before a jury, he must demand it, and must pay the cost of that trial, but paragraph 4 of section 14 says that even before the jury the findings of the adjuster are prima facie evidence of the facts set forth in the findings.

That leaves the trial before the jury where it is not a trial as between the railroad and the employee, but as between the adjuster and the employee, for in the trial the employee will have to attack and overcome with evidence the findings of the adjuster.

It provides a limitation upon the employment of counsel by the employee, but does not limit the railroad company to the amount or quality of its attorneys or counsel nor to the number of its claim agents that are to be employed.

Section 20 is of more interest to railroad employees on account of its far-reaching effect than one would imagine by reading it. It means that they can say to any man earning over $100 a month when he is injured that he was not entitled to earn more than $100 per month. In future years when wage agreements are considered this limitation on a man's wages can be used by the railroad as an argument.

It provides that if a man receiving permanent partial disability—that is, his hand is cut off—and if he goes to work and he receives another partial disability—that is, his other hand is cut off—he would only be paid for the loss of both hands 50 per cent of his wages, limited to $100 per month, for a total of nine years and six months. The loss of both feet in the same way, or the loss of both eyes in the same way,

or the loss of a hand or a foot in the same way, would not give him the benefit of the compensation provided for for total permanent injuries.

It provides that dependent children over 16 years of age means children unable to earn a living by reason of mental or physical incapacity.

Many have read the bill a number of times and have failed to find all the jokers.

It provides, on page 41, beginning at line 1, that whenever an employee of an interstate highway is killed or injured it shall be presumed prima facie that he was engaged in interstate commerce.

All employees would prefer to bring their suits under State acts, but the proposed act puts on them the burden of proving that they were not engaged in interstate commerce. It will be almost impossible for them to carry this burden in many cases.

It provides that no man shall be paid for the first 14 days of his injury and under that a man could be injured, stay away from work 14 days, go to work on the fifteenth day, be injured again on that day, lose 14 days more, and go to work on the fourteenth day again, lose the month's time and get nothing for his injuries.

It forces an employee to accept the services of the company's physician unless he wants to employ his own at his own expense. The amount of the physician's bills and hospital bills that a man is entitled to from the road is limited to $200, and one serious surgical operation would cost that amount, and after the railroad had paid for that the employee would have to continue the payments.

It allows the employer and employee to constitute committees for the settlement of claims, and this gives the employer a hold that will enable him to squeeze many dollars out of injured employees, for everyone knows that an employee on a committee is not likely to be very severe on his employer when he knows that his own job is at stake.

It limits the payments to a widow to a total of eight years, but the payment stops if she dies or remarries. This would eliminate half the payments to widows. Another one is that children receive the benefits of this act until they are 16. The number of girls who can earn money enough to support themselves between the ages of 16 and 21 are few, and that class would be compelled to supplement their ordinary earnings in extraordinary ways. Take the case of an engineer earning $225 a month who had two girls in school at the ages of 16 and 17. They would immediately be thrown on the world to earn a living, and to them it would mean starvation or begging. That section could be illustrated in a number of ways.

Another thing, this bill puts a premium on carelessness and recklessness; it provides for the extreme reckless employee the same amount that can be recovered by the very careful employee, and that can be best illustrated in this way: A train hand earning $100 a month carelessly neglects to set a switch to a main line behind a freight train, and a high-class passenger train, properly operated by an engineer and conductor each earning $250 a month, runs into the open switch and the careful engineer and conductor and the careless train hand are all killed. Thirty passengers may be killed and a half million dollars' worth of property destroyed, yet the company will only have to pay for the careful engineer and conductor the same amount that it pays for the careless train hand.

It provides that if the widow has 1 child or 10 children she shall be paid 50 per cent of the wages of the deceased, limited to $50 a month.

It provides for certain payments to the dependent parents, and for a very small amount to be paid other relatives in case there is no widow, children, or parents.

It says that the loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity are permanent total disabilities, but it leaves open to the adjuster and the courts the question of what other things are permanent disabilities, and provides in that way for many lawsuits.

To those who have the permanent total disabilities it only pays 50 per cent of the salary, limited to $100 a month, during the life of the employee.

It provides that for the loss of the arm above the elbow joint an employee is paid 50 per cent of his wages for six years. That would mean that an employee earning $200 a month will get $3,600 for the loss of his arm. One earning $50 per month will get $1,800 for loss of his arm. The loss of the leg above the knee joint would only cost the railroad $3,300 for a man earning $100 or more a month, and for a man earning $50 a month it would cost them $1,650.

A complete loss of hearing in both ears would entitle the employee to receive 50 per cent of his salary, as limited heretofore, for 72 months. For the loss of one ear he would be paid for 36 months. It provides that for the loss of the sight of one eye the employee would be paid 50 per cent of his salary, limited to $100 per month for 30 months. The loss of the sight of an eye permanently incapacitates a railroad man from ever engaging in the service again, and if he were a conductor earning $200 a month he would get $1,500 for that permanent injury.

For the loss of other members he would get similar amounts.

It also provides that if an injured employee goes to work and receives for his work as much as 90 per cent of his wages, limited to $100 per month, the company is to pay him nothing for his injury during the time he is at work. Should he receive less than 90 per cent, the compensation shall be diminished.

That portion of the bill really means that should a conductor earning $200 a month have his left hand cut off, the company would be due him $50 a month for 57 months. Should he lose a foot, they would be due him the same amount for 48 months, but if he accepted from them a position as train auditor, or any other position that would pay him $90 a month, they would never have to pay him a dollar for his injury, and when the 48 months or the 57 months expire the company could discharge him, having paid him $90 a month for his work, and nothing for his injury.

An effort has been made to show that this plan originated with railroad employees. That is true, but the employees were the claim agents of the railroad. You will find the scheme fully explained on page 44, Minutes of the Association of Railway Claim Agents at Montreal, and the same page shows you that their work to have this act passed has been done secretly.

The only knowledge that railway employees have of this bill has been gained within the past 30 days, the bill having been published in the various railroad publications since the 1st of March, and in the Railroad Trainman of April, page 355, is another proof of the employees' lack of knowledge of this question.

OUR OBJECTIONS.

We object to this bill because of the provisions above stated, and further because it will compel every railroad man to increase his cost of living by purchasing additional heavy insurance.

We object to it because it displaces the employers' liability act.

We object to it because it does not provide adequate compensation in the case of injury or death.

We object to it because it takes out litigation from the State courts and puts it in the hands of one man.

We object to it because the framers of it evidently hold human life and limb cheap.

We object to it because it is entirely in favor of the railroads and bears no provision in favor of the employee.

Mr. CARLIN. Have you the figures showing the amount of money payable for accidents that would be covered by this bill—the last 12 months?

Mr. FLOYD. I have not. The last investigation I made on the subject, I think, I had before me the railroad statistics of 1910 or 1911, which showed that the actual amount of damages paid by the railroad companies for damages for personal injuries for that year amounted to $10,000,000.

Mr. GRAHAM. Sutherland made that statement in his remarks before the committee.

Mr. CARLIN. Did that include settlements or just judgments?

Mr. FLOYD. Judgments, I presume. There would be practically no difference between the judgments and the settlements, because practically all our railroads are solvent.

Mr. WEBB. He means settlements without suit.

Mr. FLOYD. I am not able to say as to that; that may have included both, or it may have included only judgments. I think the figures given cover both judgments and the voluntary settlements.

Mr. DOBBS. I think so.

Mr. FLOYD. Unless you have further questions to ask me, gentlemen, I am through, and desire to thank the committee for giving me this opportunity to present my views concerning this bill, and to incorporate in the hearings the letters and protests submitted in opposition to its passage.

Mr. WEBB stated that he desired to have printed as a part of the hearings certain letters he had received in opposition to the bill, which letters will appear in the following serial, No. 9.

Thereupon the committee adjourned.

Mr. BRANTLEY. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. LEWIS]. [Applause.]

Mr. LEWIS. Mr. Speaker, in the coming year 90,000 men are to be injured on our railroads and 10,000 killed. That is as much to be expected as the orderly operation of the planets themselves. Under existing law less than one-third of these victims will receive some $15,000,000, certainly not more than $20,000,000, with their lawyers to pay. Under the bill that is presented to the House to-night all the victims will be compensated and that sum will be lifted to from $48,000,000 to $60,000,000 as compensation to the victims of industry. [Applause.] We are confronted by a practical question. Are two-thirds of these victims to lose some $40,000,000 next year because lawyers would like to adapt this measure to the old legal remedial forms of procedure rather than accept it as an adequate principle in itself? It is hard on the lawyers as a class.

I am a lawyer, and I want to say that if I go back to the profession for my living, it will be very hard on me. But it will be an act of justice to the soldiers of industry such as even this great body will seldom have an opportunity to make. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LEWIS. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. BRANTLEY. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] reserves the balance of his time.

Mr. FLOYD of Arkansas. Mr. Speaker, I yield two minutes to the gentleman from North Carolina [Mr. WEBB].

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] is recognized for two minutes.

[Mr. WEBB addressed the House. See Appendix.]

Mr. HENRY of Texas. Mr. Speaker, even if I were for this bill, you should not have my consent to railroading it through this House with only 40 minutes of debate when there are one hundred and more amendments.

For 10 years we endeavored to pass the employers' liability bill, abolishing the barbaric doctrines of assumed risk, contributory negligence, and the doctrine of fellow servant. And no sooner had we abolished them and established that law than the railroads began the crusade to repeal it; and to-night they come into this Congress, in the closing hours, and endeavor to repeal that act and shut the courthouse doors of every State in this Union against these litigants.

If you give the litigant the right to elect his remedy and go into court and assert his remedy, if he sees proper, I will vote for the bill. Let the courthouse doors be open so that the litigant may assert his right in the courts. If that is done,

I shall vote for the bill; but as long as you bar litigants from the courts, as long as you deny the right of petition and redress in those forums set up to protect the rights of citizens, I shall stand in the pathway of this act, resisting it with all the vigor possessed by me.

For years, in the Committee on the Judiciary, I have studied these questions, and last year while a member of that committee analyzed this bill. I want to say in this presence here tonight that if there ever was a measure proposed to the American Congress in behalf of the great railways of this country and against the interests of those who labor for them and under them this is the measure, a railroad measure to the core, and against the laboring interests of the Republic. [Applause.]

I shall oppose it and fight it to the bitter end. It is against those who toil and favors the great corporations with unfair privileges. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOYD of Arkansas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Arkansas has six minutes remaining.

Mr. FLOYD of Arkansas. I yield one minute to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, in the short space of time allotted to me all I can hurriedly say is this: I am heart and soul in favor of a workmen's compensation bill which will provide for compensation to employees that are injured or killed; in fact, the first workmen's compensation bill considered by this House was introduced by me during the first session of the Sixtieth Congress, nearly six years ago. Since that time I have devoted a great deal of time and have expended large sums of money in an effort to acquaint the people with the principle underlying workmen's compensation and in endeavoring to convince them of the merits of this legislation. Therefore I regret exceedingly that after struggling for six years to secure workmen's compensation I can not cast my vote for the bill which is now before the House, for it is a compensation bill in name only; it should rightfully be called the "Railroad relief measure." Nearly every section is so drafted as to be in the interest of the railroads. It provides that this shall be the exclusive remedy that employees shall have and takes away from them their present statutory and common-law rights. Since the very beginning of my fight for workmen's compensation I have contended that such legislation should not deprive the injured employees of any rights which they now enjoy, but should give them additional protection, and in this connection I wish to insert in my remarks at this point the bill which I introduced and which I claim provides equitable compensation to those injured and killed:

A bill (H. R. 21962) to provide a system of compensation for injuries, resulting in disability or death, to employees of common carriers subject to the regulative power of Congress, to civil employees of the United States Government, and for other purposes.

Be it enacted, etc., That the provisions of this act shall apply to every common carrier subject to the regulative power of Congress and to any of the employees of every such common carrier while such employees are engaged in any employment subject to the regulative power of Congress, and to all civil employees of the Government of the United States.

SEC. 2. That any common carrier (hereafter designated employer) subject to the provisions of this act may elect to provide and pay compensation for injuries sustained by any of its employees arising out of and in the course of any employment covered by the provisions of section 1, according to the provisions of this act, and thereby such employer shall be relieved from any liability for the recovery of damages, except as herein provided. Every employer subject to the provisions of this act is presumed to have elected to provide and pay compensation as provided in this act unless and until notice in writing by the employer of his election to the contrary is filed with the Interstate Commerce Commission. No such employer, however, shall be entitled to any of the privileges or advantages specified herein until a notice in writing of an election by said employer to provide such compensation has been filed with the Interstate Commerce Commission, on blanks furnished by it for that purpose.

SEC. 3. That the filing of notice of an election to provide such compensation as aforesaid shall constitute an acceptance of all the provisions of this act, and such employer shall be bound thereby as to all his employees subject to the provisions of this act for a term of one year, and succeeding terms of one year thereafter until a notice by the employer of his intention to discontinue payment of compensation under the provisions of this act shall have been given to the Interstate Commerce Commission, and to all employees as aforesaid, by written notice at least 60 days prior to the expiration of any such annual term: *Provided*, That no compensation shall be allowed for the death or injury of an employee where it is proved that his injury or death was occasioned by his willful, wanton, and premeditated intention to bring about the injury or death of himself or another.

SEC. 4. That when any employer elects to provide and pay compensation as provided in this act, and files notice of such election with the Interstate Commerce Commission, and thereby becomes bound to provide and pay such compensation according to the provisions of this act, then every employee of such employer who enters the employment subject to this act after the adoption of this act by said employer as aforesaid, shall be deemed to have accepted all the provisions of this act as a part of his contract of hiring, and shall be bound thereby, except as hereinafter provided. Every employee subject to this act whose contract is in force at the time his employer elects to pay compensation and who continues to work for such employer, and every such employee who enters the service of such employer after the adoption of this act by the employer shall be deemed thereby to have accepted the provisions of this act and shall be bound thereby: *Provided, however*, That any such employee may, within 30 days after the election of the employer to pay compensation as provided by this act, or after such new employee enters the service of such employer, notify such employer in writing that said employee does not desire to receive the benefits or compensation provided for in this act, and from the day of the filing of said notice with said employer this act shall have no force or effect as to such employee, but the liability of the employer and the right to compensation by the employee shall remain the same as though this act had not been enacted: *Provided, however*, That before any such employee shall be so bound by the provisions of this act, his employer shall furnish to such employee personally, at the time of his hiring, a statement in writing of the compensation provisions of this act as herein provided, which statement shall also include a notice to the employee that the employer has accepted the provisions hereof. In the event that any such employee is unable to read the English language, then, in that case, before such employee shall be held to have accepted the provisions of this act, the said employer shall cause the said provisions of said statement and the notice to the employee that the employer has accepted the provisions of this act, to be read to the said employee, or interpreted from the said English language into such language as is understood by the said employee, by a competent interpreter, and thereupon the said interpreter shall make a statement in writing, under oath, to the said employer of the fact of such reading or interpretation to said employee.

SEC. 5. That no common-law or statutory right to recover damages for injury or death sustained by any such employee while engaged in any employment subject to the provisions of this act, other than the compensation herein provided, shall be available to any such employee who has accepted the provisions of this act nor to any of such employee's dependents or his legal representative: *Provided*, That where the injury to the employee was caused by the failure of the employer to furnish any safety appliance for use in said employment, which is now or may hereafter be required by any act of Congress, nothing in this act shall affect the present civil liability of the employer.

SEC. 6. That the amount of compensation which an employer who has elected to adopt the provisions of this act shall pay for injury to an employee which results in death shall be:

(a) If the employee leaves any widow, child or children, or parents, or other lineal heirs, who were dependent upon him for support, the compensation shall be a sum equal to eight times the average annual earnings of the employee, but not less in any event than $5,000 and not more in any event than $7,500. Any weekly payments other than necessary medical or surgical fees shall be deducted in ascertaining such amount payable on death.

(b) If the employee leaves collateral heirs who were wholly or partially dependent upon him at the time of his death, the compensation shall be such a percentage of the sum provided in clause (a) as the contributions which deceased made to the support of such dependents bore to his earnings at the time of his death.

(c) If the employee leaves no widow, child or children, or dependents as aforesaid, the compensation shall be the reasonable expense of his medical attendance and burial, not exceeding $200.

All compensation provided for in this section shall be paid to the personal representative of the deceased employee for the exclusive benefit of the persons entitled thereto, as provided in this section in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate: *Provided, however*, That in case the said decedent shall leave a widow or children entitled to compensation provided for in this section, compensation shall be paid for the first six months after the death of said employee in installments at the same intervals and in the same amounts that the wages or earnings of said employee were paid to him while he was living. After the expiration of the said period of six months the balance of the compensation shall be paid in monthly installments equal to 60 per cent of deceased employee's monthly earnings, but in no case to be more than $75 nor less than $30 per month.

After the monthly payments above provided for have continued for not less than six months either party may, upon due notice to the other party, apply to the probate court having jurisdiction of the case for an order commuting the future payments to a lump sum. This application shall be considered by the court, and may be granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future monthly payments will be for the best interests of the person or persons receiving or dependent upon such compensation, and that the payment of said lump sum will not be prejudicial to the public welfare. Where such commutation is ordered the court shall fix the lump sum to be paid at an amount which will equal the total sum of probable future payments, capitalized at their present value upon the basis of interest calculated at 5 per cent per annum with annual rests. Upon payment of such lump sum the employer shall be discharged from all further liability on account of the death of the employee, and shall be entitled to a duly executed release, upon filing which or other proof of payment with the Interstate Commerce Commission, the liability of such employer shall be discharged of record: *Provided*, That if the said widow or children entitled to compensation shall be residents of any foreign country the compensation due shall be paid in a lump sum at once. If there are other dependents as provided in this section, resident of any foreign country, said other dependents shall be paid compensation in a lump sum in amounts proportionate to the degree of their dependency upon the employee's earnings while living, but in no case shall the whole amount of such compensation exceed the maximum sum named in clause (a) of this section.

SEC. 7. That the amount of compensation which the employer shall pay to the employee for an injury resulting in disability shall be:

(a) Necessary medical and surgical treatment in all cases at the time of the injury, and thereafter until the degree of disability shall have been determined and the monthly or weekly payments due the injured employee shall have been fixed. Said medical and surgical treatment shall include all necessary medicines and apparatus, such as artificial limbs, crutches, and trusses, to aid in the success of the treatment and to diminish the effects of the injury. The employer may designate any duly qualified physician or surgeon to furnish the medical and surgical treatment necessary, and to prescribe the necessary medicines and facilities. Should the employee be dissatisfied with the treatment given him by the physician or surgeon designated by the employer, said employee shall have the right to select his own physician

or surgeon, but in that event the employer shall be liable only for such expense as he would have been liable for had the physician or surgeon designated by him been retained by the employee.

(b) If the period of disability lasts for more than seven calendar days, and such fact is determined by the physician or physicians as provided in section 9, compensation shall begin from the day the injured employee leaves work as the result of his injury, and shall continue as long as the disability lasts, or until the compensation paid equals the amount payable as a death benefit, payments to be made weekly in an amount equal to 60 per cent of the average weekly earnings of the employee at the time of his injury, but not less than $10 nor more than $18 per week.

(c) If the period of disability does not last more than seven calendar days from the day the injured employee leaves work as the result of his injury no compensation other than the medical and surgical treatment specified in clause (a) shall be paid.

(d) If any employee shall receive any serious and permanent disfigurement to the hands or face by reason of any injury arising out of and in the course of his employment, but which disfigurement does not actually disable said employee from pursuing his usual and customary employment, such employee, unless he elects to maintain an action at law as provided in sections 4 and 5 herein, shall have the right to resort to the arbitration provisions of this act for the purpose of determining a reasonable amount of compensation to be paid to such employee for said disfigurement, but in no case shall the amount of compensation allowed an employee under this clause exceed one-third the amount of compensation that would be due him in case of his death.

(e) If after the injury has been received it shall appear upon medical examination, as provided in section 9, that the employee has been partially, though permanently, disabled so as to be incapacitated from pursuing his usual and customary employment, he shall receive compensation equal to 60 per cent of the difference between his average earnings at the time of his injury and the average amount which he is earning or is able to earn in some suitable employment or business after the injury, if such employment is secured.

(f) If permanent total disability results from any injury, compensation equal to 60 per cent of his annual earnings at the time of his injury shall be paid to the injured employee during the remainder of his life, payments to be made monthly, and in no case to be less than $30 per month nor more than $75 per month. For the purposes of this section it shall be conclusively presumed that the injury resulted in permanent total disability in the following cases, namely, the total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity: *Provided*, That the specific cases of total permanent disability enumerated in this section shall not be construed as excluding other cases. In case death occurs before the total of the payments made to an employee who is totally and permanently disabled equals the amount payable as a death benefit, as provided in section 6, then, in case the said employee leaves any widow, child or children, or parents, or other lineal heirs entitled to compensation under the provisions of this act, they shall be paid the difference between the compensation provided for death and the sum of such payment, but in no case shall this sum be less than $1,000.

In fixing the amount of the disability payments regard shall be had and deduction made for any payment, allowance, or benefit which the employee may have received from the employer during the period of his incapacity, except the expense of necessary medical and surgical treatment.

SEC. 8. That the basis for computing compensation as provided for in this act shall be as follows:

First. The compensation shall be computed on the basis of the annual earnings which the injured employee received as salary, wages, or earnings in the employment of the same employer during the year next preceding the injury.

Second. Employment by the same employer shall be construed as employment by the same employer in the grade in which the employee was employed at the time of his injury, uninterrupted by absence from work due to illness or any other unavoidable cause.

Third. The annual earnings, if not otherwise determined, shall be regarded as three hundred times the average daily earnings in such computation.

Fourth. If the injured employee has not been engaged in the employment for a full year immediately preceding the injury, the compensation shall be computed according to the annual earnings which employees of the same class in the same employment or employments of the same kind have earned during such period; and if this basis of computation should prove to be impracticable, then three hundred times the amount which the injured employee earned on an average during those days when he was working in the employment during the year next preceding the injury, shall be used as a basis for the computation: *Provided*, That in no case shall the yearly earnings of the injured employee be computed at a less amount than three hundred times the average daily wage of adult day laborers in the locality where the injury occurred.

Fifth. In computing compensation to be paid to an employee who before an injury was already disabled and drawing compensation, or entitled thereto under this act, additional compensation shall be awarded according to the combined disability, and in computing compensation for such combined disability the employee's earnings prior to his first injury shall be taken as a basis: *Provided*, That if the second injury was received while the employee was working for another employer than the one for whom he was working when he received his first injury, the compensation to be paid for the combined injury shall be apportioned between said two employers according to what each would be liable for in the case of the single injury happening under his employment.

Sixth. If an employee receive an injury which of itself would only cause partial disability, but which combined with a previous injury does in fact cause permanent total disability, such employee shall receive compensation for permanent total disability. If the second injury was received while the employee was employed by an employer other than the one for whom he was working when he received his first injury, then the payment of compensation for permanent total disability shall be borne by the said two employers share and share alike.

SEC. 9. That any employee entitled to receive compensation under this act shall be required, if physically able, to submit himself for examination by a duly qualified physician or surgeon, provided and paid for by the employer, at any time and place reasonably convenient for such employee, at any time within seven calendar days after the injury and at further intervals thereafter not oftener than six weeks, if deemed necessary by the employer, for the purpose of determining the nature, extent, and probable duration of such employee's disability and for the purpose of adjusting the compensation which may be due the employee from time to time. Said examination shall be made in the presence of a duly qualified physician or surgeon provided and paid for by the employee if said employee so desires, and in the event of a disagreement between said physicians or surgeons as to the nature, extent, or probable duration of said injury or disability the Interstate Commerce Commission shall be notified forthwith of said disagreement, and within six days after receiving such notice said commission shall select a third physician or surgeon, and the majority report of said three physicians or surgeons as to the nature, extent, and probable duration of such injury or disability shall be used for the purpose of estimating the amount of compensation payable to such injured employee according to the provisions of this act. Whenever it shall become necessary to select a third physician or surgeon, as provided in this section, such third physician or surgeon shall be paid by the Interstate Commerce Commission. If the employee refuses to submit himself to examination as herein provided, or unnecessarily obstructs the same, his right to compensation shall be suspended until such examination shall have been made, and no such employee shall be entitled to receive compensation for any such period of suspension.

SEC. 10. That if any injured employee shall be mentally incompetent at the time any right or privilege accrues to him under this act, a conservator or guardian of such incompetent, appointed pursuant to law, may claim and exercise any such right or privilege, on behalf of said incompetent, with the same force and effect as if the employee himself had claimed or exercised such right or privilege; and no limitation of time herein provided for shall run so long as said incompetent employee has no conservator or guardian.

SEC. 11. That compensation, payable under this act, may be settled by agreement between the parties. Every such agreement and every award shall be in writing, signed and acknowledged by the parties and by the arbitrator or secretary of the committee hereinafter referred to, and shall specify the amount due and unpaid by the employer to the employee up to the date of the agreement or award, and, if any, the amount of further compensation that shall be paid. Every such agreement or award and every subsequent modification thereof, which modification shall be signed and acknowledged by the parties in the same manner as the original agreement or award, shall be filed with the Interstate Commerce Commission within 10 days after it is made. Upon approval of said agreement or award by said commission the parties shall be duly notified, and thereupon said agreement or award shall become effective from the date it was signed and acknowledged as aforesaid.

SEC. 12. That if compensation be not settled by agreement between the parties, then if any committee representing the employer and the employee has been organized for settling disputes under this act, the compensation shall be settled by such committee, unless either party objects by notice in writing delivered or sent by registered mail to the other party before the committee meets to consider the matter. If either party so objects, or there is no committee as aforesaid, then the compensation shall be settled by the Interstate Commerce Commission through an examiner appointed and paid by said commission for the purpose of settling controversies under this act. Said examiner shall be designated "arbitrator of compensation," and the said commission is hereby authorized and directed to employ as many of said arbitrators of compensation as may be necessary properly to execute and enforce the provisions of this act. Whenever any dispute as aforesaid has been referred to any such arbitrator of compensation the decision of said arbitrator shall be final and conclusive, subject to an appeal by either party to the Interstate Commerce Commission, and to a further appeal to the Court of Commerce, subject to the rules of practice of said Court of Commerce.

SEC. 13. That said arbitrator of compensation shall not be bound by technical rules in making his investigation, but shall give the parties full opportunity to be heard, and shall act reasonably and without partiality. He shall have power to issue subpœnas, administer oaths, require the production of books and papers, examine witnesses, and receive depositions taken before any proper officer in any State or Territory of the United States. He shall be paid such salary as the Interstate Commerce Commission may determine, and shall be allowed his actual expense of travel, together with such reasonable allowance for subsistence as said commission may determine. When not employed in connection with any proceedings under this act, the services of said arbitrator may be utilized by said commission in any suitable or appropriate employment deemed necessary by said commission in furtherance of any of its administrative duties under any act of Congress.

SEC. 14. That no said arbitrator of compensation shall act in any case in which he is interested, nor where he is related to either party by marriage, or by consanguinity or affinity within the third degree, as determined by the common law. Whenever it shall appear to the satisfaction of the Interstate Commerce Commission, upon application of either party, that the arbitrator before whom any case is pending is disqualified, or that he entertains bias or prejudice, so that a fair and impartial hearing of the case can not be had before him, it shall be the duty of said commission to supply another arbitrator to act in the case.

SEC. 15. That any agreement or award as aforesaid may be modified by a subsequent agreement or award, in the same manner and with the same effect as the original agreement or award, at any time after the expiration of six months from the date on which said original agreement or award was approved by said Interstate Commerce Commission; and before the expiration of any period for which payment of compensation has been fixed thereby, but not afterwards, any such agreement or award may be reviewed by an arbitrator of compensation upon application of either party after due notice to the other party, upon the ground that the disability of the injured employee has subsequently ended, increased, or diminished. Upon such review the said arbitrator may increase, diminish, or discontinue the compensation, in accordance with the facts, or may make such other order as the justice of the case may require, but shall order no change in the status existing before the application for review. The findings of the arbitrator upon such review shall be served on the parties, and filed with and approved by the Interstate Commerce Commission, in like manner and subject to like disposition as in the case of the original award.

SEC. 16. That the arbitrator in any case may, on his own motion or upon application of either party, appoint a disinterested and duly qualified physician or surgeon to make all necessary examinations of the employee and testify with respect thereto. The reasonable fee of said physician or surgeon shall be paid by the Interstate Commerce Commission, upon properly executed vouchers filed with said commission in accordance with its rules for the payment of accounts.

SEC. 17. That no proceedings for compensation under this act shall be maintained unless notice of the injury has been given to the employer as soon as practicable after the happening thereof, and during

disability caused by such injury, and unless claim has been made within six months from the date of said injury; or in the case of the death of the employee, or in the event of his physical or mental incapacity, within six months after such death or removal of such physical or mental incapacity; or in the event that payments have been made under this act within six months after such payments have ceased. No want, defect, or inaccuracy of said notice shall be a bar to the maintenance of proceedings by the employee, unless the employer proves that he is unduly prejudiced in such proceedings by such want, defect, or inaccuracy, and then only to the extent of such prejudice. Notice of the injury shall in substance apprise the employer of the claim for compensation made by the employee, and shall state the name and address of the injured employee, the approximate time and place of the injury, and in simple language the cause thereof, if known. Such notice may be served personally or by registered letter addressed to the employer at his last known residence or place of business. Failure on the part of any employee entitled to compensation to give such notice shall not relieve the employer of his liability for such compensation when the facts and circumstances of such injury are known to such employer or his agent.

SEC. 18. That when an injury or death for which compensation is payable under this act is caused under circumstances also creating a legal liability for damages on the part of any carrier subject to the provisions of this act other than the employer, the right of the employee to recover against such other carrier shall be subrogated to the employer, and such employer may bring legal proceedings against such carrier to recover the damages sustained by the injured employee in an amount not exceeding the aggregate amount of compensation payable to the injured employee under this act. When an injury or death for which compensation is payable under this act is caused under circumstances also creating a legal liability for damages on the part of any person other than the employer, such person not being subject to the provisions of this act, legal proceedings may be taken against such other person to recover damages, notwithstanding the payment of or liability to pay compensation under this act; but if action is brought against such other person by the injured employee, or in case of his death by his dependents, and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, the employer shall be entitled to deduct from the compensation paid or to be paid by him the amount so received by such employee or dependents: *Provided*, That if the injured employee, or in case of his death his dependents, shall agree to receive compensation or institute proceedings to recover the same, or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or dependents, and may maintain, or in case an action has already been instituted, may continue, an action either in the name of the employee or dependents or in his own name against such other person for the recovery of damages; but such employer shall nevertheless pay over to the injured employee or dependents all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation paid and to be paid under this act, and costs, attorney's fees, and reasonable expenses incurred by such employer in making such collection or enforcing such liability.

SEC. 19. That notwithstanding any agreement, award, or finding as hereinbefore provided, compensation shall not be paid for any case of disability while the injured employee is at work at wages which equal the established day's earnings he was receiving at the time of his injury. His failure to earn wages equal to what he was receiving at the time of his injury as aforesaid shall entitle him to compensation as provided in clause (e) of section 7.

SEC. 20. That if any employee entitled to compensation under this act shall at the time of his injury be employed and paid jointly by two or more employers subject to this act, such employers shall contribute to the payment of such compensation in the proportion of their several wage liabilities to such employee. If one or more, but not all, of such employers are subject to this act, then the liability of such of them as are so subject shall be to pay the proportion of the entire compensation which their proportionate wage liability bears to the entire wages of the employee: *Provided, however*, That nothing in this section shall prevent any arrangement between such employers for a different distribution as between themselves of the ultimate burden of such compensation.

SEC. 21. When payment of compensation is made to a widow for the use of herself, or for the use of herself and child or children, her written receipt therefor shall acquit the employer. When payment is made to any child or other dependent 18 years of age or over, the written receipt therefor of such child or other dependent shall acquit the employer. When payment is due to any child under the age of 18 years, the payment shall be made to a duly appointed and qualified guardian of such child under the laws of the State of such child's residence, and the written receipt therefor of such guardian shall acquit the employer.

SEC. 22. That when compensation is being paid under this act to any dependent, such compensation shall cease upon the death or marriage of such dependent or whenever such dependent shall become self-supporting. Upon the remarriage of any widow receiving compensation under this act a sum of money equal to 20 monthly payments, as provided in section 6, but not less than $1,000, shall be paid to such widow, and further payment of compensation to such widow shall cease.

SEC. 23. That no employee subject to the provisions of this act, nor any beneficiary hereunder, shall have power to waive any of its provisions with respect to the amount of compensation which may be payable to such employee or beneficiary hereunder.

SEC. 24. That any contract or agreement made by any employee or dependent within seven calendar days after an injury, with any employer or his agent, or with any attorney, with respect to the prosecution or settlement of any claim for compensation under this act shall be presumed to be fraudulent.

SEC. 25. That any contract of employment, relief benefit, or insurance, or other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this act, shall be null and void; and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor, punishable by a fine of not less than $500 nor more than $1,000, in the discretion of the court.

SEC. 26. That any employee or dependent who shall become entitled to compensation under the provisions of this act, in the event of his inability to recover such compensation from the employer on account of his insolvency or other cause, shall be subrogated to all the rights of such employer against any insurance company or association which may have insured such employer against loss growing out of the compensation required to be paid by the provisions of this act, and in such case only a payment of the full amount of compensation that has accrued to the person entitled thereto, in accordance with the provisions of this act, shall relieve such insurance company or association from such liability.

SEC. 27. That the assignment of any cause of action arising under this act, or of any payments due or to become due under the provisions of this act, shall be void. Every liability and all payments due or to become due under this act shall be exempt from levy or sale for private debt. Every liability for compensation under this act shall constitute a first lien upon all the property of the employer liable therefor paramount to all other claims or liens, except for wages and taxes, and in case of insolvency shall be enforced by order of the court.

SEC. 28. That the term "dependent" shall include all persons who are entitled to receive compensation under the provisions of section 6, and wherever the context requires it, shall be held to include the personal representative of the deceased and guardians of infants or incompetent persons.

The term "injury" shall be held to include an injury resulting in death.

The term "employee" includes an apprentice and any person who is irregularly employed at the employment in which his injury occurred, but does not include one whose employment is purely casual and not for the purpose of the employer's business. It shall include the singular and the plural and both sexes. Any reference to an employee who has been injured shall, where the employee is dead and the context requires it, include a reference to his dependents or personal representatives.

The term "child or children" shall include posthumous children and all other children entitled, by the law of the State where the injury occurred, to inherit as children of the deceased employee.

The term "disability" shall mean want of capacity or ability by reason of injury to make full wages and full time in the position where the employee was working at the time of receiving his injury.

The phrase "personal injury arising out of and in the course of his employment" shall be held to cover an employee while engaged in the service of the employer in, on, or about the premises occupied by or under the control of the employer, where the employee's services are being performed, or while such employee is engaged elsewhere in or about his employer's business where his service requires his presence as a part of such service at the time of the injury and subjects him to dangers incident to that employment. It shall not include an injury caused by the willful act of another directed against the employee for reasons personal to such employee and not against him as an employee or because of his employment.

SEC. 29. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

SEC. 30. That nothing in this act shall interfere with any proceeding by the Government to enforce any act of Congress regulating the appliances or conduct of any common carrier, or affect the liability of any such common carrier to a fine or penalty under any such act.

SEC. 31. That 60 days after the passage of this act every common carrier subject to the regulative power of Congress shall be liable for the following excise taxes for the purpose of paying the administrative expenses of this act, and for paying the compensation herein provided for, namely:

First. There shall be levied, collected, and paid on every car or motor vehicle used in the transportation of persons or property on the lines of every common carrier subject to this act, whether steam or electric lines, an excise tax of $6 per year.

Second. There is hereby levied, and there shall be payable by every telegraph company operated along the line of or connected with any telegraph line built, constructed, or maintained along the line of any railroad and telegraph line to which the United States has granted subsidies, or which telegraph line shall have accepted the provisions of Title 65 of the Revised Statutes, an excise tax of $50,000 for and in respect of its plant within the District of Columbia.

Third. Every express company subject to this act shall pay an excise tax of $5 per year on every wagon or other vehicle used by it in the collection, distribution, and delivery of express matter, and on every car used exclusively by any express company on any line of railroad for the transportation of express matter a tax of $5 per year shall be levied and paid.

SEC. 32. That every common carrier subject to the taxes named in this act who carries on business without having paid the car or vehicle or telegraph excise tax herein provided for shall, in addition to being liable to the payment of said tax, be fined not less than $1,000 and not more than $5,000, and every distinct violation shall be a separate offense, and in case of a continuing offense each day shall be deemed a separate offense; and unless otherwise limited, all fines, penalties, and forfeitures imposed by this act or by any section of the Revised Statutes may be recovered in any court of competent jurisdiction. All laws relating to the collection, remission, and refund of internal-revenue taxes, so far as applicable and not inconsistent with the provisions of this act, are hereby extended and made applicable to the excise taxes hereby imposed, and all penalties, fines, matters of form and procedure, heretofore enacted for the collection of the internal revenue under an act to provide ways and means to meet war expenditures, and for other purposes, approved June 13, 1898 (30 Stat. L., 448), are made applicable to the collection of the revenue and the enforcement of this act as fully as though said act had not been repealed but had continued in full force and effect; and sections 3232, 3233, 3236, 3237, 3238, 3239, 3240, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special excises or internal-revenue taxes imposed by this act, and to the persons, natural or corporate, upon whom they are imposed, as fully as though they or any one of them were herein set forth at length: *Provided*, That the provisions of this act in respect of taxation of vehicles on the lines and of mileage taxation of telegraphic lines shall be, and they are, declared to be suspended in respect of any carrier accepting this act in the manner herein set forth, and after such acceptance abiding by and complying with the provisions of this act.

Whenever the Interstate Commerce Commission shall have certified to the Secretary of the Treasury that any such common carrier has not complied with the orders of said commission in respect of paying any compensation due, it shall be the duty of said Secretary of the Treasury to collect the excise taxes hereby imposed during or for such time or times as said carrier is not complying with any lawful orders of said commission with respect to the matters contained in this act. Said excise taxes under the provisions of this act when collected and paid into the Treasury of the United States shall be, and they are

hereby, specifically reappropriated, and shall constitute a permanent appropriation, to be called the "Federal compensation fund," to pay any compensation not paid by any carrier or person subject to this act, pursuant to any lawful order of said commission, and to meet the necessary expenses of administering this act; and all acts heretofore passed in aid of pensioners of the United States in respect of limitation of attorneys' fees, proof of claim, allowance, and payment and audit, are hereby, as far as applicable, extended to any funds exacted, collected, appropriated, and to be disbursed pursuant to this act.

SEC. 33. That it shall be the duty of every employer subject to the provisions of this act to make quarterly returns of accident payments and operations under this act to the Interstate Commerce Commission in such detail and form as the said commission may by general regulation require. Such reports shall be compiled by said commission, and the results made public in such manner as the said commission may determine.

SEC. 34. That it is hereby declared to be the intent and purpose of this act and the policy of Congress that the financial burden of injury and death to employees in industries subject to the regulative power of Congress, arising out of and in the course of, the operation of such industries, shall be placed upon the industries involved; and the Interstate Commerce Commission is hereby empowered and directed to make all regulations reasonable and necessary, not herein provided for, to give effect to the provisions of this act and to accomplish its declared intent and purpose. To this end the said commission shall consider the payments authorized herein to be an element of the cost of transportation or the operation of the industries affected by this act, and in any proceedings affecting rates the said commission is directed to recognize and give effect to the intent and purpose of this act.

SEC. 35. That the scale of compensation herein provided for shall be recognized by the United States Government in all industries operated by it directly or in its behalf, by contract or otherwise, and all said employees of the Government of the United States shall be entitled to all the benefits and privileges of this act, and to that end it is hereby declared that the Government of the United States has elected to accept the provisions of this act with respect to all of its civil employees, however or wherever employed.

SEC. 36. That this act shall take effect on the 1st day of January, 1913, and shall be cited as the Federal compensation act of 1913.

I am firmly of the belief that the inherent risks in railroading and other dangerous occupations should be borne by the carriers and the industries instead of by the employees or those dependent upon them, and all of the bills which I have introduced have been so drafted as to accomplish this.

Mr. Speaker, the measure now under consideration, instead of protecting the employee has the opposite effect, it safeguards the railroads from injured employees. In the first place, it limits the maximum amount that can be recovered; and not content with this, it then places every possible obstruction in the way of the recovery of that limited amount. I favor a workmen's compensation bill that will give immediate relief and just compensation without litigation. This bill which is now before the House will not lessen litigation, in fact, it will increase it, for it will be impossible for the injured employees or their survivors to recover the large judgments that they have received in many cases in the past, and the railroads, no longer having this to fear, will refuse to agree to a settlement, preferring to carry the matter to the courts.

I now wish to insert my speech of May 26, 1908, in favor of workmen's compensation:

Mr. Speaker, owing to lack of opportunity to deliver my views on my compensation bill, H. R. 16739, printed in its present form February 10, 1908, and to the inability to obtain the floor of the House for the purpose of considering my bill I avail myself of this opportunity to present to the American people, under the privilege of leave to print, the remarks which follow.

The vast importance of the subject, its novelty as applied to the employees of all carriers of all interstate railroads, require a certain elaboration of this, the first general compensation bill.

The vitally important subject of the general compensation bill has been approved in principle by President Roosevelt, and it is proper that the attention of the people should be called to the general provisions of my general American compensation bill H. R. 16739, which may be found printed in the course of these remarks.

In the course of an experience of over 12 years on the bench in Chicago, one of the greatest cities in the world, every kind and class of cases were brought before me. My duty not only consisted in enforcing the laws, but in attempting to alleviate the misery and the damages caused by our modern economic system. This last function was impressed on me by the horrible cases of breaking up of families, degradation of the widows, and ruin of the daughters, caused by the loss of the father's or brother's earning power. Years and years of litigation, appeals, new trials, and all the necessary steps of our modern procedure brought it about that the results of the litigation were wasted, and social degradation of the family, without any fault of their own, ensued. Gradually the idea became stronger and stronger in my mind that some method must be found whereby this can be changed.

Inquiry into the circumstances which had induced foreign Governments to investigate all phases of the industrial situation abroad and enact adequate remedial legislation for the specific instances disclosed as requiring further official regulation, convinced me of the similar necessity resting upon us here to take up the problem and bring about some form of relief.

The object of my compensation bill (H. R. 16739), as of all compensation acts, is to correct what heretofore has amounted to a denial of justice.

Everyone of us is sworn to support the Constitution of the United States and, by inference, to afford to the people, our constituents and our fellow citizens, due process of law. The Constitution is a growing and living organism and entity. It has protected commerce from the canal boat and the post rider to the steam railroad, electric traction, telegraph, and telephone; and there is no reason why the persons employed in interstate commerce should be left to remedies which were thought adequate at a time when the simple relation between master and servant was not interfered with by colossal machinery and a complicated system of industrial organization.

INADEQUACY OF THE AMERICAN SYSTEM OF DAMAGES.

The theory of American law is that the contract between the employer and his employee, called at common law "his servant," is ample to take care of the person who is injured by reason of the contract. The law furthermore proceeds on the theory that the damages may be sought primarily against the wrongdoer. As a matter of fact, the injured persons in the complicated system inherent in our modern industrial conditions has no redress, because the person who primarily caused the wrong is financially unable to respond in damages. The law then allows an action against the master at common law on formal proof, with burden upon the person injured to show negligence, and puts the burden, as it should in all actions, upon the injured employee or widow, to sustain the cause of action against the master.

The reason for the rule has changed so entirely and the exceptions which have been ingrafted by the courts have become so noxious that the social problem has been overlooked or pushed aside for the benefit of legal jugglery and hair-splitting distinctions by great judges. The administration of the law has become so refined, delicate, and neat, for the purpose of maintaining the rights of the possessing classes or corporations, that the more important question, the human question, the question of humanity and of social justice of the complainant, is utterly forgotten in the defense of vested rights.

I do not go as far as Lewis, who states that vested rights may always be called intrenched wrongs; but I do claim that the maintenance of a rule which was harsh when it was started, which has become unjust in its operation, which under the totally changed industrial conditions under which great operations of manufacturing, of commerce, and of interstate commerce must be carried on, becomes a pernicious and dangerous form, because under the guise of exercising the law it brings about a denial of justice, and induces a feeling of distrust for the courts which it is hard to overcome.

When it is remembered that we hold all our property, in the last instance, through the forbearance and self-control of the vast class of persons who are at risk day by day, and who, were they united, could rend and tear not only our possessions, but our very bodies, it is surprising to see the dense carelessness of the possessing community before this great—I had almost said class; but there are no classes in America; at least it is so claimed.

But, Mr. Speaker, the method which has been pursued by the courts in enforcing the strict letter of the law has brought about a feeling that injustice is done to the employee in nearly every instance, which injustice is due not to the administration of the law, but to the inherent injustice of the theory and its perverse construction. The litigation which is necessary to enforce the rights of these persons at common law brings out the extreme of the law, which is always injustice.

The suitors in these cases are our maimed fellow citizens, or, in the event of his death, his widow or the guardian ad litem for his orphans. In no case do they stand before the court equally prepared with a great corporation which defends the action. It is absurd on the part of any person who has ever practiced even a few years in any court to say that the poor man can hire a great lawyer. His social and economic condition, his lack of relation to the great leaders of the bar, his very maimed condition or the depressed position, through the loss of the father, all prevent him or them having access to any except the ordinary persons who take these cases on contingent fees. That is the average rule. But let us assume that the widow or the injured person has the very best counsel, that they have counsel who are so impressed with their duty to the public and to the court and so carried along by the desire to do justice that, although they have been defeated in one court, they will appeal and appeal, and follow their first victory from the lower courts to the Supreme Court of the United States, until the law ultimately says that the corporation must pay damages.

In the course of these remarks I shall have to submit so many series of statistics that I shall not burden the RECORD with any unnecessary material, but a careful investigation has convinced me that the plaintiest and quickest litigants never get a final determination under four years, and that cases have been in the circuit court of appeals (Erie Rwy. Co. v. Kane) four times (118 F. R., 223; 142 F. R., 682; 155 F. R., 118), and the litigation has lasted 10 years. The accident to Kane occurred December 17, 1897; the circuit court of appeals handed down its opinion June 26, 1907. In cases of great historical importance, such as Johnson v. Southern Pacific Co., the injury took place within four days after the safety-appliance act went into effect, in August, 1900. The action was finally decided by the Supreme Court on December 19, 1904 (196 U. S., 1), and finally, in May, 1908, eight years after his injury, Johnson has received a slight sum by way of settlement with the company.

In the Schlemmer case the injury occurred within a day or two after the safety-appliance act went into effect; the case was decided by the Supreme Court on March 4, 1907 (205 U. S., 1), in favor of Schlemmer's widow, who on the second trial obtained a verdict against the carrier recently, and the action is now on its indeterminable route of delay to the higher State courts, and possibly will again return to the Supreme Court of the United States. Now, what do you think, Mr. Speaker, becomes of the widow in the interim? What care is taken of the children, and what has the State done to relieve itself of the duty which it owes to Schlemmer and to Johnson and to thousands and thousands of railway employees similarly situated all over the country? The litigation which these people are forced to undertake under the process of our common law, even if successful, is inefficacious. The fruits of the litigation are wasted in attorney's fees, printing cases, and costs, and to the repayment of debts necessary to maintain the family. The social standard of the survivors has been lowered or else the family has gone to pieces; the maimed man, if he has not died of his injuries, has become a tramp; the children have been taken from school; the families have been split up and separated perhaps forever.

Or let us take the case of a woman who was injured through the violation of the master in not guarding his machinery. St. Louis Cordage Co. v. Miller (126 F. R., 495) is a case in which Walter Sanborn, C. J., of the circuit court of appeals for the eighth circuit, wrote a very painstaking, carefully thought out, and exquisitely inhuman opinion. The woman, after having had her hand mashed in a cog, was thrown out of court. The judge writing the opinion of the court claimed that, although the factory act of Missouri protected her, yet she assumed the risk of her employment and must go forth without damages. Now, what can a factory hand do who has had a right hand or arm mashed? The probabilities are that she is unfit for domestic employment; her tastes, her habits have been fixed; the court throws her out. If there is any method for that woman to earn her living except to go on the streets, it is not due to any care that the State has taken to protect her from the

prospective evils; and surely the State owes these people some kind of a fair chance. These are our fellow citizens; these are people whose places may be taken in two or three generations from among the children of those sitting in this Chamber. In this country it is three generations from shirt sleeves to shirt sleeves, and the very thing we may overlook in the case of others may happen to our grandchildren or to their children, caught by and dragged down in the maelstrom of industrial coercion.

The courts will say that the laborer is free; that he chooses his occupation; that if he takes up a dangerous occupation he takes the risk—he does it with his eyes open; he is compensated for it, and that his wages in part may be used, if properly employed, toward buying insurance in some industrial or accident corporation to compensate him for the risk which he is bound to take. Is it not a truism, which must only be stated to be understood, that the choice or freedom of the laborers is entirely illusory; that they have no choice; that the fiction which claims to treat them as free agents is overcome by the actualities of their conditions, which make wage slaves of them all; that the wages are always so small and purchase so little, thanks to the protective system and to the trusts, that adequate self-insurance is impossible, and that very, very few of them have any insurance which will, under the present régime, keep their families out of the poorhouse?

DANGERS INHERENT IN ALL GREAT ENTERPRISES.

Let us briefly consider the financial burden imposed upon railroad employees by the casualties which are an incident of their calling. It is well known that employees in railroad train service are unable to procure insurance in any of the old-line companies except at rates that are practically prohibitive, while most of the companies absolutely refuse to accept such risks under any consideration. Certain of the companies will write 5, 10, and 15 year endowment policies for switchmen—a small portion of the employees under consideration—at premiums based upon a 20-year advance in age; thus, for instance, a switchman aged 25 years may obtain such a policy by paying the 45-year endowment premium rate. Inasmuch as insurance premium rates are based upon broad observation and are always the result of careful and accurate consideration, this fact is vastly significant. It means that the man who embraces the occupation of railroad switchman thereby at once cuts 20 years off his reasonable expectancy of life. If there is any compensating advantage in this occupation to offset the horror of this grim fact, I have failed to discover it in more than 10 years' close observation of the conditions of railway labor.

Being denied the benefits of ordinary insurance, railroad employees have been compelled to establish and maintain insurance societies of their own. Those societies are never called upon to pay death claims as a result of old age. Their payments, however, on account of railroad accidents are surprisingly large, and in most of the organizations represent a major portion of the total claims paid. In the year 1906 the Brotherhood of Railroad Trainmen, with a membership of 82,937, composed of conductors, brakemen, switchmen, and baggagemen, paid 1,350 claims, amounting to a total of $1,671,548.96.

More than two-thirds of these claims, or 927 of the whole number, representing a cash total of considerably more than a million dollars, were paid as a result of deaths and disabilities caused by railroad accidents. During the year ending June 30, 1907, the Brotherhood of Locomotive Firemen and Enginemen, with a membership of about 63,000 engineers and firemen, paid 663 death and disability claims, amounting to $947,100. More than 51 per cent of these claims, or 340 of the whole number, representing a cash payment of $489,500, were paid on account of deaths and disabilities caused by railroad accidents. The Switchmen's Union of North America is a comparatively small organization, with membership confined to switchmen employed in railroad-yard service. Last year (1906) this organization paid 179 death and disability claims. Three-fourths of these claims, or 128 of the whole number, were paid for deaths or disabilities incurred by members while in the ordinary discharge of their vocation.

Why should this enormous toll of life and treasure be exacted from railroad employees? Does the efficient operation of the Nation's splendid transportation system require that this great burden should remain where it now lies? Suppose we admit that the terrible sacrifice of lives and limbs is a necessary concomitant of railroad operation. Suppose we resign ourselves with oriental fatalism to the belief that our transportation juggernaut must continue to crush out the lives of its operatives without abatement. Even then, can we excuse ourselves for saddling upon those operatives the financial burden of providing for the needs of their widows and orphans, made such by the very exigencies of the industry itself? Is it not more to the point and more akin to justice that this burden should be assumed by the transportation industry and, through it, by society as a whole?

At the time when the law of master and servant received the form which we are now contending is utterly unjust, the industries were just beginning to receive the beneficent effect of the application of steam to machinery theretofore driven by human hands. The great decisions upon which the law of master and servant is based were rendered in the early thirties of the last century. They were rendered by men who had reached the place of chief justice long after the conditions under which the old theory of master and servant had developed—Ellenbrough in England and Chief Justice Shaw in Massachusetts. In laying down the law of fellow servants, as applied to railroads, they were but expounding the law as they had learned it when economic conditions were simple, when the master knew every person employed by him, and when the employee had a chance to say to his employer: "This man is a reckless and dangerous fellow, regardless of the rights of his fellow men, and I refuse to work with him. You have the choice between keeping me or discharging him." The mere statement of this rule, applied to modern conditions, shows that it is impossible of application.

LACK OF IMAGINATION.

Lombroso, one of the great psychologists in criminology, has well stated that great crimes—and certainly mass crimes—never can be committed unless there is a dullness of imagination or lack of nervous sentiency on the part of the perpetrator.

Probably the greatest railroad men in this country would shudder at the idea of becoming personally responsible for the existence and the choice of men in the thousand and one different branches of the enterprises in which their companies are involved. The machinery has become so colossal that the master can not inspect, can not supervise, and himself becomes a part of the carelessness induced by the modern forms of corporate management. The unavoidable requirement of specialization necessitates their devoting their intelligence and energy to one definite thing. No one man is therefore deliberately accountable for the horrors which follow the administration of the antiquated system of master and servant's law; each man can shift the responsibility upon that great entity created and sanctioned by the State or Federal governments, the corporation, and say: "We are not responsible. We are paid to do a definite amount of work, and as long as we do that work society at large—the State—should bear the burden." Were it possible to bring these men into one room with the victims and show to them the consequences of their hiding behind the forms of corporate coldness of heart, I believe that many of them would resign their places rather than resist the enactment of a humane compensation act which would avert crushing misery and a lowering of the social standard of the persons involved, if not total degradation of their fellow-citizens.

The accidents which occur in all industries involving dangerous machinery, such as factories, steel mills, coal mines, quartz mines, and other extractive industries, in their widest scope, are not subjects over which the Congress of the United States has jurisdiction directly, and do not concern us in the present discussion.

Limiting the discussion to the employees of railroads engaged in interstate commerce and to such other carriers as are subject to the power of Congress, I propose to show, principally from the statistics based on returns furnished by the carriers themselves, in accordance with law compiled by the Interstate Commerce Commission, that railroads require a regular percentage of life, limbs, and health of our fellow-citizens; that the number of men killed and injured is a regularly recurring number; that this number constantly increases, but is in regular proportion with the mileage operated; that a certain proportion of the manhood of this country is slaughtered every minute of the 24 hours of every day; that a regularly recurring number of our young men is each year thrown aside as "scrap," and, as far as the present system of administration of the law of master and servant is concerned, as far as prompt and effective compensation goes, is as valueless to the community at large as the rotten ties which we see moldering along the tracks of every railway in these great United States.

This is a startling statement to make, were it not proven to the hilt by statistics. These statistics cover a period of 20 years and are taken from the figures accessible to every man, published by the Interstate Commerce Commission, pursuant to the great law of its organization.

SUMMARY A.—*Comparative statement of accidents to railway employees for the years named.*

[Compiled from figures shown in the Annual Reports of Statistics of Railways in the United States, issued by the Interstate Commerce Commission.]

Year ending June 30—	Employees killed.		Employees injured.		Total employees killed or injured.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1907	4,534	8.55	87,644	10.79	92,178	10.65
1906	3,929	7.41	76,701	9.44	80,630	9.32
1905	3,361	6.34	66,833	8.23	70,194	8.11
1904	3,632	6.85	67,067	8.26	70,699	8.17
1903	3,606	6.80	60,481	7.44	64,087	7.40
1902	2,969	5.60	50,524	6.22	53,493	6.18
1901	2,675	5.04	41,142	5.06	43,817	5.06
1900	2,550	4.81	39,643	4.88	42,193	4.87
1899	2,210	4.16	34,923	4.30	37,133	4.29
1898	1,958	3.69	31,761	3.91	33,719	3.90
1897	1,693	3.19	27,667	3.40	29,360	3.39
1896	1,861	3.51	29,969	3.69	31,830	3.68
1895	1,811	3.41	25,696	3.16	27,507	3.18
1894	1,823	3.44	23,422	2.89	25,245	2.92
1893	2,727	5.14	31,729	3.90	34,456	3.98
1892	2,554	4.81	28,267	3.48	30,821	3.57
1891	2,660	5.01	26,140	3.23	28,800	3.33
1890	2,451	4.62	22,396	2.76	24,847	2.88
1889	1,972	3.72	20,028	2.47	22,000	2.55
1888	2,070	3.90	20,148	2.49	22,218	2.57
Total	53,046	100.00	812,181	100.00	865,227	100.00

SUMMARY B.—*Comparative statement showing number of railway employees in service and the per cent killed or injured for the years named.*

[Compiled from figures shown in the Annual Reports of Statistics of Railways in the United States, issued by the Interstate Commerce Commission.]

Year ending June 30—	Employees in service.	Employees killed.		Employees injured.		Total employees killed or injured.	
		Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
1907	1,672,074	4,534	0.27	87,644	5.24	92,178	5.51
1906	1,521,355	3,929	.26	76,701	5.04	80,630	5.30
1905	1,382,196	3,361	.24	66,833	4.84	70,194	5.08
1904	1,296,121	3,632	.28	67,067	5.17	70,699	5.45
1903	1,312,537	3,606	.27	60,481	4.61	64,087	4.88
1902	1,189,315	2,969	.25	50,524	4.25	53,493	4.50
1901	1,071,169	2,675	.25	41,142	3.84	43,817	4.09
1900	1,017,653	2,550	.25	39,643	3.90	42,193	4.15
1899	928,924	2,210	.24	34,923	3.76	37,133	4.00
1898	874,559	1,958	.22	31,761	3.63	33,719	3.85
1897	823,476	1,693	.21	27,667	3.36	29,360	3.57
1896	836,620	1,861	.23	29,969	3.62	31,830	3.85
1895	785,034	1,811	.23	25,696	3.27	27,507	3.50
1894	779,608	1,823	.23	23,422	3.01	25,245	3.24
1893	873,602	2,727	.31	31,729	3.63	34,456	3.94
1892	821,415	2,554	.31	28,267	3.44	30,821	3.75
1891	784,285	2,660	.34	26,140	3.33	28,800	3.67
1890	749,301	2,451	.33	22,396	2.99	24,847	3.32
1889	704,743	1,972	.28	20,028	2.84	22,000	3.12
1888	(1)	2,070	(1)	20,148	(1)	22,218	(1)

[1] Figures not available.

SUMMARY C.—*Comparative statement showing mileage operated and accidents to railway employees per 100 miles of line for the years named.*

[Compiled from figures shown in the Annual Reports of Statistics of Railways in the United States, issued by the Interstate Commerce Commission.]

Year ending June 30—	Mileage operated (single track).	Employees killed.		Employees injured.		Total employees killed or injured.	
		Number.	Per 100 miles of line.	Number.	Per 100 miles of line.	Number.	Per 100 miles of line.
1907	229,951	4,534	2	87,644	38	92,178	40
1906	222,340	3,929	2	76,701	34	80,630	36
1905	216,974	3,361	1	66,833	31	70,194	32
1904	212,243	3,632	2	67,067	31	70,699	33
1903	205,314	3,606	2	60,481	29	64,087	31
1902	200,155	2,969	1	50,524	25	53,493	26
1901	195,562	2,675	1	41,142	21	43,817	22
1900	192,556	2,550	1	39,643	20	42,193	21
1899	187,535	2,210	1	34,923	19	37,133	20
1898	184,648	1,958	1	31,761	17	33,719	18
1897	183,284	1,693	1	27,667	15	29,360	16
1896	181,983	1,861	1	29,969	16	31,830	17
1895	177,746	1,811	1	25,696	14	27,507	15
1894	175,691	1,823	1	23,422	13	25,245	14
1893	169,780	2,727	1	31,729	19	34,456	20
1892	162,397	2,554	2	28,267	17	30,821	19
1891	161,275	2,660	1	26,140	16	28,800	17
1890	156,404	2,451	1	22,396	14	24,847	15
1889	153,385	1,972	1	20,028	13	22,000	14
1888	136,884	2,070	1	20,148	15	22,218	16

SUMMARY D.—*Comparative statement of accidents to railway employees showing the number of minutes elapsing for one employee killed or injured, and the average number employees killed or injured per day, for the years named.*

[Compiled from figures shown in the Annual Reports of Statistics of Railways in the United States, issued by the Interstate Commerce Commission.]

Year ending June 30—	Employees killed.			Employees injured.			Total employees killed or injured.		
	Number.	Number minutes elapsing for one killed.	Average per day.	Number.	Number minutes elapsing for one injured.	Average per day.	Number.	Number minutes elapsing for one killed or injured.	Average per day.
1907	4,534	116	12	87,644	6	240	92,178	6	252
1906	3,929	134	11	76,701	7	210	80,630	7	221
1905	3,361	156	9	66,833	8	183	70,194	7	192
1904	3,632	145	10	67,067	8	183	70,699	7	193
1903	3,606	146	10	60,481	9	166	64,087	8	176
1902	2,969	177	8	50,524	10	138	53,493	10	146
1901	2,675	196	7	41,142	13	113	43,817	12	120
1900	2,550	207	7	39,643	13	108	42,193	12	115
1899	2,210	238	6	34,923	15	96	37,133	14	102
1898	1,958	268	5	31,761	17	87	33,719	16	92
1897	1,693	310	5	27,667	19	76	29,360	18	81
1896	1,861	283	5	29,969	18	82	31,830	17	87
1895	1,811	290	5	25,696	21	70	27,507	19	75
1894	1,823	288	5	23,422	22	64	25,245	21	69
1893	2,727	193	7	31,729	17	87	34,456	15	94
1892	2,554	206	7	28,267	19	77	30,821	17	84
1891	2,660	198	7	26,140	20	72	28,800	18	79
1890	2,451	214	7	22,396	23	61	24,847	21	68
1889	1,972	266	5	20,028	26	55	22,000	24	60
1888	2,070	255	6	20,148	26	55	22,218	24	61
Total	53,046			812,181			865,227		
Average		214	7		16	111		15	133

ANALYSIS OF SUMMARIES.

Summary A.—The first summary presented shows the number of railway employees killed, the number injured, and the total casualties for 20 years from 1888, the first year after the establishment of the Interstate Commerce Commission, to 1907, inclusive. During this period 53,046 employees lost their lives at the post of duty and over 800,000 employees were either maimed or crippled. The total casualties numbered 865,227, an average for the 20 years covered of over 43,000 a year. The per cent column is introduced to facilitate comparison of the years given with the total figures for the entire period.

Summary B.—The next summary shows the number of employees in service and the proportion killed and injured. The falling off in the number employed, as indicated by the figures for the years 1894 to 1898, was due to the panic of 1893, and reflects one of the economies introduced by the railway managements during the hard times following this financial crisis. The per cent column for employees killed clearly indicates the constant recurring death risk of the railway employee. There is hardly any perceptible fluctuation of this ratio for the years shown, and means approximately that 1 employee out of every 400 in service was killed each year. The proportion of injured has gradually increased each year until for 1907, the last year covered, the 5.24 per cent given indicates that 1 employee out of every 20 in service is injured, or that an employee in the service of a railway for 10 years has an even chance of being injured.

Summary C.—This summary, showing the mileage operated and the number of employees killed and injured per 100 miles of line, reflects from another angle the constant recurring death risk year after year. The number injured increases each year in a greater ratio than the mileage operated, and apparently substantiates the results shown by the injured column of Summary B.

Summary D.—The last summary presented shows the number of minutes elapsing for each casualty and the average number of casualties per day. Approximately in every seven minutes of every hour of every day for the last four years named 1 employee was killed or injured. During the 20 years covered the average was 1 killed or injured for every 15 minutes of this entire period. The average killed each day for the whole period covered was 7 and the average injured 111.

EQUIPMENT MORE VALUABLE THAN HUMAN LIVES.

The necessary factors of railroad operation are sentient and insentient—human beings and the tools and materials with which they work. Both are subjected to wear and tear; both are wasted in the performance of their functions. The railroads bear the expense of repairing and replacing the waste of their insentient instruments of operation—the wear and tear of roadbed and track, bridges and buildings, locomotives and cars—but for the 865,227 men killed and injured in 20 years they have no concern. The waste of human life and limb, the wear and tear of that active, intelligent army of human beings whose labor alone makes their operation possible is not a necessary item in the expense account of railroads.

As was said by Prof. Bushnell in a recent thought-provoking article calling attention to the alarming increase in the number of abnormal dependents in the United States:

"Soldiers suffer because they are professional destroyers, but members of this great industrial army are struck down every year in this country because they are producers. This is the price they have to pay for the privilege of earning their bread in serving civilization."

It is to the credit of President Roosevelt that he has perceived the essential injustice of this situation and has earnestly endeavored to correct it, not alone by advocating the passage of employers' liability and workmen's compensation acts, but by insisting upon a rigid enforcement of Federal statutes calculated to reduce the number of accidents, as well as pointing out the need of strengthening or supplementing such legislation in the interest of greater safety.

The keynote of this effort was struck by the President in his Georgia day speech at Jamestown, when, on June 10, 1907, in discussing the question of industrial accidents, he said:

"Legislation should be had, alike from the Nation and from the States, not only to guard against the needless multiplication of these accidents, but to relieve the financial suffering due to them. * * * It is neither just, expedient, nor humane, it is revolting to judgment and sentiment alike, that the financial burden of accidents occurring because of the necessary exigencies of their daily occupation should be thrust upon those sufferers who are least able to bear it, and that such remedy as is theirs should only be obtained by litigation which now burdens our courts."

Directly, this would affect a very small portion of the community. The freight charges might affect a still larger portion of the community, but, at all events, it is proper that the community which indirectly causes the railways to be so inhuman to the fellow citizens of us all should permit a recoupment, because in the last instance the people at large pay for the maimed and injured. They do this by taking care of those survivors of those thousands of railroad men whose families have fallen in the scale of life, who therefore will breed inferior children, who, in some form or other, contribute to the asylums and the jails, because there is no hope for the unfit and the injured. The vast army of hoboes and tramps, in many instances, is recruited from persons who have been blacklisted because they testified against the railway company on the trial for a fellow servant or have dared to raise their voices for the betterment of their and their fellow workers' conditions. (Adair *v.* United States, 208 U. S., 161.)

Coxey's army, ridiculous in its way, was a silent and peaceful protest, which some day may become of entirely a different character unless the persons who compose the hobo army are decreased. These hoboes, in part, were persons who were blacklisted by the corporations because of various things which they had done which affected the carriers; and nothing offends the carriers so much as to have a man go on the stand and bear witness against what they consider their rights in favor of an injured fellow employee.

INTERSTATE COMMERCE—ITS REGULATION.

It is characteristic of the workings of a democracy that no coherent plan of regulation is carried out in the beautiful unital way characteristic of bureaucracies. To some extent this is to be regretted, but it is more important that people should be free and make their mistakes than that they should be well governed and simply the slaves of their own servants.

Heretofore our attempts at the regulation of interstate commerce have been principally in the direction of reducing the inequalities of service; attempting to enforce just rates and giving localities an opportunity to protest against discrimination and manifest favoritism. The attempts of the Government to pass an employers' liability bill have been stricken down by the Supreme Court of the United States, and it does not become me, who has once administered justice, to criticize the action of our Supreme Court.

The object of my bill (H. R. 16739), printed hereinafter, is to do away with the necessity or the possibility of any such construction as has been put upon the acts of Congress in the case of Howard *v.* The Illinois Central and Brooks *v.* The Southern Pacific, commonly called the "employers' liability act decision." It is a significant fact that the property rights of the carriers are protected; that in the Debs case the Supreme Court found warrant to preserve the movement of postal cars, freight trains, and passenger coaches; that in Lennon's case a man was fined for refusing to haul an empty car lying on a sidetrack, although it was claimed to be a part of the interstate commerce of the country, while in the Johnson case below (117 F. R., 462) Judge Sanborn—of the same circuit court of appeals which decided the Cordage case against Miller—held that a dining car lying at a way station in Utah not equipped in accordance with the safety-appliance act was not subject to the safety-appliance act. The Supreme Court remedied the construction of the law in that particular case, but could afford no proper justice, for Johnson has not received any damages as a consequence of eight years of litigation, and finally was paid a small sum by way of settlement. Whenever a strike is threatened the carrier invokes the Federal character of the commerce and the persons involved go to jail (re Debs); when a receivership is asked for and a strike is threatened, the Federal character of the court having jurisdiction protects the commerce, and the person inciting to a strike is fined for contempt (re Phelan).

RECURRENCE OF INJURY.

This is in exceptional cases. Strikes do not take place every day. Riots, such as were claimed by the railways to have been caused by the

American Railway Union in Chicago, are not of daily occurrence, but the movement of freight trains and of passenger equipment is of hourly and daily occurrence to an extent undreamed of by a person who has not watched it, and when in this regularly recurring series of movements of trains one man is killed or injured every seven minutes of every hour of every day and night, his children are left to starve; his widow may be forced to sell all she possesses; the standard of life of four to six people is lowered and an American family is put on the "bum" while the courts for 8 or 10 years are blocked with wrangle of counsel and the pounding out of new distinctions of a law which is archaic, which was unfair when created, and which has become disastrously reactionary when enforced at the present time under modern industrial conditions. The systematized injustice, the denial of justice caused by the enforcement of antiquated laws—laws which the English, who originated them, have long since discarded as inept, as dangerous to their commercial progress—are retained by us as bulwarks of corporate resistance to social betterment and civilizing uplift.

We talk of the enlightenment of the American. We find it necessary to support missionary societies to carry the Gospel to heathen countries. We send thousands of school-teachers to the Philippine Islands; we send battleships to Asia Minor to protect American colleges against the outrages of the Turk, when it is a fact that America and Turkey stand preeminent in this, that no Federal or national compensation acts prevail in either Turkey or the United States, and that on the rest of the Continent the theory which formerly prevailed in England and which now prevails in these United States has been utterly discarded, abolished, and cast aside as antiquated and unfair, as antisocial, as un-Christian, and as dangerous to the modern industrial state.

The tendency of modern civilization in standardizing all things that are in daily use, in fixing the thread on the screw so that the screw that is turned out in Manchester or in Pittsburgh will fit; that the bolts which are put in the bridge at the bridge works in Pittsburgh will fit when laid down on the great bridges across the Nile at Atbara, require such close calculation that commercial progress and national efficiency in the last instance depend upon the perfection of the ways of communication. The country whose railroads, canals, and waterways are most efficient will ultimately win. The size of the country and its resources are nothing as compared with its efficiency. Its efficiency depends directly upon the ease with which the forces necessary to handling the commerce are recruited. Consequently, in a country so vast as ours, where in many instances the only highway known to two generations has been the railway, success depends directly upon the efficiency of this method of communication.

When, therefore, whole classes of citizens have been crushed out, thrown aside as scrap, the feeling of resentment against the carrier harms its efficiency and thereby hurts the national thrust forward in international commerce. For every pensioner that the United States Government maintains in every hamlet and wayside station, we may be assured that the broken families and wrecked men and the memories of some uncompensated loss feed an undying dislike, hatred, or malignant hostility to the great and necessary railways of the country, and indirectly against the country that has permitted 865,227 men killed or injured to be cast aside as scrap without prompt, permanent, and just compensation. The excuse has been the country was growing and we had no time to regard these problems.

A democracy can only take up one or two things in a generation and settle them, but the time has come, Mr. Speaker, when it becomes necessary for us to seriously weigh the danger of permitting corporate cupidity to continue a system of licensed butchery and murder, of permissive breaking up of families, of degrading the standard of American citizenship, infinitely worse than the slavery which was broken up 40 years ago, because that was confined to a small group, which inevitably was bound to come to encounter the economic progress of the rest of the world, restricted in area, whereas our present system, if continued, will inevitably lead to a growth of a feeling that a class, comprising a million and a half of men, consequently seven and a half million of American citizens, is being discriminated against, while the freight that they move and the passengers that they haul are to obtain the most favorable consideration at the hands of this body.

Germany, and in Germany preeminently Prussia, blazed the way. Germany was followed by England, New Zealand, and Bohemia. The social legislation of these countries stands forth as a great step forward against the antisocial theories with which we are still burdened. Their progress has in no small degree been caused by the efficiency of their workmen, and this, again, is the consequence of the compensation acts, in all their various forms and developments, which these countries have forced upon the Continent. They have forced this upon the Continent, not by the force of arms. The "blood and iron" policy of Bismarck ended when he had thrown France prostrate, and he turned his huge energy to the building up and repairing the ravages of war and making a fact that which the constitution of 1871 had held out to the various German tribes—a unified Germany. Politically this was accomplished very soon; economically the Germans, after the French war, were little better than their ancestors in the thirties or forties in this country; and the modern development of Germany has been caused in no indirect measure by the hearty cooperation of master and servants in every industry. This cooperation is due directly to the necessity of master and servants working together, and this working together was brought about by the necessary machinery called forth in the various compensation acts.

Based on the statistical material obtained from very large and thousands of small cities, Dr. Richard Freund, president of the Invalid and Old Age Insurance Co., of Berlin, in 1895 published a summary on an investigation of the question as to what manner the modern social legislation has affected the problems of poor legislation and the care of the poor. This was published in the Twenty-first Book of the German Society for Poor Relief and Beneficence. It is based on exhaustive statistical material and specially prepared interrogatories. Any Member who cares to read it can obtain it from the Library of Congress, and can find on page 83 the following summary of this statistical publication. He says:

"Even if the time within which the effectiveness of the labor insurance laws has been under observation has been much too short to permit a statement that the influence thereof upon public care of the poor should have completely shown its effect (especially since very unfortunate economic conditions in the last year have disturbed the statistical problem), still we may say that now there is a mighty effect to be recognized, and this although in many cases the organizations charged with administering the laws have not given the attention which is required to work out the statistical effects.

"The administration of care of the poor has been relieved in an important measure from the necessity of taking care of all by labor insurance. The labor insurance laws have in a great measure relieved the laboring population from the necessity of applying for poor relief.

"Labor insurance has done more than this. It has raised the standard of life of the lower classes of population in this short time, and has exercised such a mighty influence that the poor relief, bound to take cognizance of these facts, could use the resulting savings through strengthening and expansion of its services, nay, was forced to expend moneys beyond that."

In a summary of Fifteen Years of Social Legislation the president of the federal insurance office of the German Empire (twenty-eighth volume, Yearbook for Legislation, 1904, published by Schmoller), beginning on page 529, in an article on the progress of the German labor insurance in the last 15 years, states, on page 553, that 10.3 million persons were protected by sick insurance; 19.1 million persons were protected by accident insurance; 13.04 million persons were protected by invalidity insurance, for which purpose annually over 550,000,000 marks (over $131,000,000) were collected, and for whom up to the close of 1903 over 4,000,000,000 marks (nearly $1,000,000,000) were expended; a capital of 1,500,000,000 marks (nearly $400,000,000) were gathered and nearly 400,000,000 marks (nearly $100,000,000) were loaned out by the invalidity insurance associations of their employees, for building and loan associations, farmers' banks, erection of hospitals, sanitaria, tuberculosis homes, and other public and quasi-public institutions, for the purpose of raising and improving the conditions of the German working classes.

The Continent followed the Prussian and German system of social legislation, because it found that the betterment, while not directly quantitative, proved to be an absolute qualitative betterment and showed itself in the efficiency of those persons for whom social care was provided by the State.

In the convention of New York, in 1821, William L. Marcy, afterwards Secretary of State, said, in speaking of the growth of the idea of popular franchise, which was growing toward universal manhood franchise, that "Once having been granted, it could never be taken away, save by the force of bayonets."

And so the conditions of the modern workingman, who reads his paper, who sees that in times of prosperity inordinate profits are reaped from the movement of commerce of the country by those who control a very small majority of a still smaller holding company of a great system of railways; that his condition is no better than that of a wage slave, because the wages are paid to him in not sufficient quantity nor with sufficient regularity to allow him to take a share and lay it aside for labor insurance, or care of himself or his family in his old age; this man, I say, Mr. Speaker, is bound to ask us, his representatives, why it is that the Germans, English, French, Austrians, Spaniards, Italians, in their native land, are taken care of by Governments which we are taught to look down upon as monarchical, as bureaucratic, as inefficient, while in this country—the country of the free, the only true freedom—an injured workman has to "sue his company and be damned."

Sooner or later, Mr. Speaker, the railway employees will demand not that something be done for them by the Nation, but that their employers be directly forced to give them the compensation sought to be enacted in my bill H. R. 16739. I am not afraid of the charge that this is an entering wedge into the entire system of labor conditions. I want it to be an entering wedge.

The Congress of the United States can not legislate for coal mines in Utah, Pennsylvania, or West Virginia, for silver mines in Arizona, for the salt works in New York, or for the numerous trust-owned steel mills of Pittsburgh and Chicago; these are within the police powers of the respective States; but the commerce of this country—which is protected by the decision of the Supreme Court in the Debs case and all similar cases wherever the workingmen struck to better their conditions and where hoboes and rowdies burned cars and impeded the progress of the mails—has been taken charge of as being within the regulative power of Congress, and it is our duty not only to protect the commerce, but the human beings, our fellows, who make it move; it is our duty to pass all legislation which makes for its efficiency and which will keep us abreast of the times. The times are changing. The conditions which possibly were fair when 17 railways handled the freight from New York City to Buffalo have become unfair when the traffic from New York to Chicago, a distance of 996 miles, is handled under unital control. The master can have no idea of the details, is not responsible, as a matter of fact, for the employment, and can not exercise any supervision or selection of the employees in handling this traffic; and yet an employee running a locomotive for 40 years, careful and experienced, diligent and honest, faithful and loyal to his company, if wrecked through the stupidity of a telegraph operator or the untoward accident over which he had no possible control, is put to the proof of showing that he was free from negligence. If he is killed, his widow has the burden of proof to show that the engineer who ran into an open switch or whose locomotive was wrecked in a smash-up with a freight train, over which the engineer had no control, and was without any blame, yet under prevailing conditions she should have no effective compensation except after 8 or 10 years' wrangle, trickery, and litigation, while the railway mail clerks in the postal cars, the persons in the sleepers, or passengers who are behind the locomotive obtain fair compensation for their injuries.

On a troop train rushed forward under the requirement of the act to regulate commerce, which provides (sec. 6, lines 8–13, p. 12) "that in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic" the only persons not compensated in a fatal wreck would be the trainmen, engineers, and firemen, who are doing the work, while the taxpayers would pay pensions or compensation to every officer, soldier, and other military person enlisted to destroy and wreck property.

For a period of years the Government, to its credit, be it said, has authorized the payment of a small sum ($1,000) for every Railway Mail Service employee killed or dying of injuries contracted in the service within one year.

In other words, we have recognized the inevitable and constantly recurring danger and have taken the initial step in the right direction of compensation. The Government has to that extent, in carrying out the recommendations of the President in respect to this bill (H. R. 21696, a bill granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment), only extended the operation of former acts.

A combination of conditions such as I have sketched out, and which are within the knowledge of every Member in this House, can not but lead to a decrease of national efficiency. And this national efficiency, as I have tried to show, affects the international standing of the community. The maimed and killed, their widows, their deceased children, must be taken care of by societies or almshouses or by the community at large in an inefficient manner, when the direct burden which they

had assumed is our burden, and we should bear it as a necessity. Ultimately we must bear it in some form. Is it not better and more honest to bear it directly and to make that enterprise as an entity which causes these injuries—crippled and maimed and killed, American citizens all—pay proper and timely compensation for the damage fully and as fairly as they pay for repairs to locomotives, headlights to their engines, new equipment, and general replacement?

The Republican Party has been in control of the Government for 40 years. A very small period of this time excepted, it has controlled the Presidency, the Senate, and this House. In all that period of time the argument has been used that the burdens of the protective tariff were proper and necessary for the purpose of affording to the American workman a higher standard of living and more just compensation. I do not take any credit for not using the present condition of economic slowing down as a weapon for pointing out to the majority of this House the unfairness in not having given compensation to the employees. The solution of the problem is new. We have had other problems to deal with heretofore, and, as I have said, it is characteristic to solve one problem at a time.

I shall on another occasion insert as part of my remarks certain portions of W. J. Ashley's book on the progress of the German working classes in the last quarter of a century (1904), which show that Bismarck's commercial and social policy raised the standard of living and increased the efficiency of the German working classes to an immense degree and made possible the tremendous economic progress of Germany throughout this period as a consideration for the burdens and injustice of a moderate protective tariff.

THE LEGALITY OF THE PROPOSED LEGISLATION.

At the outset of this argument I stated that the system under which employees are bound to sue for damages virtually amounts to a denial of justice.

The greatest draftsman that England ever produced—the cardinal legate, Stephen Langton—forced King John to promise that he and his successors would no longer sell or deny justice to any man and that the law of the land should be applied to every man's grievances.

Our Constitution forbids, in the first eight amendments, the Congress to do certain things. The fourteenth amendment forbids the States abridging the rights of citizens or denying them the benefit of due process of law. The leading case, in which all the previous decisions were reviewed, Holden *v.* Hardy (169 U. S., 380), summarizes the decisions so clearly that all I shall do is to briefly refer to it.

"In the courts of England"—Mr. Justice Brown said—"while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them to conform to the wishes of the citizens as they may deem best for the public welfare, without bringing them into conflict with the supreme law of the land.

"Of course, it is impossible to forecast the character or extent of these changes, but in view of the fact that from the day the 'Magna Charta' was signed to the present moment amendments to the structure of the law have been made with increasing frequency it is impossible to suppose that they will not continue and the law be forced to adapt itself to new conditions of society, and particularly to new relations between employers and employees as they arise."

Although this case affected the mining laws of the State of Utah, yet its reasoning is, I believe, apt to this discussion, when we remember that under power to regulate commerce Congress is absolutely supreme, in so far as the power is sought to affect the relation of the carrier and its employees who are engaged solely in interstate commerce establishing and maintaining post routes.

Very little attention has been given to the power of the Government to refuse to contract for the carriage of the mail with any carrier who might refuse to abide by the provisions of an act like my bill (H. R. 16739). But if the people demand some form of a railroad men's compensation act its terms could be embodied in every contract for handling and hauling the United States mail and the protection afforded by the Revised Statutes withdrawn from any carrier who refused to accept and abide by its provisions.

On page 390 the court states:

"Recognizing the difficulty in defining with exactness the phrase 'due process of law,' it is certain that these words imply a conformity with natural and inherent principles of justice and forbid that one man's property or right to property shall be taken with any other, or for the benefit of the State, without compensation, and that no one shall be condemned in his person or property without an opportunity of being heard in his own defense."

On page 392 the court quotes, with approval, the following extract from the opinion of Chief Justice Shaw, in Commonwealth *v.* Alger, 7 Cushing, page 53, at page 84:

"Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment as shall prevent them from being injurious and to such reasonable restraints and regulations established by law as the legislature under the governing and controlling power vested in them by the Constitution may think necessary and expedient."

The court states that the power to regulate dangerous industries is necessarily inherent in every form of government, although prior to the adoption of the Constitution but sparingly used in this country:

"As we were even then almost purely an agricultural country, the occasion for any special protection to a particular class did not exist. Certain profitable employments, such as lotteries and the sale of intoxicating liquors, which were then considered to be legitimate, have since fallen under the ban of public opinion and are now almost altogether prohibited or made subject to stringent police regulations.

"But in the vast proportion in which these industries (the business of mining coal and manufacturing iron) have since assumed, it has been found that they can no longer be carried on with due regard to the safety and health of those engaged in them without special protection against the dangers necessarily incident in these employments. In consequence of this, laws have been enacted in most of the States designed to meet these exigencies and secure safety to persons peculiarly exposed to these dangers."

The court then instances ordinances and regulations of various kinds guarding hatches, stairways, elevator shafts, and employment of sanitary appliances, protecting persons against fire in theaters, hotels, factories, and other large buildings, and in the case of the mining industry stating the special provisions made for the shoring up of dangerous wheels, ventilation shafts, signaling to the surface, supplying fresh air, and the elimination as far as possible of dangerous gases, limiting the number of persons permitted to enter the cage, the covering of the cages, and the provision for fences and gates around the top of the shaft, besides other similar precautions.

These statutes, one and all, have been held constitutional within the various States, although imposing on the various industries necessary burdens, on the theory that the State at large was the guardian of those who industrially were unable to contract for their own safety, and that it was necessary to provide against their own greed, as well as the exploitation of their masters or employers.

In this great case the Supreme Court well said, in speaking of the argument that the freedom of the laborer to contract had been infringed upon (p. 397):

"The argument would certainly come with better grace and greater cogency from the latter class, but the fact that both parties are of full age and competent to contract does not necessarily deprive the State of the power to interfere *where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself.* [My italics.]

"The State still retains an interest in his welfare, however reckless he may be. The whole is no greater than the sum of all the parts, and when the individual health, safety, and welfare are sacrificed or neglected the State must suffer."

It might be assumed that this argument should apply with stronger cogency to the enactment of an employers' liability bill than it would to the remarks which I am addressing to this House in the matter of the compensation act.

The sad experience of every person who has studied the enforcement of employers' liability acts, factory acts, or safety-appliance acts, of every form of palliative legislation except a compensation bill, *forces one by a process of exclusion to rely upon the enactment of a compensation act as the only method whereby adequate relief can be given to those who have heretofore been judicially disinherited* and have been made to feel the strong arm of the law in a peculiarly atrocious method of whittling away the rights sought to be conferred upon them by State or national legislation. I take the credit for my bill (H. R. 16739) as the first Federal general-compensation bill.

THE ULTIMATE VALIDITY OF THE PROPOSED ACT.

It would be futile for me, Mr. Speaker, to have entered on this discussion were I not convinced that ultimately some legislation such as my bill (H. R. 16739) proposes to enact will become the law of this land, and that those who now scoff at its provisions will be the most earnest upholders of the new industrial conditions, of the social betterment and improved civilization, of which it, in its incipiency, is the forerunner. The act to regulate commerce was enacted in 1887, yet people are apt to forget that as far back as 1871 a bill of like character was introduced, and that the first step toward an attempt to force the carriers engaged in interstate commerce to submit to Federal regulation was introduced by Senator Sumner, of Massachusetts, in 1865. Progress in a country like ours is necessarily slow. Besides overcoming the natural timidity of capital, we must convince the Supreme Court of the United States that in the last instance it is a proper, lawful, and civilizing effort to raise the conditions of the persons who may be living in this great country under and pursuant to the Constitution.

The employers' liability act was declared unconstitutional by a majority of one. Five judges were in favor of declaring its provisions repugnant to the Constitution; four judges, on various grounds, dissented. When in the last analysis a statute is held unconstitutional on so narrow a margin, and when its advocacy and framing has had the benefit of the best legal talent in this House and in the other Chamber, it is proper to refer with respect to an opinion handed down by one judge below, whose opinion was not directly appealed from in the cases before the Supreme Court and whose reasoning has never been assailed in any court whatsoever. In the Circuit Court of the United States for the Eastern Division of the Southern District of Georgia, Hon. Emery Speer decided on the 25th of March, 1907, the case of Lucy Snead, administratrix, *v.* Central of Georgia Railway Co. In the course of his opinion that eminent judge said:

"The steamboats plying the lower river were thus forbidden access to its wharves. The National Government since its organization had been silent. It finally thought proper to act. The railroads were then informed that unless suitable drawbridges were constructed so that steamers might pass through unhindered their bridges would be removed. *In other words, the dormant power of the Constitution was aroused, and the railroads, the creatures of the State, whose action had been theretofore lawful, turned the listening ear and caught the words of that mandate and swiftly obeyed.* [My italics.]

"The creation of the Interstate Commerce Commission, the enactment against arbitrary and discriminating rates, of the antitrust law forbidding combinations in restraint of trade, held directly applicable to railroads, even though chartered by the States, the law denouncing rebates and forbidding passes in interstate traffic, the law forbidding a railroad engaged in such commerce from dealing in commodities like coal, which it transports (Railroad *v.* I. C. C., 200 U. S., 361)—all such legislation culminating in the power exercised by the most recent enactment, intrusting the commission, which is the agent of Congress, with the power to fix rates, and the bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, enacted in the closing hours of the last session, are familiar illustrations of the exercise of the right and power of Congress to control such commerce. It is not difficult to foresee that this power may speedily be extended to reach and to paralyze the action of those daring financiers who water the stock of corporations engaged in interstate traffic, and who by this perilous expedient not only compel the public to pay interest upon evidences of fictitious values thus created, but endanger the stability of all business by the panics they engender and the calamities they threaten. In the meaning of the commerce clause, it is thus made clear that the words 'to regulate' impart the right and power to enact laws, and not merely to make rules and regulations. The necessity for such right and such power, more than all things else, contributed to the very establishment of the Government of the United States itself."

Although argument in that case was specifically directed to the contention that the interference by courts was unlawful in so far as it tried to establish a liability in favor of employees against their employers, and that it might affect in a contingent or casual way the relation of intrastate carriage, yet in the wider scope which this bill proposes to enact it seems to me that it enforces the general arguments to a very great degree.

Judge Spear well says, speaking of the employers' liability act:

"The law itself deserves the approbation of the entire country. Its incentive to carefulness on the part of those who control railways will be immeasurable. It will bring to many an honest, fearless heart the consciousness that he and his loved ones are insured against the folly and negligence of his fellows, whom he can not control. Had it been of

force in the past, thousands of our countrymen who are sleeping in untimely and tragic graves might now be leading useful lives, and many additional thousands who now spend the interval of life which remains to them in the mortification of mutilation and in its incurable suffering might now be happy and well. Surely at a period when every day brings its story of crashing and murderous collisions, of derailed and shattered trains, the long catalogue of the slain, the mangled, and dismembered, such efforts on the part of the Government to extend its protecting care around its people, employed in its mightiest interest, should not be lightly discredited. The philanthropy and statesmanship which prompted it are not undeserving of such a eulogium as that pronounced by Macaulay on the philosophy of Bacon:

"'It has lengthened life; it has mitigated pain; it has extinguished diseases; it has increased the fertility of the soil; it has given new securities to the mariner; it has furnished new arms to the warrior; it has spanned great rivers and estuaries with bridges of form unknown to our fathers; it has guided the thunderbolt innocuously from heaven to earth; it has lighted up the night with the splendor of the day; it has extended the range of the human vision; it has multiplied the power of the human muscles; it has accelerated motion; it has annihilated distance; it has facilitated intercourse, correspondence, all friendly offices, all dispatch of business; it has enabled man to descend to the depths of the sea, to soar into the air, to penetrate securely into the noxious recesses of the earth. * * * These are but a part of the fruits, and of its first fruits. For it is a philosophy which never rests, which has never attained, which is never perfect. Its law is progress. The point which yesterday was invisible is its goal to-day and will be its starting post to-morrow.'"

The Supreme Court of the United States on May 18, 1908, handed down its decision in St. Louis, Iron Mountain & Southern Railway Co. against May Taylor, as administratrix of George W. Taylor.

The case had been tried twice in the State courts, and eight years after Taylor's death the Supreme Court reversed the judgment obtained against the carrier; but the court laid down in its opinion a salutary rule, which is applicable to the principle of my compensation bill (H. R. 16739). Here is what the court said (my italics and small capitals) in that case which, with Holden against Hardy (cit. ut supra), gives my bill (H. R. 16739) its constitutional justification:

"In deciding the questions thus raised, upon which the courts have differed (158 Fed., 931), we need not enter into the wilderness of cases upon the common-law duty of the employer to use reasonable care to furnish his employee reasonably safe tools, machinery, and appliances, or consider when and how far that duty may be performed by delegating it to suitable persons for whose default the employer is not responsible. In the case before us the liability of the defendant does not grow out of the common-law duty of master to servant. The Congress, not satisfied with the common-law duty and its resulting liability, has prescribed and defined the duty by statute. We have nothing to do but to ascertain and declare the meaning of a few simple words in which the duty is described. It is enacted that 'no cars, either loaded or unloaded, shall be used in interstate traffic which do not comply with the standard.' There is no escape from the meaning of these words. Explanation can not clarify them and ought not to be employed to confuse them or lessen their significance. The obvious purpose of the legislature was to supplant the qualified duty of the common law with an absolute duty deemed by it more just. If the railroad does, in point of fact, use cars which do not comply with the standard, it violates the plain prohibitions of the law, and there arises from that violation the liability to make compensation to one who is injured by it. It is urged that this is a harsh construction.

"To this we reply that, if it be the true construction, its harshness is no concern of the courts. They have no responsibility for the justice or wisdom of legislation, and no duty except to enforce the law as it is written, unless it is clearly beyond the constitutional power of the lawmaking body. It is said that the liability under the statute, as thus construed, imposes so great a hardship upon the railroads that it ought not to be supposed that Congress intended it. Certainly the statute ought not to be given an absurd or utterly unreasonable interpretation leading to hardship and injustice, if any other interpretation is reasonably possible. But this argument is a dangerous one, and never should be heeded where the hardship would be occasional and exceptional. *It would be better, it was once said by Lord Eldon, to look hardship in the face rather than break down the rules of law. But when applied to the case at bar the argument of hardship is plausible only when the attention is directed to the material interest of the employer to the exclusion of the interests of the employee and of the public. Where an injury happens through the absence of a safe drawbar there must be hardship. Such an injury must be an irreparable misfortune to some one. If it must be borne entirely by him who suffers it, that is a hardship to him. If its burden is transferred, as far as it is capable of transfer, to the employer, it is a hardship to him.* IT IS QUITE CONCEIVABLE THAT CONGRESS, CONTEMPLATING THE INEVITABLE HARDSHIP OF SUCH INJURIES, AND HOPING TO DIMINISH THE ECONOMIC LOSS TO THE COMMUNITY RESULTING FROM THEM, SHOULD DEEM IT WISE TO IMPOSE THEIR BURDENS UPON THOSE WHO COULD MEASURABLY CONTROL THEIR CAUSES, INSTEAD OF UPON THOSE WHO ARE IN THE MAIN HELPLESS IN THAT REGARD. SUCH A POLICY WOULD BE INTELLIGIBLE, AND TO SAY THE LEAST, NOT SO UNREASONABLE AS TO REQUIRE US TO DOUBT THAT IT WAS INTENDED AND TO SEEK SOME UNNATURAL INTERPRETATION OF COMMON WORDS. We see no error in this part of the case." * * *

I also desire to embody in my remarks a copy of my speech on this subject which I delivered on June 6, 1910:

Mr. Speaker, I appreciate the spirit which prompts the objections of the gentlemen to the passage of this resolution. Personally I am very much opposed to the creation of commissions which require large appropriations of money to conduct investigations which result usually in voluminous reports of no consequence. However, I am hopeful that I can convince the gentlemen of the vital importance of the creation of the commission which is proposed under this resolution.

This resolution, proposing the creation of a commission to make a thorough investigation of the subject of employers' liability and workmen's compensation, is the result of a number of hearings had before the Committee on the Judiciary on my workmen's compensation bill, H. R. 1. I would much rather have preferred that the committee would have seen fit to report my bill favorably to this House instead of this resolution.

However, it is the desire of the committee to secure more information and knowledge on the great principles of "workmen's compensation," which are the basic principles of my bill. It is therefore out of the question to secure a favorable report of my bill at this session, and I have but one alternative and that is to accept this resolution in lieu of a favorable report on my bill. No matter what the personnel of the proposed commission under this resolution will be, I am firm and positive in my belief that it will be forced by the righteous and just principles involved in my bill to recommend its passage and enactment into law. Of course it will delay the legislation proposed by my bill for some time, but I am hopeful that the day is not far distant when my efforts and labors for a workmen's compensation act by this Congress will become a part of the statute law of the United States.

I do not contend that the creation of this commission is indispensable, but it is in line with the investigations which are being conducted in the States of Illinois, New York, Minnesota, and Wisconsin since the introduction of my first bill on the subject of "workmen's compensation" in Congress. The objection on the part of the gentlemen relative to the fact that there is no limitation as to the cost of the proposed investigation on this subject, which will result in a great benefit to thousands of our fellow beings, can easily be overcome. I had nothing to do with the drafting of the resolution, and it seems to me that my colleague, who introduced it, was of the opinion that the cost would be decided upon by the House. I am satisfied that the gentlemen from Arkansas and Minnesota would not object to an honest, fair, and impartial investigation of the principles of my bill, even if the cost to do so would reach the sum of $100,000.

Now, Mr. Speaker, I desire to engage the time and attention of the Members of this House upon my bill, the subject matter of which is sought to be thoroughly investigated by the proposed commission to be created under the resolution.

On February 3, 1908, I introduced a workmen's compensation bill, which was the first measure of its kind embodying the principles of workmen's compensation for injuries brought before Congress. Only a limited number of Members of the House had at that time any adequate knowledge of the principles upon which my bill was based, how far-reaching it was, and the great benefit that would result from its enactment into law in the cases of workmen engaged in hazardous employments to which the regulative power of Congress applies. The bill would ameliorate the terrible plight of thousands of families who are annually deprived of either a father or son, who in nearly every instance is the chief support and breadwinner of the family, through the inexorable drain on human life which is annually sacrificed in dangerous and hazardous employments which commerce and industry claims. The dependent survivors—the unfortunate widows and orphans—are thus cast upon the community as indigents, and in spite of such bitter charity which might come to them in the wake of their bereavement they are obliged to endure and suffer indescribable hardships, misery, and want, due to the fact that under our present system of jurisprudence no adequate, just, and timely relief is afforded them, and in their sad affliction the law shifts upon them the entire burden, risk, and responsibility in all industrial accidents. For ought the law cares they might perish from the pangs of hunger. And all this actually happens, is permitted, and even sanctioned in what we proclaim and maintain to be the most enlightened country in the world; and, as admitted by everyone, the richest and wealthiest of all countries—in short, a country of plenty. These pitiful conditions resulting from commercial and industrial accidents are primarily due to the indifference and neglect of our legislators in the States, as well as in this and the other House of Congress. Still I am satisfied that if a majority of the Members would see for themselves the hardship, misery, and want to which these unfortunate people are subjected by reason of the iniquitous method of common-law procedure in personal-injury cases with respect to the recovery of damages by the plaintiffs, there would be no hesitation to pass and enact into law this bill. The justice in abrogating the antiquated doctrines of "fellow servants," "assumed risk," "contributory negligence," and kindred common-law defenses which operate almost exclusively against a recovery for the plaintiff in personal-injury suits would at once assert itself.

Following the introduction of my first "workmen's compensation" bill, I also introduced in the Sixtieth Congress H. R. 16739, H. R. 24339, and H. R. 25408, and on the first day of the first session of this Congress I introduced H. R. 1, upon which I succeeded in securing hearings before the Committee on the Judiciary; and during this session I introduced H. R. 25334, upon which I desire at this time to address you particularly. All of the bills, including the present one, are amplifications and modifications of the original bill which I introduced. By successive redrafts of said bill I endeavored to meet objections urged and pointed out to me from time to time. I believe that the present bill will stand any reasonable and fair test to which you may subject it, and I am sanguine that it will survive the close and critical scrutiny of the Supreme Court.

As I have said at the outset, there were but few Members who had any adequate conception of the problem of "workmen's compensation," and realizing and appreciating the need of legislation along this line, I commenced a campaign of publicity and education, and I have spared neither time nor expense to accomplish my purpose in this direction. I have written articles which have been published in the columns of the press throughout the country and in the magazines. I have sent copies of my bills on "workmen's compensation," together with copies of my speech upon the same, to all the governors, lieutenant governors, and to many Senators and members of the legislatures of the States of the Union; to employers' and employees' organizations; in fact, I endeavored to reach everyone whom I thought to be interested and where it would do some good. To-day I am pleased to say that my efforts were not misdirected, for a majority of the American people have become acquainted with the underlying principles of "workmen's compensation," and I say it with pardonable pride that my bill has met with the approval of a majority of the country's leading men in all walks of life, who have come to realize the vast good and great saving that can be accomplished by its enactment into law.

Since the introduction of my first "workmen's compensation bill" the subject has been taken up in this country with a determination that is bound to bring into universal favor legislation along the lines proposed in my bill. There have been held several conferences, meetings, and conventions of a civic, industrial, and legislative character, where all interests and classes were represented, to discuss and formulate plans with respect to this important question. Later on I shall take the privilege to read or include in these remarks extracts from the Tenth Annual Meeting of the National Civic Federation, held at New York City November 22 and 23 last past, the greater portion of which meeting was devoted to the discussion of "workmen's compensation" legislation and other pertinent articles and reports. In addition to discussions at various meetings and conferences held upon this subject, several States have, through their respective legislatures, appointed special commissions to investigate and report on workmen's compensation legislation. Notable among the States taking this action are Minnesota, Illinois, Wisconsin, and New York. The special commission cre-

ated by the New York State Legislature to investigate this subject transmitted a report on March 18 and recommended the enactment of an alternative workmen's compensation scheme, preserving the liberty of contract of both parties.

Undoubtedly you are all acquainted and familiar with the employer's liability legislation. In 1906 Congress passed an employer's liability law which tended to give a workman who was injured while in the pursuit of his occupation, or in the event that the injuries so sustained resulted in his death, then to his widow or dependents, a better chance to recover damages. In other words, the act improved their right of action by diminishing to a certain extent some of the defenses heretofore available; but the Supreme Court, in what are known as the Employer's Liability cases (207 U. S., 463), declared the act to be unconstitutional. During the past Congress we passed another similar law, known as the employer's Federal liability act of 1909, with a view toward meeting the objections to such legislation as were noted by the ruling of the Supreme Court on the act of 1906, and it is reported that already some of the judges hold this act unconstitutional, upon the ground that Congress is not vested with the authority and the power to enact such legislation. For argument's sake, let us say that we pass an employer's Federal liability law which the Supreme Court will finally hold to be constitutional. What will we have accomplished? We will have given approximately 100,000 railroad employees who are annually injured or killed, or to their unfortunate widows or dependents, a right of action obviating some of the defenses of the employer to personal injury suits.

In this connection I can not find a more fitting and pertinent expression than that of Hon. A. H. Gill, a member of the British Parliament, in an address to the members of the National Civic Federation, at the tenth annual meeting, on November 23, 1909, where a discussion was had on "Workmen's insurance in foreign countries," "Employer's liability in the United States," "Compensation for injured wage earners," and kindred economical topics. In the course of his address Mr. Gill said:

"I venture to say that every person who works for an employer, no matter in what occupation he is engaged, has a right to be protected in his labor from injury, so far as it is possible to be."

"The present act of Parliament [Congress] that you have in operation, the employer's liability act, does not tend in that direction. It is a similar act to what we had in operation years ago, and we found that it was difficult to get on with it. We found that it did not prevent the accidents taking place which we had a right to expect. We found, also, that it was most difficult for workmen, when they were injured, to succeed in the court in getting compensation awarded. Anything that is indefinite, anything that places a premium on the employer to get out of the difficulty, to cause him, if it is possible, or the workman, also, to suppress evidence will not bring before the public or before the courts the difficulties, the defects that exist in regard to industrial machinery; but as soon as employers find out that they have a definite payment to make for every accident that occurs, no matter how it occurs, whether it is from negligence or otherwise, you can depend upon it that those employers will begin to look around and see if they can not find some means of preventing those accidents taking place."

The present method of requiring an injured employee to sue the employer is both antiquated, vicious, and produces strife and contention instead of rendering prompt, certain, and definite justice. The suitor is subjected to meet the ancient legal fictions of "contributory negligence," "assumption of risk," and "fellow servants" forms of defenses interposed by the employer in nearly all personal-injury suits. The method which has been pursued by the courts in enforcing the strict letter of the law has brought about a feeling that an injustice is done to the employee in nearly every instance, which injustice is due, not to the administration of the law, but to the inherent injustice of the theory and its perverse construction. The litigation which is necessary to enforce the rights of these persons at common law brings out the extreme of the law, which is always injustice.

The suitors in these cases are our maimed fellow citizens or, in the event of their death, their widows or the guardians ad litem for their orphans. In no case do they stand before the court equally prepared with a great corporation which defends the action. It is absurd on the part of any person who has ever practiced even a few years in any court to say that the poor man can hire a great lawyer. His social and economic condition, his lack of relation to the great leaders of the bar, his very maimed condition or the depressed position, through the loss of a father, all prevent him or them having access to any except the ordinary lawyers, who take these cases on contingent fees. That is the average rule.

But let us assume that the injured person or the widow has the very best counsel; that they have counsel who are so impressed with their duty to the public and to the court, and so carried along by the desire to do justice that, although they have been defeated in one court, they will appeal and appeal and follow their case from the lower courts to the Supreme Court of the United States until the law ultimately says that the corporation must pay damages, all of which takes from 4 to 10 years, and I know of a number of cases that have been pending in the courts for 15 and 20 years before an entry of final judgment was had. Now, what do you think becomes of the widow in the interim? What care is taken of the children, and what has the State done to relieve itself of the duty which it owes to thousands and thousands of railway employees similarly situated all over the country? The litigation which these people are forced to undertake under the process of our common law, even if successful, is inefficacious. The fruits of the litigation are wasted in attorney's fees, stenographer's fees, printing of briefs, and costs, and to the repayment of debts necessary to maintain the family. The social standard of the survivors has been lowered or else the family has gone to pieces; the maimed man, if he has not died of his injuries, has become a tramp; the children have been taken from school; the families have been split up and separated, perhaps forever. And this litigation, which is almost tantamount to a denial of justice, these burdens and hardships, are all permitted; yes, encouraged by the State, and at its enormous cost. To-day nearly one-half of our courts are burdened with the trials of personal-injury cases, wherefore justice is delayed in all other cases pending. I am inclined to think that the cost of maintaining our courts, the salaries paid to judges, clerks, and bailiffs, jurors, witness and stenographer's fees, fees for expert testimony, printing of briefs and stationery, and other incidental expenses necessary to defray the costs of these personal-injury cases would pay a fair compensation to all the litigants prosecuting such cases.

Every one of us is sworn to support the Constitution of the United States and by inference to afford to the people, our constituents and our fellow citizens, due process of law. The Constitution is a growing and living organism and entity. It has protected commerce from the canal boat and the post rider to the steam railroad, electric traction, telegraph, and telephone; and there is no reason why the persons employed in interstate commerce should be left to remedies which were thought adequate at the time when the simple relation between master and servant was not interfered with by colossal machinery and a complicated system of industrial organization.

The theory of the American law is that the contract between the employer and his employee, called at common law "his servant," is ample to take care of the person who is injured by reason of the contract. The law, furthermore, proceeds on the theory that the damages may be sought primarily against the wrongdoer. As a matter of fact, the injured person in the complicated system inherent in our modern industrial conditions has no redress, because the person who primarily caused the wrong is financially unable to respond in damages. The law then allows an action against the master at common law on formal proof, with burden upon the person injured to show negligence, and puts the burden, as it should in all cases where negligence is the test, upon the injured employee or widow to sustain the cause of action against the master.

The reason for the rule has changed so entirely and the exceptions which have been ingrafted by the courts have become so noxious that the social problem has been overlooked or pushed aside for the benefit of legal jugglery and hair-splitting distinctions by great judges. *The administration of the law has become so refined, delicate, and neat, for the purpose of maintaining the rights of the possessing classes or corporations, that the more important question, the human question, the question of humanity and of social justice of the complainant, is utterly forgotten in the defense of vested rights.*

I do not go as far as Lewis, who states that vested rights may always be called intrenched wrongs; but I do claim that the maintenance of a rule which was harsh when it was started, which has become unjust in its operation, which, under the totally changed industrial conditions under which great operations of manufacturing, of commerce, and of interstate commerce must be carried on, becomes a pernicious and dangerous form, because under the guise of administering mistaken and inept theories of law it brings about a denial of justice and induces a feeling of distruct for the courts which it is hard to overcome.

The courts will say that the laborer is free; that he chooses his occupation; that if he takes up a dangerous occupation, he takes the risk—he does it with his eyes open; he is compensated for it; and that his wages, in part, may be used, if properly employed, toward buying insurance in some industrial or accident corporation to compensate him for the risk which he is bound to take. Is it not a truism, which must only be stated to be understood, that the choice or freedom of the laborers is entirely illusory; that they have no choice; that the fiction which claims to treat them as free agents is overcome by the actualities of their conditions, which make wage slaves of them all; that none of the braver occupations are exempt from identically the same perils, and the same doctrines of class prejudice or judicial ineptitude follow the workman into any new job? Thus, in the case of Brinkmeyer *v.* Missouri Pacific Railway Co. (93 Pac. Rep., 621, and 105 Pac. Rep., 221) the plaintiff—who, after nine years of unsuccessful litigation for the loss of his leg, still owes the Missouri Pacific Railway Co., the defendant, for the bill of costs—lost all the fingers of his right hand in a planing mill on the very day that the railway's counsel again obtained a new trial; that the wages are always so small and purchase so little that adequate self-insurance is impossible; and that very, very few of them have any insurance which will, under the present régime, keep their families out of the poorhouse.

Why should this enormous sacrifice be exacted from railroad employees and others who are engaged in hazardous employments? Does the efficient operation of the Nation's splendid transportation system require that this great burden should remain where it now lies? Suppose we admit that the terrible sacrifice of lives and limbs is a necessary concomitant of railroad operation. Suppose we resign ourselves, with oriental fatalism, to the belief that our transportation juggernaut must continue to crush out the lives of its operatives without abatement. Even then, can we excuse ourselves for saddling upon those operatives the financial burden of providing for the needs of their widows and orphans, made such by the very exigencies of the industry itself? Is it not more to the point and more akin to justice that this burden should be assumed by the transportation industry and, through it, by society as a whole? Commerce and industry should shoulder the burden of compensation for personal injuries to workmen, or to their widows or dependents, and it is but plain sense to say that this burden shall be made a fixed charge added to the cost of commerce and industry, which can easily and readily bear it. The maimed and crippled workmen or their widows and orphans can least afford to bear it, and justice will be done to them.

At the time when the law of master and servant received the form which we are now contending is utterly unjust the industries were just beginning to receive the beneficent effect of the application of steam to machinery theretofore driven by human hands. The great decisions upon which the law of master and servant is based were rendered in the early thirties of the last century. They were rendered by men who had reached the place of chief justice long after the conditions under which the old theory of master and servant had developed—Ellenbrough, in England, and Chief Justice Shaw, in Massachusetts. In laying down the law of fellow-servants, as applied to railroads, they were but expounding the law as they had learned it when economic conditions were simple, when the master knew every person employed by him, and when the employee had a chance to say to his employer: "This man is a reckless and dangerous fellow, regardless of the rights of his fellow-men, and I refuse to work with him. You have the choice between keeping me or discharging him." The mere statement of this rule applied to modern conditions, shows that it is impossible of application.

Lombroso, one of the great psychologist in criminology, has well stated that great crimes—and certainly mass crimes—never can be committed unless there is a dullness of imagination or lack of nervous sentiency on the part of the perpetrator.

Probably the greatest railroad men in this country would shudder at the idea of becoming personally responsible for the existence and the choice of men in the thousand and one different branches of the enterprises in which their companies are involved. The machinery has become so colossal that the master can not inspect, can not supervise, and himself becomes a part of the carelessness induced by the modern forms of corporate management. The unavoidable requirement of specialization necessitates their devoting their intelligence and energy to one definite thing. No one man is therefore deliberately accountable for the horrors which follow the administration of the antiquated system of master-and-servant law; each man can

shift the responsibility upon that great entity created and sanctioned by the State or Federal Government, the corporation, and say: "We are not responsible. We are paid to do a definite amount of work, and as long as we do that work society at large—the state—should bear the burden." Were it possible to bring these men into one room with the victims and show to them the consequences of their hiding behind the forms of corporate coldness of heart, I believe that many of them would resign their places rather than resist the enactment of a humane compensation act which would avert crushing misery and a lowering of the social standard of the persons involved, if not total degradation of their fellow-citizens.

The accidents which occur in all industries involving dangerous machinery, such as factories, steel mills, coal mines, quarry mines, and other extractive industries, in their widest scope, are not subjects over which the Congress of the United States has jurisdiction directly, and do not concern us in the present discussion.

Limiting the discussion to the employees of railroads engaged in interstate commerce and to such other carriers as are subject to the power of Congress, I propose to show, principally from the statistics based on returns furnished by the carriers themselves, in accordance with law compiled by the Interstate Commerce Commission, that railroads require a regular percentage of life, limbs, and health of our fellow-citizens; that the number of men killed and injured is a regularly recurring number; that this number constantly increases, but is in regular proportion with the mileage operated; that a certain proportion of the manhood of this country is slaughtered every minute of the 24 hours of every day; that a regularly recurring number of our young men is each year thrown aside as "scrap," and, as far as the present system of administration of the law of master and servant is concerned, as far as prompt and effective compensation goes, is as valueless to the community at large as the rotten ties which we see moldering along the tracks of every railway in these great United States.

This is a startling statement to make, were it not proven to the hilt by statistics. These statistics cover a period of 21 years and are taken from the figures accessible to every man, published by the Interstate Commerce Commission, pursuant to the great law of its organization.

Comparative statement showing number of railway employees in service and the per cent killed and injured for the years named.

[Based on figures shown in the Annual Reports on the Statistics of Railways in the United States, issued by the Interstate Commerce Commission.]

Year ending June 30—	Total mileage operated at end of year (single track).	Employees in service at end of year.		Employees killed.				Employees injured.				Employees killed and injured.			
		Number.	Per 100 miles of line.	Number.	Per cent.	Average number killed per day.	Average number minutes elapsing for 1 killed.	Number.	Per cent.	Average number injured per day.	Average number minutes elapsing for 1 injured.	Number.	Per cent.	Average number killed and injured per day.	Average number minutes elapsing for 1 killed or injured.
	Miles.														
1908	[1] 230,494.02	[2] 1,458,244	[3] 623	3,470	0.24	9	152	83,367	5.72	228	6	86,837	5.96	237	6
1907	227,454.83	1,672,074	735	4,534	.27	12	116	87,644	5.24	240	6	92,178	5.51	252	6
1906	222,340.30	1,521,355	684	3,929	.26	11	134	76,701	5.04	210	7	80,630	5.30	221	7
1905	216,973.61	1,382,196	637	3,361	.24	9	156	66,833	4.84	183	8	70,194	5.08	192	7
1904	212,243.20	1,296,121	611	3,632	.28	10	145	67,067	5.17	183	8	70,699	5.45	193	7
1903	205,313.54	1,312,537	639	3,606	.27	10	146	60,481	4.61	166	9	64,087	4.88	176	8
1902	200,154.56	1,189,315	594	2,969	.25	8	177	50,524	4.25	138	10	53,493	4.50	146	10
1901	195,561.92	1,071,169	548	2,675	.25	7	196	41,142	3.84	113	13	43,817	4.09	120	12
1900	192,556.03	1,017,653	529	2,550	.25	7	207	39,643	3.90	108	13	42,193	4.15	115	12
1899	187,534.68	928,924	495	2,210	.24	6	238	34,923	3.76	96	15	37,133	4.00	102	14
1898	184,648.26	874,558	474	1,958	.22	5	268	31,761	3.63	87	17	33,719	3.85	92	16
1897	183,284.25	823,476	449	1,693	.21	5	310	27,667	3.36	76	19	29,360	3.57	81	18
1896	181,982.64	826,620	454	1,861	.23	5	283	29,989	3.63	82	18	31,830	3.85	87	17
1895	177,746.25	785,034	441	1,811	.23	5	290	25,606	3.27	70	20	27,507	3.50	75	19
1894	175,690.96	779,608	444	1,823	.23	5	288	23,422	3.00	64	22	25,245	3.24	69	21
1893	169,779.84	873,602	515	2,727	.31	7	193	31,729	3.63	87	17	34,456	3.94	94	15
1892	162,397.30	821,415	506	2,554	.31	7	206	28,267	3.44	77	19	30,821	3.75	84	17
1891	161,275.17	784,285	486	2,660	.34	7	198	26,140	3.33	72	20	28,800	3.67	79	18
1890	156,404.06	749,301	479	2,451	.33	7	214	22,396	2.99	61	23	24,847	3.32	68	21
1889	149,948.66	704,743	459	1,972	.28	5	266	20,028	2.84	55	26	22,000	3.12	60	24
1888	149,901.72	(4)	(4)	2,070	(4)	6	255	20,148	(4)	55	26	22,218	(4)	61	24
Grand total				56,516		7	195	895,548		117	12	952,064		124	14
Total 1899–1908				32,936		9	160	608,325		167	9	641,261		176	8
Total 1889–1898				21,510		6	245	267,075		73	20	288,585		79	18

[1] Excludes mileage returned for switching and terminal companies.
[2] Includes 21,960 employees of switching and terminal companies.
[3] Based on mileage shown in column 2 and 1,436,275 employees, which excludes those reported by switching and terminal companies.
[4] Figures not available.

Percentage of increase in number of employees in 1908 over number in 1889, 166.92 per cent.
Ratio of increase in percentage of number killed and injured in 1908 over percentage of number killed and injured in 1889, 91.02 per cent.
Ratio of increase in percentage of number injured in 20 years, 101.41 per cent.
Ratio of decrease in percentage of number killed in 20 years, 7.15 per cent.
Percentage of increase in number of employees killed and injured in 1908 over number killed and injured in 1889, 294.71 per cent.
Ratio of the percentage of increase in the number of employees killed and injured in 1908 over the number killed and injured in 1889 to the percentage of increase in the number employed in 1908 over the number employed in 1889, 191.02 per cent.

The first column presented shows the total mileage at end of each year, single track; the second column shows the number of employees in service at end of each year and the number of employees for each 100 miles of line.

The third column shows the number of railway employees killed, the per cent of employees killed, the average number of employees killed per day, and the average number of minutes elapsing for one killed.

The fourth column shows the number of employees injured, the per cent of employees injured, the average number of employees injured per day, and the average number of minutes elapsing for one injured.

The fifth column shows the number of railway employees who are killed and injured, the per cent of killed and injured, the average number of killed and injured per day, and the average number of minutes elapsing for one killed or injured.

In other words, these figures show that the total casualties for 21 years from 1888, the first year after the establishment of the Interstate Commerce Commission, to 1908, inclusive, 56,516 employees lost their lives at the post of duty and 895,548 employees were either maimed or crippled. The total casualties reached the astounding figure of 952,064, an average for the 21 years covered of 45,336 a year.

These figures further show the number of employees in service and the proportion killed and injured. The falling off in the number employed, as indicated by the figures for the years 1894 to 1898, was due to the panic of 1893, as is the present apparent reduction due to the panic of November, 1907, and reflects one of the economies introduced by the railway managements during the hard times following this financial crisis. The per cent column for employees killed clearly indicates the constant recurring death risk of the railway employee. There is hardly any perceptible fluctuation of this ratio for the years shown and means, approximately, that one employee out of every 400 in service was killed each year. The proportion of injured has gradually increased each year, until for 1908, the last year covered, 5.72 per cent given indicates that 1 employee out of every 17 in service is injured, or that an employee in the service of a railway for 10 years has an even chance of being injured. The columns showing the number of minutes elapsing for each casualty and the average number of casualties per day demonstrate that approximately in every seven minutes of every hour of every day for the last five years named 1 employee was killed or injured. During the 21 years covered the average was 1 killed or injured for every 14 minutes of this entire period. The average killed each day for the whole period covered was 7 and the average injured 117.

Compare these figures with the returns of some battles in the Civil War, and remember that among the men who are not employed to fight, but to move the daily traffic of the Nation, there are no returns for "missing."

Shiloh, or Pittsburg Landing, Tenn., Apr. 6–7, 1862.

[Figures made up in Pension Office.]

	Killed.	Wounded.	Missing.	Total.	Killed and wounded.
Union loss	1,754	8,408	2,885	13,047	10,162
Confederate loss	1,723	8,012	959	10,694	9,735
Total	3,477	16,420	3,844	23,741	19,897

Union victory.

Gettysburg, Pa., July 1–3, 1863.

	Killed.	Wounded.	Missing.	Total.	Killed and wounded.
Union loss	3,070	14,497	5,434	23,001	17,567

Union victory.

Antietam, Sept. 17, 1862.

	Killed.	Wounded.	Missing.	Total.	Killed and wounded.
Union loss	2,108	9,549	753	12,410	11,657

Union victory.

It is said that more men were killed on the above date than on any other one day during the Civil War.

Wilderness, Va., May 5–7, 1864.

	Killed.	Wounded.	Missing.	Total.	Killed and wounded.
Union loss	2,246	12,037	3,383	17,666	14,283

Confederate victory.

Malvern Hill, Va., July 1, 1862.

	Killed.	Wounded.	Missing.	Total.	Killed and wounded.
Union loss	397	2,092	725	3,214	2,489
Confederate loss, killed, wounded, and missing				5,355	
Total				8,569	

Vicksburg, Miss.

	Union loss.				
	Killed.	Wounded.	Missing.	Total.	Killed and wounded.
May 19, 1863	157	777	8	942	934
May 22, 1863	502	2,550	147	3,199	3,052

Confederate victory.

The siege of Vicksburg continued until July 4, 1863, when it was surrendered to the Union forces.

Atlanta, Ga., 1864.

	Union loss.			
	Killed.	Wounded.	Missing.	Total.
Campaign May 5 to 31	1,458	7,436	405	9,299
Campaign during June	1,125	5,740	665	7,530
Campaign of July	1,110	5,915	2,694	9,719
Campaign during August	453	2,318	466	3,237
September 1	277	1,413	212	1,902

Making a grand total of 4,423 killed, 22,822 wounded, and 4,442 missing during the campaigns of these months.

In the above are included numerous battles, amongst others Rocky Face Ridge, May 5–9; Resaca, May 13–15; New Hope Church, May 25; Dallas, May 28–31 and June 1–4; Kenesaw Mountain, June 20–30; assault on Kenesaw, June 27; Peach Tree Creek, July 20, etc.

First Bull Run, or Manassas, Va., July 21, 1861.

	Killed.	Wounded.	Missing.	Total.
Union loss	470	1,071	1,793	3,334
Confederate loss	387	1,582	13	1,982
Total	857	2,653	1,806	5,316

Confederate victory.

Second Bull Run.

	Killed.	Wounded.	Missing.	Total.
Union loss (Aug. 16–31, 1862)	1,747	8,452	4,263	14,462
Confederate loss (Aug. 21 to Sept. 2, 1862)	1,481	7,627	99	9,197
Total	3,228	16,079	4,352	23,659

The above includes engagements at Rappannock, Chantilly, and Bristoe Station.

Confederate victory.

At the battle of Fredericksburg, Va., December 11–15, 1862.

	Killed.	Wounded.	Missing.	Total.
Union loss	1,284	9,600	1,769	12,653
Confederate loss	596	4,068	651	5,315
Total	1,880	13,668	2,420	17,968

Confederate victory.

The necessary factors of railroad operation are sentient and insentient—human beings and the tools and materials with which they work. Both are subjected to wear and tear; both are wasted in the performance of their functions. The railroads bear the expense of repairing and replacing the waste of their insentient instruments of operation—the wear and tear of roadbed and track, bridges and buildings, locomotives and cars—but for the 953,063 men killed and injured in 21 years they have no concern. It is but too probable that ere the next bunch of railroad returns are gathered and compiled an additional 63,900 men will either have lost their lives or have been maimed in railroading, so that in 22 years the railroads will have wrecked the lives of 1,066,000 men, and have then let them sue, instead of paying them compensation for their injuries. The waste of human life and limb, the wear and tear of that active, intelligent army of human beings whose labor alone makes their operation possible is not a necessary item in the expense account of railroads.

Acting under the authority conferred by section 20 of the act to regulate commerce, the Interstate Commerce Commission promulgated a classification of operating accounts to be kept by carriers by rail. Possibly the most important method introduced were the depreciation accounts, created for the purpose of providing a fund for the replacement of equipment when retired from service. These depreciation accounts are maintained by making monthly charges direct to operating expenses based on the average life of the several classes of equipment affected and crediting these amounts to a replacement fund.

The carriers maintain a fund for the replacement of the insentient factors of operation that are worn out or wrecked and have to be consigned to the scrap heap. But the human being, our fellow citizen, of whom one risks being killed or injured every time seven minutes of the day or night elapse, if wrecked, as a consequence of his professional risk, so as to make him unfit for further service, is cast aside, and the carrier assumes no responsibility whatever for his condition. He must assume his own risk, must bear his own damage, as though it occurred by reason of his fault or his negligence, when, as a matter of fact, his damage is as much the result of the operation of the property as is the damage to locomotives and cars, bridges and buildings, roadway and track, for all of which the carrier provides without question.

The couplers which keep the trains together and make the vast commerce of the country possible are inspected by the carriers and in part by the Government. Skilled employees are required to make this movement possible, without whose aid, without whose intelligence, and without whose energy and watchfulness the entire commerce of the country would lie stagnant and become impossible, bringing about starvation and misery. Yet these employees, when injured through no fault of their own, through a regularly recurring risk, which is an incident of the employment, are cast aside, and no effort is required by law of the carriers to heal or repair them; these men are abandoned and are left without compensation. When broken in body, maimed, and injured, they are forced, under the most disadvantageous circumstances imaginable, to combat the carriers whose commerce they have been pushing through the country.

Every statement herein made can be confirmed. The professional risk—that is, the inherent liability of any person employed in railway traffic being killed or injured—is a permanent and continuous risk. It is a risk which the man can not shift, as is shown by the above tables of the steadily recurring numbers of men killed. In case of death by a railroad accident no question of the employees' inattention, stupidity, carelessness, or similar defenses urged by the defenders of corporate selfishness can well be urged. It is as much a part of the business of the carrier to pay for the injury of the person who handles the traffic as it is to replace the various items of inanimate transportation which I have heretofore mentioned.

I have referred to the safety-appliance acts. I have shown that the Government inspects couplers. The statistics of the Interstate Commerce Commission, in pursuance of the execution of this law, show that the accidents from that particular cause of casualties have decreased. Yet in spite of this decrease from this particular source the slaughter goes on and has increased in other forms of railway activity, showing that the palliative influence of the safety-appliance law, or of all similar laws, is not sufficient to compensate our fellow citizens who are engaged in handling this great commerce of the country from the risks which they are bound to bear. To state it in another form, where a regularly recurring per cent of our fellow citizens is maimed and killed it is the duty of the Nation to force the enterprise itself to bear the expenses involved therein. I may say that I do not care whether the railroads recoup themselves for the additional expense involved in paying just compensation to their employees by raising the rates, or by charging extra passenger fares, or by decreasing the amount of free baggage that they haul, or by declaring smaller dividends.

Mr. Samuel Gompers, president of the American Federation of Labor, in addressing the meeting of the National Civic Federation on November 22 last, on the subject, "Should industry bear the burden incident to industrial accidents," said:

"As to whether the industry itself should bear the risks of accidents to employees or whether society as such should bear the burden is of lesser consequence than that the burden should not be borne either by the injured workman or the family of the workman killed.

"We speak of the imposition of the risks and burdens of accidents upon employers as if the employers really would pay the compensation, or even liability, out of their own pockets. The fact of the matter is that whatever the cost of the finished product may be, the land, the plant, the machinery, the raw material, wages to workmen, insurance, taxes, are all of them counted in the price for which the employer sells his product, and if intelligent, comprehensive employer's liability or compensation were the fixed principle of the industry, the employers would count that as a fixed charge with which they must count and reckon in placing a price upon the finished product; so that, as a matter of fact, that feature of it is simply absurd to hold that that is an objection to the introduction of more liberal employer's liability or compensation laws.

"It is a common phrase in which so many indulge, 'The immense risks which employers are compelled to meet.' No one who has an intelligent understanding of industrial and commercial conditions will minimize that fact, but side by side with the risks of employers should not be forgotten the risks of labor."

But let us examine the reports of the Interstate Commerce Commission with respect to the finances of the railroads and see how the plan of compensation which I provide in the schedule of my bill would affect the roads. The operating revenues for the year 1908, according to the said report, amounted to the enormous sum of $2,393,805,989, and the net corporate income amounted to $395,902,474 for the said period, which amount was placed at the disposal of the boards of directors of the railroads for the payment of dividends and other corporation expenditures. Of this amount there was appropriated the sum of $271,328,453, to be paid in the shape of dividends on the excessively overcapitalized, or "watered stock," if you please, $28,086,454 for additions and betterments to the property, and $21,635,182 as appropriations to reserves and miscellaneous items, leaving a tremendous balance of $74,852,385 to be carried forward to the credit of profit and loss. But no part of this tremendous corporate income, not even a penny thereof, was given to the great army of the maimed and crippled railroad employees, nor to the dependents of those employees who were killed in service—the railroads protected by the ancient, vicious, and barbaric legal doctrines of "contributory negligence," "assumption of risk," and "fellow servant," left unnoticed the "scrap heap" upon which these unfortunate people are thrown under the present industrial system. The operating expenses of the railroads in the United States for the year 1908 amounted to $1,669,938,717. I contend that to carry out the schedule of compensation which I have drafted as a part of my bill will under no circumstances require an expenditure exceeding 1½ per cent of the operating expenses, which, if added thereto, will certainly leave an entirely sufficient and even a great amount of money in the coffers of the railroads to be distributed as dividends on the "watered stock," and enough money will be left to apply to their reserve funds.

From this computation it must be understood that I have not given any consideration to the cost of maintaining the great and expensive legal departments which handle all personal-injury suits. This cost, a tremendous item in itself, running up into many millions of dollars annually, will be greatly diminished. Therefore to say that the railroads can not meet this additional cost necessarily involved in the compliance with the provisions of this bill is utterly absurd. The absurdity is glaring when it is taken into consideration that the system of compensation proposed in my bill will limit the amount of compensation or annuity to practically small payments according to the nature and extent of the injuries sustained by the employee, or in the event an employee is killed, then certain, definite, limited, and reasonable annuities are payable to his dependents who survive him, which payments, however, cease upon the remarriage of the widow, and to such children as attain the age of 16 years, except in such cases where the surviving children are physically or mentally incapacitated from earning their own livelihood. Besides the probabilities of large verdicts will be avoided, and a greater and better efficiency will result in the ranks of the employees, who will realize and appreciate that if any accident should happen to them while at work they and their dependents will be saved from the "scrap heap," and thereby the safety of the traveling public will be increased.

Strikes do not take place every day. Riots, such as were claimed by the railways to have been caused by the American Railway Union in Chicago, are not of daily occurrence, but the movement of freight trains and of passenger equipment is of hourly and daily occurrence to an extent undreamed of by a person who has not watched it, and when in this regularly recurring series of movements of trains one man is killed or injured every seven minutes of every hour of every day and night, his children are left to starve; his widow may be forced to sell all she possesses; the standard of life of four to six people is lowered and an American family is put on the "bum" while the courts for 8 or 10 years are blocked with wrangle of counsel and the pounding out of new distinctions of a law which is archaic, which was unfair when created, and which has become disastrously reactionary when enforced at the present time under modern industrial conditions. The systematized injustice, the denial of justice caused by the enforcement of antiquated laws—laws which the English, who originated them, have long since discarded as inept, as dangerous to their commercial progress—are retained by us as bulwarks of corporate resistance to social betterment and civilizing uplift.

We talk of the enlightenment of the American. We find it necessary to support missionary societies to carry the Gospel to heathen countries. We send thousands of school-teachers to the Philippine Islands; we send battleships to Asia Minor to protect American colleges against the outrages of the Turk, when it is a fact that America and Turkey stand preeminent in this, that no federal or national compensation acts prevail in either Turkey or the United States, and that on the rest of the Continent the theory which formerly prevailed in England and which now prevails in these United States has been utterly discarded, abolished, and cast aside as antiquated and unfair, as antisocial, as un-Christian, and as dangerous to the modern industrial state.

The tendency of modern civilization in standardizing all things that are in daily use, in fixing the thread on the screw so that the screw that is turned out in Manchester or in Pittsburgh will fit; that the bolts which are put in the bridge at the bridge works in Pittsburgh will fit when laid down on the great bridges across the Nile at Atbara, require such close calculation that commercial progress and national efficiency in the last instance depend upon the perfection of the ways of communication. The country whose railroads, canals, and waterways are most efficient will ultimately win. The size of the country and its resources are nothing as compared with its efficiency. Its efficiency depends directly upon the ease with which the forces necessary to handling the commerce are recruited. Consequently, in a country so vast as ours, where in many instances the only highway known to two generations has been the railway, success depends directly upon the efficiency of this method of communication.

When, therefore, whole classes of citizens have been crushed out, thrown aside as scrap, the feeling of resentment against the carrier harms its efficiency and thereby hurts the national thrust forward in international commerce. For every pensioner that the United States Government maintains in every hamlet and wayside station, we may be assured that the broken families and wrecked men and the memories of some uncompensated loss feed an undying dislike, hatred, or malignant hostility to the great and necessary railways of the country, and indirectly against the country that has permitted 953,063 men killed or injured to be cast aside as scrap without providing permanent and just compensation. The excuse has been that the country was growing and we had no time to regard these problems.

We can only take up one or two things in a generation and settle them, but the time has come when it becomes necessary for us to seriously weigh the danger of permitting corporate cupidity to continue a system of licensed butchery and murder, of permissive breaking up of families, of degrading the standard of American citizenship infinitely worse than the slavery which was broken up 40 years ago, because that was confined to a small group, which inevitably was bound to come to encounter the economic progress of the rest of the world, restricted in area, whereas our present system, if continued, will inevitably lead to a growth of a feeling that a class, comprising a million and a half of men, consequently seven and a half million of American citizens, is being discriminated against, while the freight that they move and the passengers that they haul are to obtain the most favorable consideration at the hands of this body.

Should my bill (H. R. 25334) be passed, the persons who are injured have their choice of remedies. They can either sue in the courts as heretofore, bearing the burden of the proof, or else they can take the compensation which this act will provide for their relief.

The countries that have progressed most materially within the last generation have been those countries which have cast aside the reactionary and antiquated forms of compelling the workingman to sue, or compelling their citizens or subjects to go to law for damages, when compensation should have been paid to them by the enterprise which caused the injury as a necessary professional risk.

I desire to read a few statistical figures from the Atlas and Statistics of the German Labor Insurance, by Dr. G. A. Klein. It was published as part of that wonderful showing made by the German Government for the World's Fair in St. Louis (1904), and, of course, I do not claim it to be up to date. The hurry in which these data were collected must also be taken into account. These figures are from page 19, summary 111, "Income, expenses, and capital":

Accident insurance of German Empire.

Year.	Income.			Expenditures.					
	Income, total.	Contributions of employers.	Interest and other income.	Total expenditures.	Indemnities, total of.	Process of restoring to health.[1]	Payments, etc., during time of waiting.[2]	Hospitals and sanitaria.[3]	Annuity to family.[4]
1885	$239,015	$234,761	$4,254	$239,015	$4,762	$5	.....	.....	.....
1890	10,121,561	9,233,756	887,808	6,336,433	4,843,637	194,935	$8,591	$223,621	967,821
1895	17,556,011	15,285,635	2,270,367	14,398,515	12,005,229	313,529	75,292	570,485	146,519
1900	25,098,039	21,844,484	3,253,555	24,008,647	20,789,671	483,434	166,984	797,342	199,191
1901	30,158,889	26,654,186	3,504,703	27,129,855	23,633,669	548,006	177,373	887,894	234,947
1902	33,651,804	29,907,868	3,743,936	29,701,662	25,735,679	599,778	164,167	909,139	268,247
1885-1902	278,614,331	246,231,383	32,382,949	231,206,097	19,338,374	5,233,979	1,262,251	8,254,516	2,682,472
[For every $100 income and expenses each column is proportioned in per cent.]									
1885	*Per cent.* 100.00	*Per cent.* 98.76	*Per cent.* 3.94	*Per cent.* 100.00	*Per cent.* 37.44	*Per cent.* 2.29	*Per cent.*	*Per cent.* 2.14	*Per cent.* 1.07
1891	100.00	90.51	9.49	100.00	78.32	3.06	0.13	3.58	1.06
1901	100.00	88.38	11.62	100.00	87.11	2.02	0.65	3.27	0.87

Year.	Expenditures.							
	Payments for injuries.						Total expenses for administration.	Capital on hand.
	Annuities.	Cash payments (German subjects).[6]	Death or burial moneys.	Annuities, for survivors.	Cash payments to widows in lieu of annuities.[6]	Cash payments in lieu of annuities for foreigners.[7]		
1885	$35	.....	$2,610	$2,112	.....	.....	$234,252	$1,897,098
1890	3,222,175	.....	66,002	974,372	$57,834	$29,750	1,492,736	15,663,732
1895	8,402,882	.....	75,972	2,281,230	97,818	41,412	2,393,328	34,128,248
1900	15,048,155	$15,729	116,967	3,748,560	137,564	75,084	3,218,950	40,429,060
1901	16,951,697	379,841	138,350	4,108,594	158,508	48,552	3,496,220	43,458,086
1902	18,653,488	330,339	128,877	4,422,040	100,174	48,270	3,966,032	47,408,172
1885-1902	136,613,254	725,909	1,304,168	35,641,090	1,487,262	603,330	37,822,246	47,408,172
[For every $100 expenditure each column is proportioned in per cent.]								
1885	*Per cent.* 20.41	*Per cent.*	*Per cent.* 2.46	*Per cent.* 8.17	*Per cent.* 0.17	*Per cent.* 0.13	*Per cent.* 62.56	*Per cent.* .....
1891	53.31	.....	0.91	15.65	0.76	0.36	21.18	.....
1901	62.48	1.40	0.51	15.14	0.59	0.18	12.89	.....

[1] Free medical treatment, medicines, and other remedies outside of hospital treatment, as well as crutches, braces, and like appliances.
[2] During the first 13 weeks after the accident, during which time he is taken care of under sick-insurance laws.
[3] In place of free medical treatment and annuity payments the injured person may be taken care of in a sanitarium.
[4] The family of an injured person placed in a sanitarium receives same annuity as though he had been killed.
[6] If incapacity to earn living is 15 per cent or less, the annuity charge may be paid in one anticipated payment (since Oct. 1, 1900).
[6] On remarriage.
[7] Injured foreigners giving up their domicile in the German Empire may, on their motion, be paid off in full by threefold amount of annual annuity.

Table showing professional risk of railroad employees and workmen, Prussian-Hessian State railways. (*From Archiv für Eisenbahnwesen for 1908, pp. 104, 105, and 108.*)

Injuries (or death).	1906	Number for every 1,000 persons insured.									
		1897	1898	1899	1900	1901	1902	1903	1904	1905	1906
Transitory incapacity to earn livelihood	812	1.48	1.47	1.68	1.86	2.08	2.31	2.31	2.22	3.11	2.77
Permanent limited incapacity	1,012	3.51	3.08	3.87	3.84	4.06	4.10	4.27	4.14	3.59	3.45
Complete incapacity	177	.75	.62	.75	.73	.68	.70	.81	.76	.95	.60
Followed by death	400	1.43	1.67	1.47	1.58	1.48	1.48	1.39	1.39	1.44	1.37
Total	2,404	7.17	7.44	7.77	8.01	8.30	8.59	8.78	8.51	8.89	8.29
The following industrial associations had for every 1,000 employees insured the following killed and injured:											
Northwest Iron and Steel Industrial Association	.....	9.20	9.13	10.13	10.08	10.11	11.61	11.05	11.43	11.48	.....
North German Lumber Industrial Association	.....	11.01	11.43	12.17	11.73	12.23	11.56	11.52	11.28	11.35	.....
Millers' Industrial Association	.....	11.77	13.27	14.30	13.70	14.37	14.85	15.67	16.18	16.24	.....
Wagon and Transport Industrial Association	.....	17.51	17.81	15.87	14.81	20.82	19.60	22.75	21.31	23.77	.....
Mining Industrial Association	.....	12.09	12.77	12.10	12.19	13.06	13.53	14.39	15.46	15.53	.....
Rhein Westphalian Mine and Mills Industrial Association	.....	10.25	10.92	12.03	12.82	12.95	13.89	14.52	15.54	14.99	.....
Brewing and Malting Industrial Association	.....	12.01	12.11	12.31	13.67	13.46	13.32	14.43	14.86	14.64	.....

In 1906, 31,088 persons received $1,492,736 compensation within a few weeks of their injuries,-payable from the earnings of the Prussian-Hessian State railways on a mileage of 20,848 miles.

Is there a doubt in the mind of any one of those to whom my words are addressed that the English were forced to give up the barbarous and archaic jurisprudence based upon the common-law system of master and servant by the stress of German competition? Their trades-unions, their system of allowing men's savings to be robbed by speculators, their intense effort to better this by the friendly societies acts and registration acts and the companies acts, all show the futility of applying the theory of laissez-faire in the modern industrial state, in which the employee with his muscles and intelligence stands opposed to the great masses of capital organized in heartless and necessarily efficient corporations.

In Germany and other European countries the percentage of killed and injured workmen upon the railroads is less than 50 per cent of that of the United States. Why? Because there the railroads are made by law responsible to the injured employee, or in the event of his death resulting from injury, then to his dependents, by a system of humane, just, fair, and equitable workmen's compensation law. Under this law the railroads have no recourse to any such defenses such as contributory negligence, assumed risk, nor the doctrine of fellow servants. That law has made the officials of the railroads to be more careful, and they have adopted stricter rules with respect to the operation and movement of traffic, and they are doing all in their power to prevent the occurrence of accidents voluntarily and without being forced to do so by the State or Government. To-day they exercise more care and caution for the safety of their employees than they do for their equipment and rolling stock. Before the enactment of this law the railroads in those countries had directed their efforts chiefly to the prevention of damage to their properties—they pursued the same course as our railroads are now doing—placing a higher and greater value upon property than upon human life, because they are obliged to repair and replace the equipment at their own cost.

In this country, if you will say that the railroads shall be held primarily responsible for damages for injuries sustained by their employees, or we will say that they must repair broken bones as they do damaged cars; but they must care for their employees on the general principle of humanity, and with the same promptness as they care for their rolling stock and other tangible property; and that when an employee is either injured or killed, neither he nor his dependents shall be thrown upon the "scrap heap," as is the case now, because the railroads can draft new recruits without paying the least attention to what becomes of those who are so discarded; and if you will say that the railroads must pay for the lives that they have destroyed, I am satisfied that within three years we will have 50 per cent less of the maiming and killing of employees of railroads alone, and the great number of fatal wrecks will be 50 per cent less, and, as a further sequence, the lives of thousands of passengers will be saved annually by reason of the fact that travel will be made less dangerous because of the increased efficiency of railroad employees and the greater degree of care exercised by railroad officials in the movement of traffic upon their railways.

The rate in the following table will show certain percentages in respect of railroads in the United States of group 2. This statistical group includes the mileage west of the Hudson River and the New York Central, up to Salamanca, to Pittsburgh, and from Pittsburgh to Parkersburg, and from Parkersburg down the Potomac and to the Capes and back again to New York. The territory includes and the mileage corresponds closely to that of the Prussian-Hessian railways. (See Senate Hearings on Railway Rates, 1905, Appendix IX, 59th Cong., 1st sess., No. 244, pt. 2, p. 13.)

Years.	Number of employees in service.		Total mileage operated (single track).		Number of employees per 1,000 miles of line.		Employees injured.						Employees killed.						Total employees killed or injured.					
							Number.		Ratio to number in service (per cent).		Number per 1,000 miles of line.		Number.		Ratio to number in service (per cent).		Number per 1,000 miles of line.		Number.		Ratio to number in service (per cent).		Number per 1,000 miles of line.	
	A.	B.	A.[1]	B.[2]	A.	B.	A.[3]	B.	A.[4]	B.	A.	B.	A.[3]	B.	A.[4]	B.	A.	B.	A.[3]	B.	A.[4]	B.	A.	B.
1907	491,725	486,318	23,886	22,095	16,819	22,010	12,100	1,044	3.01	0.21	507	47	1,179	526	0.29	0.11	49	24	13,279	1,570	3.30	0.32	556	71
1906	373,526	448,035	23,681	21,823	15,773	20,530	10,455	951	2.80	.21	441	44	1,126	512	.30	.11	48	23	11,581	1,463	3.10	.32	489	67
1905	335,237	413,508	23,281	21,421	14,399	19,304	9,256	877	2.76	.21	398	41	900	416	.27	.10	39	19	10,165	1,293	3.03	.31	437	60
1904	322,698	392,641	23,022	21,017	14,017	18,682	9,222	870	2.86	.22	401	41	952	401	.29	.10	41	19	10,174	1,271	3.15	.32	442	60
1903	326,782	373,551	22,759	20,669	14,358	18,073	8,844	755	2.71	.20	389	36	1,010	346	.31	.09	44	17	9,854	1,101	3.02	.29	433	53
1902	290,363	356,174	22,053	19,863	13,167	17,932	7,572	653	2.61	.18	343	33	835	320	.29	.09	38	16	8,407	973	2.90	.27	381	49
1901	267,024	352,752	21,881	19,434	12,204	18,151	6,449	664	2.41	.19	295	34	768	323	.29	.09	35	17	7,217	987	2.70	.28	330	51

NOTE.—Columns "A" represent United States railways in Group II. Columns "B" represent Prussian-Hessian State railways.

[1] On June 30 of year named.
[2] At the end of the year named.
[3] Represents accidents resulting from the movement of trains, locomotives, or cars.
[4] The number of employees used in the computation of this ratio includes employees of all classes, as the number of employees whose duties directly expose them to accidents resulting from the movement of trains, locomotives, or cars is not available.

The following figures will show the number of casualties occurring to a million travelers a year—the German railroads are the safest; this table is published by the German Versicherungs Zeitung, a prominent insurance journal, which indicates that German railroads are the safest of all. On the basis of the latest statistics it is shown that among every million railroad travelers a year the following casualties occur in various countries:

	Killed.	Injured.
Germany	0.08	0.39
Austria-Hungary	.12	.96
France	.13	.18
Great Britain	.14	1.94
Switzerland	.15	1.12
Belgium	.22	3.02
United States	.45	6.58

In other words, the number of fatal casualties occurring to a million travelers in one year on the railroads of the United States are about five times more than in Germany, four times more than in Austria-Hungary, four times more than in France, three times more than in Great Britain, three times more than in Switzerland, and twice more than in Belgium.

And the proportion of the same number of travelers who are injured in one year is about as follows:

About 20 times more than in Germany, about 7 times more than in Austria, about 53 times more than in France, about 4 times more than in Great Britain, about 5 times more than in Switzerland, and about twice as many as are injured on the railroads in Belgium.

There is a tremendous financial waste which results from the litigation of personal-injury suits. It is conservatively estimated that but 14 per cent of the moneys which are expended in this class of litigation, including, of course, the judgments awarded on the verdicts, ultimately reaches the plaintiff. The astounding waste amounts to 86 per cent, which provides, of course, for the payment of the verdicts, all the expenses involved in the defense and prosecution of these suits, and the fees of counsel for both sides in these controversies. But the 14 per cent of such moneys which eventually reaches the lucky suitors is practically minimized, because, as a matter of fact, the major portion of this 14 per cent goes to a small percentage of fortunate suitors, who obtain in some rare cases large verdicts. Does it not strike you favorably

what great good would come from this tremendous waste if it would be fairly and properly distributed among the vast number of victims of industrial accidents?

Every employer, every manufacturer, every producer, and every corporation is bent on eliminating, or at least minimizing, any possible occurrence of waste in the cost of production and sale of the commodities which are manufactured. No attempt, however, is made either by the employer or by the lawmakers to elliminate, or minimize, at least, the tremendous waste which must be borne primarily by the workman and in the last analysis by the general public in some form or other.

Over the bewildering progress of industry and commerce in this country there hovers a dark cloud, from which peer the specters of its victims who have been cast on the "scrap heap." The risks of the workmen have constantly increased, but the responsibility of the employers to respond in adequate damages for injuries sustained in hazardous occupations of workmen have diminished.

Employers of labor now find it convenient and expedient to shift the financial responsibility which they might incur by reason of industrial accidents to employees to so-called "indemnity" or "casualty" insurance companies, even though the responsibility so incurred might come squarely within the narrow opening still left available for the victims of industrial accidents by our courts from the extremely fine and delicate constructions of the antiquated doctrines of the common law which obtain in personal-injury litigation. These indemnity or casualty insurance companies, of recent origin, assume and take over all possible and probable risks of the employer for accidents to his employees in consideration of the payment by the employer to such companies of a premium. In the November (1908) issue of Everybody's Magazine, Mr. William Hard, a writer on economical topics, stated, as the result of an exhaustive study of indemnity and casualty insurance, that the employers of labor in the United States in 11 years paid the enormous sum of $99,000,000 in the shape of premiums to companies engaged in this line of insurance, so as to purchase complete protection for themselves from lawsuits which might be brought by injured employees or their dependents. Of this enormous sum only $30,000,000 was paid to injured workmen or their dependents. In other words, this shows a palpable waste of $69,000,000, or, to state it in other words, two-thirds of the premiums paid by the employers for insurance against claims for accidents sustained by their employees was retained by the indemnity or casualty insurance companies.

It is pertinent in this connection to quote some figures compiled by the New York State commission on employers' liability:

Percentage of actual payments and gross premiums received for employers' liability-insurance for the years 1906, 1907, and 1908.

Name of company.	Total premiums.	Total payments.	Per cent.
Aetna Life Insurance Co	$5,417,444	$2,145,928	39.61
Employers' Liability Assurance Corporation	4,216,608	1,595,126	37.82
Fidelity and Casualty Co. of New York	3,010,497	1,186,991	39.42
Frankfort Insurance Co	1,321,775	490,015	37.07
General Accident, Fire, and Life Assurance Corporation	506,031	196,929	38.91
Standard Accident Insurance Co	1,502,985	683,937	45.50
United States Casualty Co	1,332,060	472,783	35.49
New Amsterdam Casualty Co	606,195	205,040	33.82
London Guarantee and Accident Co	2,739,036	695,487	25.39
Ocean Accident and Guarantee Corporation	2,870,954	887,523	30.91
Total	23,523,585	8,559,795	36.34

"From this table it is clear that on an average only 36.34 per cent of what employers pay in premiums for liability insurance is paid in the settlement of claims and suits. In other words, for every $100 paid out by employers for protection against liability to their injured workmen, less than $37 is paid to those workmen; $63 goes to pay the salaries of attorneys and claim agents whose business it is to defeat the claims of the injured, to the costs of soliciting business, to the costs of administration, and to profit."

Mr. Speaker, this system of "employers' liability" insurance, whereby the employer is enabled to shift his liability for injuries happening to workmen while engaged in their occupations to these casualty or indemnity insurance companies, is even more vicious and degenerate than all of the "judge-made" rules pertaining to the recovery of damages by the workman or his dependents for industrial accidents. This pernicious system of insurance, which permits the employer to evade his individual responsibility and liability, has a tendency to bring about a condition of disregard and neglect for the safety of the employees. Where a claim for injuries arises, these companies resort to every trick at their command to defeat the right to a recovery of damages by the workman or his dependents, and it practically severs the relationship between the employer and employee which might in some instances tend to effect a compromise in these cases. These companies do no consider the justice of the claims of injured workmen or their dependents; their objects are to settle claims for mere pittances and to contest to the limit every suit brought against an employer who holds a casualty policy. It matters little to them whether the injured workman or his dependents are suffering want and misery; it is even better that they do suffer; for in the end the unfortunate victims will be forced to settle their claims on the inhuman basis proposed by the company's claim agent. I warn you that this class of employers' liability insurance is a serious menace to our labor conditions, which is bound to bring strife and contention between labor and capital. I recall one case in particular which clearly demonstrates the tyranny of these companies. A manufacturer in Chicago retained in his employ a workman who was injured. The employee brought suit, and under the terms of the casualty policy the insurance company took up the claim for investigation. The investigation disclosed a clear liability, and an offer was made to the workman to settle the claim. The workman refused to consider the offer and his attorney brought suit to recover damages for the injuries sustained by the workman. During the pendency of this suit the plaintiff retained his position in the factory where he received his injuries. After numerous visits, during which he was continually harassed by claim adjuster of the insurance company which assumed the employer's liability, he finally ignored every overture made to him for a compromise of his suit. A few days thereafter the employer was notified by the casualty company that if the plaintiff was not discharged from his employment the company will find it necessary to cancel the policy of insurance against risk which the employer held in the company. The result was that the employer weakened and he discharged the employee. Why? Because the employee refused to accede to the terms of settlement proposed by the company which assumed the risk of the employer. Let me ask, How long will the American public tolerate such tyranny and despotism?

The enactment of my bill into law will have a tendency to stop the strife and contention which exists between the employer and employee under the present status of industry and legal jurisprudence, with respect to the payment of a fair and proper compensation to injured workmen or their dependents. Its tendency in this direction will not only be confined to the class of employments or accupations to which the regulative power of Congress applies, but it will prove the forerunner of "workmen's compensation" legislation in every State of the Union, and will comprise every occupation.

It will relieve the community from supporting hundreds of thousands of crippled, maimed, and disabled workmen and their families.

It will secure immediate relief and obviate the cruel and inhuman necessity now in vogue, to bring suit and wait many years for its final determination in the courts, during which time the entire burden of responsibility rests and must be borne by the injured employee or his dependents, who are thus left to shift for themselves, without any relief except such charity as may come to them from philanthropic sources.

It will prevent litigation, thus eliminating the enormous waste which results therefrom, and it will relieve the congestion caused by this class of litigation in our courts.

It will prevent perjury, which is rampant in all personal-injury suits, and the danger of excessive verdicts will be averted, only to be supplanted by a scale of compensation which is certain, definite, and limited, and is payable in the shape of reasonable annuities.

Through the pages of history it will be observed that humanity conquers ultimately. Through all the years that we have permitted this gross injustice to our workmen and their dependents, we have exerted our time and efforts in the interest of our vast industry only from a commercial aspect, but the greater, the nobler aspect—the human side of industry—we have shamefully and miserably neglected. The human side of commerce and industry is beginning to assert itself; in fact, I believe that the crisis is near where the present inadequate, unfair, unjust, and iniquitous system of recovery of damages for injuries sustained by workmen in the grind of industry and commerce must abdicate in favor of advanced and progressive thought and consideration for the human rights of our workmen. Our shame and miserable neglect can only be partially atoned; but let us do so by enacting a fair and reasonable, yet comprehensive, system of "workmen's compensation" law. I believe my bill to be such, and for it I bespeak your earnest and careful consideration.

In this same connection I desire to put in the RECORD the argument which I made in 1911 in support of my contention that Congress has jurisdiction to enact legislation of this character:

STATEMENT OF THE PROBLEM.

The theory upon which employers' liability legislation is based is a recourse to the courts whereby an action for damages is allowed.

The theory on which workmen's compensation is required of the industries causing recurring injuries is based on the recognition of the social obligations and its reciprocity toward the persons engaged in carrying on social effort. The two methods of regulation have nothing in common except so far as the employer in either system may become the object of litigation.

The reason workmen's compensation is the subject of present interest may be sought for by the fact that communities have come to see by a process of exclusion that in tinkering, modification, and amplification of the method whereby employers' liability is used as a method of repairing the loss to the persons injured in dangerous occupations is futile. Employers' liability is at present enforced by litigation, with all its hazards of delay, miscarriage of justice owing to appeals, and the bringing about of results which are not in accord with the duty of the modern industrial state, whose existence depends on a mass of dangerous occupations. It is impossible to conceive of litigation (and that is part of any employers' liability act) without antagonism between the employer and the employee. This furnishes an incentive for delay on the part of the employer. The unfortunate social effects on the witnesses for either side, the economic waste to the community, and finally, but foremost, the inadequate result flowing from the consequence of such litigation, in that instead of giving the injured workman, or if he is killed, his widow or survivors, prompt, just, and certain benefits, it confers on them nothing save a barren right of action which at best pits against one another those whose efforts should be directed toward the benefit of the entire community.

If, then, employers' liability means litigation and strife, a system of compensation for the injured, and for the survivors of those killed in the course of dangerous occupations, means social betterment, for these reasons: Compensation assures peace, while employers' liability foments strife. Employers' liability is a method of regulating violence. Every form of litigation, in its essence, is the result of an interposition of the State between two groups of persons requiring them to submit their difficulties to a court and thus avoiding self-help. No matter how finely worked out the methods under a system of employers' liability may be, their essentials are based on a crude, unscientific, inaccurate, and antisocial method of settling such matters as should be the subject of social settlement.

When a great industry regularly requires a recurring percentage of those engaged in it to suffer either death or injury, the relief which the present system awards to such persons does not conform to the standards of that duty which the Government in other phases of industrial life has permitted to be exercised on behalf of varied interests.

SCIENCE IN PLACE OF EXPERIMENTATION.

An employers' liability act promises verdicts which depend not upon the social loss which the community has suffered, and whose burdens may be accurately balanced in a number of years, but allows great sums to such successful litigants as manage to wedge through the narrow gate of an occasional verdict. These verdicts are rendered after years of litigation during which the persons most in need of relief have fallen in the social scale or have been broken up by the economic needs. A compensation act would, within a short time after the death of the breadwinner, pay a definite, certain, and reasonable sum as an annuity to the proper beneficiaries. Instead of the hazard of a large verdict occasionally meted out to a successful litigant, which must be paid from the current earnings of the industry, a compensation act, based on definite payments made in installments, would provide for a systematized elimination of all the sources of waste both on the part of the complainant and the industry, reducing the amount of friction, of social

discontent, envy, and dislike, and bringing about a system of industrial peace. A compensation act, instead of strife, litigation, and hatred, tends to bring about closer cooperation of employer and employee, and is a factor of efficiency in the work done which can not be reckoned in dollars and cents, unless one takes the whole industries of such countries as have successfully carried out such a plan and compares it with the work previously done by the same nation under conditions analogous to our barbarous form of master and servant liability.

My bill affords due process of law. It changes the method of admission of evidence as to what constitutes the causes of injuries. Congress has as much power to prescribe the rule of evidence as the courts had to import into the Federal jurisprudence the State law on negligence; and that is all that is done in excluding questions of negligence.

The Federal courts have no general or common law that Congress can not change. No one has a vested right in a rule of law, and least of all in a rule of the common law evolved after the Constitution went into effect. The only rights protected by the fifth amendment are such as natural persons could exercise and be protected in; that was what the framers of the Constitution could have had in mind. The framers of the Constitution could not have meant to safeguard the rights of mere creatures of the law to maim those upon whom by subsequent amendment national citizenship was conferred.

The rule of negligence is not and was not protected by the fifth amendment, because at that time it had not come into existence. The regulation of commerce was in the minds of the framers of the Constitution, and since the Supreme Court held in the Employers' Liabilities cases (207 U. S.) that (within limits) that power controlled the relation of master and servant, the extent of its exercise is a matter of congressional discretion and power.

The rule of negligence is, however, based on the theory of the exclusion of material evidence, namely, the professional risk inherent in these occupations. This is merely evidence or procedure, and can and must be regulated by Congress, because the inferior courts have no inherent power to maintain that as a rule of evidence which Congress legislates shall not hereafter be considered as evidence. Congress can require the courts to give heed to the evidence of inherent danger. Congress can require in every case brought before Federal courts a direction of a verdict for the employee, whenever it shall have appeared that he was solely and only engaged in the service subject to Federal regulation, and has not voluntarily injured himself for the purposes of being made a subject of compensation. The Congress has ousted the Federal courts of the rule of assumption of risk in the case of violations of the safety-appliance acts. (Section 8 was drafted by Senator White, of Louisiana, now Chief Justice.) In the new employers' liability acts the defenses of contributory negligence and assumption of risk have been shorn of their power to do harm, and thus, by cutting down the power of using obsolete theories of law, Congress has made a beginning, now logically sought to be carried out, to require all those that maim to pay, by saving them the need of litigating.

ON POWER OF TAXATION.

Exercise of the power of taxation in and of itself is due process of law. The taxes are for a public purpose. Taxation under the Veazie Bank case may be used to drive the privately-owned railroads out of existence, and any less amount of taxation is as proper when used on behalf of the employees as it was when used on behalf of national bankers to help the sale of United States securities. The power of Congress under the first clause of the fifteenth amendment has not heretofore been used.

This clause provides as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States," etc.

Neither was the power to regulate commerce, now so extensively invoked, brought into play for a long period of time. Yet that is no reason against this power being now used to change the status of the employees. That is what is proposed by this bill.

The power of changing the status of employees of mail carriers is a political question (by declaring the employees public servants and their services public services) not subject to the denial of due process of law. The exclusion by the courts of evidence of the inherent danger and the resting their ruling on the so-called negligence is nevertheless subject to legislative change.

In regulating the status of employees of carriers operating on mail routes Congress would be conferring due process on both master and servant, while the rules of law heretofore invoked in master-and-servant cases have been denying the elementary rights of adducing evidence to the disadvantage of the men at risk.

If the courts may under the judicial power group into a common employment all those employed by a common master, for the purpose of denying them damages, Congress must have the same power to group together all those (included by the opinion of the Supreme Court) in Employers' Liability cases under a common employment, with those engaged with the servants of mail carriers, to grant them compensation for professional risks.

The combination in one bill of powers drawn from various sources of the Constitution is as permissible in the interest of those at risk as it was to create railroads in the Union Pacific cases under the claim that they were needed to protect the military and postal service of the Government.

DELICTS.

The maiming and killing of persons is a delict. It may be made the subject of a fine. This fine may be amerced on the tort-feasor, actually the person committing the injury, or the operating influence; i. e., the corporation. In fining the corporation there is no element of fault or negligence safeguarded by the fifth amendment, so as to preclude the Congress from determining what shall be deemed to be a proper amount of compensation to be paid by the tort-feasor. The proceeds of the fines, whether called fines or common-law deodands, are purely within legislative power, and may either be used to pay governmental purposes or may be used in the legislative discretion to pay those maimed by unavoidable injury produced by the inherent danger.

There is certainly power, it is submitted, to make absolutely liable the wrongdoing car or locomotive, irrespective of its intent, or of the operator's intent in handling it, and giving a lien to the person injured or to the Government for the injury done. And the company can not complain if the amount so to be paid is transmuted from the car or locomotive to the other property of the company by public law. If the United States could create, irrespective of intent, a liability in the company causing damage by criminal proceedings due process is not taken away by making it liable for the damage done, irrespective of negligence. It resolves itself merely into a question of power.

The power of taxation may as properly be exercised in favor of one class of public servants, conserving commerce, as it may be invoked for the end of pensioning those who preserved our Union. The disposition of the proceeds of taxation is purely a matter of legislative discretion.

SPECIAL BODY OF THE JUDGE-MADE LAW.

Contributory negligence: If the employee who is injured has failed to use reasonable care, and that neglect contributed to his injury, he can not recover from his master in action at law, unless he can show his freedom from negligence. This rule of law was changed by the act of 1908.

Fellow-servant rule: If the employee be injured by the negligence of a fellow-servant, that fact will bar his recovery under the present class rules laid down by the courts, basing the same on Priestley *v.* Fowler (1837, 3 M. & W., 1), Abinger, C. B., in the court of exchequer, followed in Farwell *v.* Boston, etc., Railroad Co. (4 Metc., 49, 1842, by Shaw, C. J.). In the Priestley case Lord Abinger put the exception he was creating on inconvenience to masters to pay damages:

"The inconvenience, not to say the absurdity, of these consequences afford a sufficient argument against the application of this principle to the present case. But, in truth, the mere relation of the master and the servant never can imply an obligation on the part of the master to take more care of the servant than he may reasonably be expected to do of himself. He is no doubt bound to provide for the safety of his servant in the course of his employment to the best of his judgment, information, and belief. The servant is not bound to risk his safety in the service of his master, and may, if he thinks fit, decline any service in which he reasonably apprehends injury to himself; and in most of the cases in which danger may be incurred, if not all, he is just as likely to be acquainted with the probability and extent of it as the master."

Assumption of risk is a vague and shadowy scheme of class justification, constantly shading into contributory negligence. The courts construe in the employee's contract of service an engagement to assume and consent to the ordinary and obvious risks incident to the employment, and if the servant is injured thereby he can not recover from his employer; for the ordinary and inevitable risks of the trade (the so-called professional risk), the accidents which are nobody's fault, the employer does not pay. But assumption of risk covers not only those risks which could not be avoided by the care of the employer, but also, if the employee knows of dangerous possibilities of his work (though such danger arises by neglect or fault of his employer, even amounting to the violation of the mandatory requirements of a statute), and if the servant, appreciating the dangers, does not at once throw up his job he consents thereto by continuing in such employment, then he can not recover when injured by such a risk.

As a matter of fact, this is another form of class justification for an obvious wrong, as it is contrary to the fact that workmen ever consent or bargain about the hazard risk. They work at these dangerous trades because of economic need, and the "assumption" of the risk and the "implied contract" are both fictions of the courts to perpetuate class exploitation without requital. The economic determinism of the courts in crushing labor, rather than hurting the chances for the budding industries, are part of the whole system of class domination, always finding justification in the courts or in those in authority. The development of these pernicious and disastrous doctrines was profoundly influenced by the belief of the courts that the necessity of profits of the masters owning the enterprises demanded protection at the hands of the State, even though the laborers, who then did not have political power at all, should for a few generations be decimated.

Now, it strikes us all as totally unjust that the employee should bear that which inheres in the cost of the product, and that his injuries are never a voluntary injury (in the sense that he would prefer to be maimed or killed than not to be so), and if workmen have as high a value for the integrity of their lives and limbs as we have, then the present system of requiring an action based on the theory of fault is totally misplaced, economically false, and juristically unjust, as well as sociologically indefensible, as long as we pretend to treat these men, not as slaves to be exploited, but as fellows in political life and in part the source of our power.

DISSATISFACTION WITH THE PRESENT SYSTEM OF EMPLOYERS' LIABILITY.

1. The system evolved by the courts has brought it about that only a very small proportion of the workers killed or injured by accidents of employment receive substantial damages or any compensation, and therefore they and their families and dependents as a rule are degraded in their standards of living and fall a burden to the community and are objects of either public or private charity after a useful, socially effective life.

2. The system so evolved by the courts benefits no one, clogs the courts with actions, hinders justice, is expensive to the Government, burdens the employers with litigation, makes perjurers of people, and when all is said and done is of small benefit to the employees, even when some of them do obtain the verdicts paid after years of litigation.

3. The delays incident to all lawsuits, where a poor man's purse is matched against a wealthy corporation's exchequer, is enhanced by the courts, treating the cases like a football match and reversing for trivial technicalities and having appeals follow appeals, so that cases have been in the courts for 7, 8, and even 10 years, and no end yet in sight.

4. The consequences are bound to emphasize the class contracts and the consciousness of antagonism between master and servants, and that is what a well-governed State tries to alleviate as much as is possible.

EXPENSE OF PRESENT CHAOTIC SYSTEM.

In New York we know from the commission's report that the employees received only $37 out of every $100 paid by the masters, and that $63 is spent in lawyers' and claim agents' fees and insurance expenses.

The contingent fees system forced on the laborers is no better, since 17 per cent to 34 per cent is spent before the employees get anything of the recovery.

The employee when injured must sue the men he worked with, as they are practically his master's witnesses, and if they testify too freely for him may be laid off at the first chance. And if he is fighting an insurance company, whose business it is to fight and cut down losses to his former master, he is worse off than before. "The present law, with its uncertain and uneven chances, promotes distrust and ill will between employers and employees to a serious extent."

In addition to this the corrupt practices of both sides, and the class tendencies of the courts to nonsuit the plaintiff, thus causing needless appeals, which, when decided, only give the litigant a chance to do that which of right he should have been permitted to do at the start, are evils for the community.

Then there have been attempts by both sides to completely disregard the laws made by the courts, and thus to arrive at a sensible basis, but this is charity on the part of some New York public-utility corporations. This is analogous to the modes whereby the members of the produce exchange are bound to arbitrate, so as to avoid the New York courts and the costly litigation. The various railroad relief funds are not voluntary, and are in the main built up by the men's own payments to the risk that should be borne by the enterprise.

No kind of an employers' liability act does away with the uncertainty of litigation. The English said of their employers' liability act of 1880:

"That act, however, can not be said to have been successful. The proof of negligence has been found extremely difficult, and in a vast proportion of the cases of accident no negligence of the nature required by the act in fact existed, or at all events could be proved; and even if there were prima facie evidence of negligence, the risks of litigation were most serious both for employer and employed. * * * Regarded, therefore, as a means of obtaining compensation for injury by accident with a reasonable degree of certainty, the employers' liability act of 1880 must be considered to have been a failure."

The New York commission, in their well-considered report, say, on page 39:

"It is hard to overestimate the force and sanity of the deliberate judgment of that report, though there seems very good reason to believe that the chance of the English workman to get reasonable verdicts was very small, compared with the chance of the injured workman in New York."

The memorandum of the home office to the Royal Commission of labor in 1893 (Common Parliamentary Papers, 1893–94, No. 39, Appendix to Minutes CLIX), which bore the approval of Sir Frederick Pollock, characterized it as "an unfair law operating oppressively against workmen as a class," and that under it negligence of the master is "next to impossible to prove."

That memorandum summarized the workings of the common law and the act of 1880 as follows:

"The doctrine (fellow-servant doctrine) is an exception to the general rule; is modern judge-made law; implies a contract founded on a legal fiction not in accordance with fact; has been pushed to extreme length by the judge forcing and straining the meaning of the term 'common employment'; and in practice leads to gross anomalies. The little master who does the work himself is responsible; the large employer by delegating authority escapes responsibility. The stranger who is injured by the employer's servant has his remedy; the workman has none. The law, therefore, is an unfair law, operating oppressively against workmen as a class. The general result is that under the common law a workman can but very seldom have a remedy against his master for negligence. True, the master is nominally responsible for his own negligence, but in all large undertakings his personal share in the work is slight or none at all. To succeed the workman must prove (1) that the machinery was defective, or that delinquent servant incompetent; (2) that the master had personally failed to take reasonable care that the machinery should be proper or his servants competent. And this it is next to impossible to prove. If the master can only show that he bought the machinery in the ordinary way, paying the ordinary price, or that he hired his servants in the ordinary way, there is an end to the charge of personal negligence."

And again:

"The truth is that to the workman litigation under the act has more than its usual terrors. It is not merely that litigation is expensive, and that he is a poor man and his employer comparatively a rich one; it is that when a workman goes to law with his employer he, as it were, declares war against the person on whom his future probably depends; he seeks to compel him by legal force to pay money, and his only mode of doing so is the odious one of proving that his employer or his agents—his own fellow workmen—have been guilty of negligence. Add to this that the legal proof of such negligence is often extremely difficult, the broad result is that a legal claim for damages only answers where the injury is very great and the workman is prepared to leave his master's service." (Lord Salisbury, speaking in the House of Lords on the 20th of July, 1897, is quoted as follows: "To my mind the great attraction of this bill is that it will turn out a great machinery for the saving of life. This is the real history of this law of compensation. The law of compensation at the beginning of the century was taken up by the juries, and instead of compensation for the real injury incurred being given, it was used by them as a punitive instrument to force these great owners and railway companies to strain their efforts to the utmost in avoiding and preventing the accidents, which at one time were so numerous. It has been very successful, as far as regards the ordinary passenger or ordinary citizen, but the law of common employment has damaged its efficacy as regards the workingman. We are now, by wise and general revision of the principle on which the law rests, applying it for the purpose for which it was originally destined, and for which it has been conveniently and most profitably employed, the purpose of forcing all who, by the process of industry or the accident of their position, have the lives of their fellow men in their power—forcing them to spare neither labor nor ingenuity nor money in making our industries as safe as possible to those by whom they are carried on."—Hansard, Parliamentary Debates, 1897, vol. 51, p. 555.)

WHAT OBJECTIONS CAN BE URGED AGAINST THE CONSTITUTIONALITY OF A RESTRICTED FEDERAL COMPENSATION ACT FOR WORKMEN?

The standard objections are that such an act would be (*a*) deprivation of private property without due process of law, (*b*) that it would deprive the employer of liberty of contract, (*c*) that it would deprive the employee of the liberty of contract and a resort to the courts of law.

They who contend that such an act can be sustained rely on four propositions: 1, the commerce power; 2, the post roads clause; 3, the power of taxation; 4, the legislative power of combining any of the above.

Objection No. 1: Due process of law.

The fifth amendment in part reads as follows:

"Nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."

This amendment, adopted in the closing years of the eighteenth century (1791), is by some supposed to be an insurmountable barrier to effecting changes. It is resorted to by those anxious to preserve property rights at all costs, as a reason why rules of the common law can not be changed. Those who maintain that proposition are forced to the acceptance, in this connection, of this syllogism: Although the constitution of 1787 was adopted principally to regulate commerce, and paramount power to do so was lodged in Congress, yet the fifth amendment, adopted in 1791, limits that power to the extent that a rule of construction of the relation between master and servant (based on convenience and public policy) of State courts in South Carolina and Massachusetts as late as 1845 relates back to the fifth amendment, has become a rule of property so sacred and immutable that legislative power is unavailing against it.

To state the proposition in another form, those who contend that a compensation act is bound to violate the fifth amendment must show that a rule of law evolved by State court, when adopted by United States courts as "general law" is beyond the legislative action of Congress.

Resolving the term of this proposition, it means that a standard of care, or the deviation from that standard (negligence) when applied by the courts to actions for the recovery of damages in personal-injury cases, is immutable. Thus in the words (see p. 525, *infra*) of the New York Court of Appeals in Ives *v.* South Buffalo Railway Co. such an act "writes into the contract between the employer and employee, without the consent of the former, a liability on his part which never existed before and to which he is permitted to interpose practically no defense, for he can only escape liability when the employee is injured through his own willful misconduct."

LIABILITIES.

Reserving the obvious contention that the courts, without the consent of the workmen, wrote into the contract of employment an exemption from liability that had not existed against any other class of the community, we will first address ourselves to the rule of care.

Due care, the care of a prudent man about his own affairs, may have logical consistence in that rule of the civil law applied by Chief Justice Holt to bailments. Bailments were handled by natural persons impressed by the law with a public duty. The courts applied these standards to public-service corporations where the personal element of supervision or selection was wanting. Thus the standards applied to individuals in fact became a fiction. The writings of all who have studied the matter condemn the logic, as well as the justifications resorted to by the courts, because it is, as a matter of fact, not negligence in any degree that causes the killing or maiming of men in modern industries.

Those who studied the matter with an open mind find that in all enterprises where high-powered machinery is used, or where natural forces are worked or subjugated by man, there is a regularly recurring statistical ratio of killed and injured. Assuming that laborers have as much care for their lives, if not the integrity of their limbs, as do those of more favored economic classes, it would seem that the recurring number of deaths in mining, lumbering, and railroading are capable of explanation by some other cause than deviation from the standard of action of "a reasonably prudent man." The students of that subject claim that those killed and injured are maimed by the incidence of the law of professional risk. That is, that there inheres in all machinery the capacity of steady effort continued indefinitely at the same pitch and force. But human energy is a varying factor, even with a man beginning work. That human psychology and steel machinery have no factor in common except the energy of use. That the capacity of using human energy in controlling machinery flags from time to time, not from negligence, but from too much care or attention given an instant before or rather stored up for the event usual to happen at the next curve or the next station. But if in that interval an unlooked for event takes place, it is not lack of care on the part of the prudent man, but an event that the prudent man never could successfully grapple with, that instead of having hours of discussion as to what should be done, those killed or injured have seconds or fractions of seconds in which to act, and have no chance for reconsideration. That this habit of facing danger begets standards of action, used by the masters to move commerce expeditiously, and encourages the servants to exertions wherein results only count and where the standards of care of the meticulously prudent man are relegated to those of less virile activity.

That the economic factors which forced this activity beget a group standard of courage and energy, encouraged by the masters in doing public work. That it is not giving heed to facts of life where there is applied a standard of care, of watchfulness, of consideration, to factors that are nonexistent in the day's work, and that after disaster are invoked to deny the men a remedy.

By a process of exclusion which is found that there is a factor of danger inherent in the enterprise itself. Statistics demonstrate this fact. Professional risk alone explains the recurring factor of the deaths of those at risk.

The courts, bound by the duty of stare decisis, can not undo the rules evolved by former judges. They are not at liberty to permit the plaintiff to show the inherent danger of the work, but Congress has the power of changing the rule of evidence.

"Evidence—

It was said by Bentham (Rationale of Judicial Evidence, book 9, Pt. III, ch. 1)—

—is the basis of justice; exclude evidence and you exclude justice."

In place of deciding master and servant cases by a rule in which deviation from an inapplicable standard of care is the criterion of recovery, it is contended that Congress, having plenary power of abolishing inferior Federal courts, has power to regulate the procedure therein; that since evidence is part of the procedure, it does not play part of the judicial power with which Federal courts, once called into being, are invested, and that therefore the requirement of giving force to procedure whereby such courts shall take into account inherent or professional risk, would not violate the due-process clause.

Due process of law.—The New York Court of Appeals (in Ives *v.* So. Buffalo Ry. Co., 201 N. Y., 271), the only court that so far has passed on the constitutionality of a modern compensation act, found no difficulty in declaring that the act violated the due-process clause, as we would say; that is, that it took property by not affording the proprietor that standard of protection that the courts seem to think is sacred and taboo. Says the court (p. 14): "If it is competent to impose upon an employer who has omitted no legal duty and has committed no wrong a liability based solely upon a legislative fiat that his business is inherently dangerous, it is equally competent to visit upon him a special tax for the support of hospitals and other charitable institutions," etc., and in support of this view quotes Wynehamer *v.* People (13 N. Y., 378), where it was said. "These constitutional safeguards in all cases require a judicial investigation, not to be governed by a law specially enacted to take away and destroy existing rights, but confined to the question whether, under the preexisting rule of conduct, the right in controversy has been lawfully acquired and is lawfully possessed."

The case relied by that court (Wynehamer case, 13 N. Y.) contains a mass of barbaric dicta, long ago exploded by the Supreme Court of the United States. In that case the court of appeals said (p. 397):

"The statute under consideration * * * by force of its prohibitions alone, sweeps them (intoxicating liquors) from the commerce of the State, and thus annihilates the quality of sale, which makes them valuable to the owner. This is destructive of the notion of property. * * * It is certain that the legislature can not totally annihilate commerce in any species of property, and so condemn the property itself to extinction (p. 399). There is no offense except the misfortune of being the owner (p. 404)."

All this based on the theory stated on page 387:

"In a Government like ours, theories of public good or public necessity may be so plausible, or even so truthful, as to command popular majorities. But whether truthful or plausible merely, and by whatever numbers they are assented to, there are some absolute private rights beyond their reach, and among these the Constitution places the rights of property."

On page 454 we find this gem of the sociologic insight of the New York Court of Appeals:

"The Constitution surrounds liquor as property, with the same inviolability as any other species of property. There can be no room, I think, for difference of opinion as to the meaning of the phrase "due process of law," as used in the Constitution. It means an ordinary judicial proceeding. * * * It is not pretended, nor can it be, that property which is not per se a nuisance can be annihilated by force of a statute alone, or by a proceeding in rem for the punishment of a personal offense. Liquor is not a nuisance per se, nor can it be made so by a simple legislative declaration."

This venerable decision of March, 1856, was not regarded as law by the Supreme Court, which, in the Mugler case (123 U. S., 623), Harlan, J., writing, said:

"The entire scheme of prohibition as embodied in the constitution and laws of Kansas might fail if the right of each citizen to manufacture intoxicating liquors for his own use or as a beverage were recognized. Such a right does not inhere in citizenship."

And so there may be enough sociologic insight in the Supreme Court to see to it that due process of law does not require us to bound, perpetually, by what the Kansas Supreme Court has aptly termed "with the discredited common-law manacles." (Caspar *v.* Lewin et al., 109 Pac., 667.)

Again, there is the same power in Congress to change the rules of the incidence of loss as there is in State legislatures to change the rules of property. On this point Soper *v.* Lawrence Bros. Co. (201 U. S., 367, 368) is instructive. There Holmes, J., said:

"The distinction between trespass and disseizin may be modified by statute as properly as it may be established by common law. Also statutes of limitations may be passed where formerly there were none. So far as the fourteenth amendment is concerned, there is nothing to hinder a State from enacting that in future the doing of such overt acts of ownership as are possible on wild land * * * shall bar an action for the land."

The fourteenth amendment goes no further than the fifth amendment limits the Congress, and thus the changing of the rule of incidence of loss is merely a legislative question.

The civil-rights cases (109 U. S., 3) do not negative the right of Congress to pass legislation of a character such as is proposed here. In that line of cases the Supreme Court held that the primary object of those cases was to contract that what the States had a sole or subsidiary power to do, viz, to regulate the conduct of their citizens, and that the thirteenth and fourteenth amendments were not intended to oust them of that right. But here a new relation has been created in respect of the Federal control of master and servant, where the paramount authority of Congress makes the rule and where therefore the State legislation heretofore enacted for the protection of the servants is ousted by Federal legislation. In such circumstances there must be the same power of Congress as have the States, to award new remedies under the fourteenth amendment. And the two amendments, the fifth and the fourteenth, must be reconciled.

But, it is urged, a compensation act does not require a suit at law; it aims at ousting the courts of their functions.

It has been held in Hammond Packing Co. *v.* Arkansas (212 U. S., 559):

"We must trace the power to its true source, and if, from doing so, it results that the authority exerted flows from a reservoir of unquestioned power, it must follow that the action below was not unlawful, albeit in some narrower aspect that action might be considered as unlawful. The essential basis for the exercise of power, and not a mere incidental result arising from its exertion, is the criterion by which its validity is to be measured (per White, jr.)."

In other words, the source of power, not the incidental use of it, determines its constitutionality.

If there is power in Congress of obliterating one defense after another, as has been enacted by the eighth section of the safety appliance act (originally drafted by Senator White, of Louisiana, now Chief Justice), whereby assumption of risk was removed in those cases, and in the new employers' liability acts, approved April 2, 1908, and April 5, 1910, Congress may deprive the carriers of any defenses, based on a standard, objectionable to public policy, "held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare" (Noble State Bank case, 219 U. S., 104), so long as the carriers are given a right to a judicial or administrative hearing. (Hurtado case, 110 U. S., 516.)

The due-process clause could not make immutable the rules of State courts, adopted by Federal courts, to any such extent that it ousts the power of Congress to reexamine the reason for its adoption, and to reject it if found contrary to the actualities of industrial life.

But in the words of Mr. Justice Moody (Twining *v.* New Jersey, 211 U. S., 101): "It does not follow, however, that a procedure settled in English law at the time of the emigration and brought to this country and practiced by our ancestors is an essential element of due process of law. If that were so, the procedure of the first half of the seventeenth century would be fastened upon American jurisprudence like a straitjacket, only to be unloosened by constitutional amendment.

"That," said Mr. Justice Mathews, in the Hurtado case (110 U. S., 516, 529), "would be to deny every quality of the law but its age, and to render it incapable of progress or improvement."

The judicial power of adopting the standard of care, evolved 50 years after the adoption of the fifth amendment, can be no greater than the legislative power of Congress to reject it if found inharmonious with national well-being.

The Supreme Court has shown a harmonious and consistent desire to approve well-considered changes in procedure affecting Federal needs, (Oceanic Co. case, 214 U. S., 320.) There is an apparent exception in the New York Bakers' case (Lochner *v.* N. Y., 198 U. S., 45), but this is overcome by the decisions in the Oregon Laundry case (Muller *v.* Oregon, 208 U. S., 412) and the Tennessee Coal Miners' case (183 U. S., 13), and more directly in the Oceanic case (cited above), where Federal power of regulation of excluding aliens and enforcing it by what the steamship company claimed was violation of due process of law, was upheld.

In Juilliard *v.* Greenman it was said: "A constitution establishing a frame of government, declaring fundamental principles, and creating a national sovereignty, and intended to endure for ages and to be adapted to the various crises of human affairs, is not to be interpreted with the strictness of a private contract. (110 U. S., 421, 1883.)"

In Noble State Bank *v.* Haskell (219 U. S., 104), Holmes, J., said: "In answering that question we must be cautious about pressing the broad words of the fourteenth amendment to a dryly logical extreme. Many laws, which it would be vain to ask the court to overthrow, could be shown easily enough to transgress a scholastic interpretation of one or another of the great guaranties of the Bill of Rights. They more or less limit the liberty of the individual or they diminish property to a certain extent. We have few certain criteria of legislation, and as it often is difficult to mark the line where what is called the police power of the States is limited by the Constitution of the United States, judges should be slow to read into the latter a nolumus mutare as against the lawmaker."

The Supreme Court of the United States on May 18, 1908, handed down its decision in St. Louis, Iron Mountain & Southern Railway Co. *v.* May Taylor, as administratrix of George W. Taylor (210 U. S., 24, 281).

The case had been tried twice in the State courts, and eight years after Taylor's death the Supreme Court reversed the judgment obtained against the carrier; but the court laid down in its opinion a salutary rule, which is applicable to the principle of my compensation bill—H. R. 9831. Here is what the court said in that case which, with Holden *v.* Hardy (169 U. S., 366), gives my bill H. R. 9831 its constitutional justification:

"In deciding the questions thus raised, upon which the courts have differed (158 Fed., 931), we need not enter into the wilderness of cases upon the common-law duty of the employer to use a reasonable care to furnish his employee reasonably safe tools, machinery, and appliances, or consider when and how far that duty may be performed by delegating it to suitable persons for whose default the employer is not responsible. In the case before us the liability of the defendant does not grow out of the common-law duty of master to servant. The Congress, not satisfied with the common-law duty and its resulting liability, has prescribed and defined the duty by statute. We have nothing to do but to ascertain and declare the meaning of a few simple words in which the duty is described. It is enacted that "no cars, either loaded or unloaded, shall be used in interstate traffic which do not comply with the standard." There is no escape from the meaning of these words. Explanation can not clarify them and ought not to be employed to confuse them or lessen their significance. The obvious purpose of the legislature was to supplant the qualified duty of the common law with an absolute duty deemed by it more just. If the railroad does, in point of fact, use cars which do not comply with the standard, it violates the plain prohibitions of the law, and there arises from that violation the liability to make compensation to one who is injured by it. It is urged that this is a harsh construction.

"To this we reply that, if it be the true construction, its harshness is no concern of the courts. They have no responsibility for the justice or wisdom of legislation, and no duty except to enforce the law as it is written, unless it is clearly beyond the constitutional power of the lawmaking body. It is said that the liability under the statute, as thus construed, imposes so great a hardship upon the railroads that it ought not to be supposed that Congress intended it. Certainly the statute ought not to be given an absurd or utterly unreasonable interpretation leading to hardship and injustice, if any other interpretation is reasonably possible. But this argument is a dangerous one, and never should be heeded where the hardship would be occasional and exceptional. It would be better, it was once said by Lord Eldon, to look hardship in the face rather than break down the rules of law. But when applied to the case at bar the argument of hardship is plausible only when the attention is directed to the material interest of the employer to the exclusion of the interests of the employee and of the public. Where an injury happens through the absence of a safe drawbar there must be hardship. Such an injury must be an irreparable misfortune to some one. If it must be borne entirely by him who suffers it, that is a hardship to him. If its burden is transferred, as far as it is capable of transfer, to the employer, it is a hardship to him. It is quite conceivable that Congress, contemplating the inevitable hardship of such injuries, and hoping to diminish the economic loss to the community resulting from them, should deem it wise to impose their burdens upon those who could measurably control their causes, instead of upon those who are in the main helpless in that regard. Such a policy would be intelligible, and, to say the least, not so unreasonable as to require us to doubt that it was intended and to seek some unnatural interpretation of common words. We see no error in this part of the case." * * *

This opinion has been reaffirmed on May 15, 1911, in Ch., B. & Q. Ry. Co. *v.* U. S., per Harlan, J. (220 U. S., 559).

In Butler *v.* Frazee (211 U. S., at p. 466) Mr. Justice Moody said:

"The rule of assumption of risk has been thought by many a hard one when applied to the complicated conditions of modern industry, so largely conducted by the aid of machinery propelled by irresistible and merciless mechanical power, and the criticism frequently has been made that the imperative need of employment leaves to the workman no real freedom of choice, such as the rule assumes. That these considerations have had an influence is shown by the notorious unwillingness of juries to apply the rule and by the legislative modifications of it, which, from time to time, have been made, as, for instance, by Congress in the safety-appliance law." (Schlemmer *v.* B. R. & P. R. Co., 205 U. S., 1.)

So that we have a line of judicial thought not opposed to the exclusion of standards derived from the State judiciary. There must be some standards, not objectionable to the due process of law clause, which can be set up by Congress when liability based on an impossible standard is set aside as no longer of use in Federal legislation.

This standard may be established by Congress by the adoption of the rules basing on professional risk or hazard inhering in certain occupations, and excluding all other standards for the measuring of liability save only fraud.

The power of Congress, on grounds of public policy, to adopt as a standard the inclusion, admission, and presentation of questions of professional risk, is as great as was that of the courts of borrowing

from State courts that of negligence, fellow service, and assumption of risk, etc., which on final analysis base on what Lord Abinger thought "convenient." The attitude of Congress toward this question of professional risk may be said to represent the "prevailing morality or strong and preponderating opinion to be greatly and immediately necessary for the public welfare." (Noble Bank case, 219 U. S., 104.)

Professional risk takes into account everyday facts recognized and acted on by millions of men at risk, on whose behalf this legislation seeks recognition at the hands of the courts. It bases on a power as intensive, though not as extensive, as is the police power of the States. So that whatever is found in the reports on the fourteenth amendment in upholding State power may be urged in support of the commerce power when questioned under the fifth amendment. The Noble Bank case permitted legislation to stand because "an ulterior public advantage may justify a comparatively insignificant taking of private property for what in its immediate purpose is a private use."

A Federal compensation act allowing the carriers to shift the cost of its operation on the public service and the consumers in no manner even attempted to reduce the earnings of the carriers. It merely adjusts by public intervention a state of affairs that has become a national scandal, benefiting in the last instance not even those who resist the progress of human interrelations in complex modern industrial affairs.

"The principles of the common law" are the standard of what is due process of law. (Hurtado *v.* Cal., 110 U. S., 516.) The law of deodands was and has been common law, save where changed by statute, since Angevin justices in eyre condemned wagon and oxen for the accidental death of a freeman and amerced against either the late owner or the hundred for fiscal dues. The lawyers of 1791 could have intended to preserve remedies based on the application of that law, while the rule of the Priestley case or that of the Farwell case could not have been in their minds.

Federal courts have in criminal cases refused to subdivide the property committing a violation against the Elkins Act and have held the trainload as the unit of violation. (Standard Oil Co. case, 164 Fed., 376.) Congress could then, by following the reasoning of the courts and without violating the fifth amendment, declare subject to condemnation and public sale the trainload of freight killing any human being while used on a Federal highway and could apply proceedings in rem against the guilty thing itself for its violation of the peace of the United States declared to exist in Re Neagle (135 U. S., 1). Such a proceeding for forfeiture would be due process of law, and the proceedings from such sale could be turned into the Treasury directly or paid over to the injured person's representatives. The railroad company would have no cause of complaint. (Humes case, 115 U. S., 512.) All this could be done by resorting to methods of law only a trifle more archaic than that flowing from the consequences of the Priestley and the Farwell cases, and no one could say that it would not be due process of law. Then it would seem to follow that any less qualified degree of absolute liability, based on this theory, would, in the last instance, be due process of law. But in addition hereto my bill, annexed hereto—H. R. 9813—permits, from a superabundance of caution, a hearing before the Federal courts on all pertinent questions, so that, it is submitted, no violation of due process can be found in such a bill.

STATUS.

Due process of law as applied to the regulation of public service admits of different treatment than does that of purely private service. (Harlan, J., in Atkins *v.* Kansas, 191 U. S., 207.)

The mere fact that the corporation is created by a State does not affect the question, since under Hale *v.* Henkel (201 U. S., 43) in respect of its Federal work it is as much subject to Federal legislation as though it had been chartered by the United States; nor are its property rights, only incidentally affected as we shall see, of such a paramount character as to subordinate its public character of a carrier engaging voluntarily in interstate commerce to its private rights of earning dividends at all costs. By submitting to Federal regulation, under the Hale *v.* Henkel case (201 U. S., 43), its property is affected with a Federal use, and the quantum of Federal imposition for a public purpose becomes a matter of bargain and of sale with the United States, not a constitutional right to exemption. But in addition thereto the United States may protect their peace, established under the doctrine of Re Neagle (135 U. S., 1), and may require the carrier or its property causing deaths and injuries to stand amercements as old as the Norman and Angevin laws, and thus due process of law, if our reasoning above is valid. But as the corporation is subject to Federal power of control, so are its servants public servants. Whenever the courts have found occasion to regulate the activities of railroad men, it was based on the recognition of their public service and their duties to the public, the ultimate beneficiaries in their social activities. Although engaged and paid by private State corporations, the activities of the men were held subject to the regulations of the courts, flowing from the judicial power. So that, even without statutory declaration, their work would be regarded as public service. And if it is public service, made so by the act of Congress, it is within the power of that body to annex thereto such conditions as seem reasonable to Congress. It may then shift as far as is feasible—shift the economic loss—from the men to the corporation, in the memorable words of Moody, J., in the Taylor case, set forth above.

But there is another phase to the relation of these workmen to their masters which may be properly covered by such a compensation act without violating due process of law. The exclusion of relevant factors of testimony heretofore has made for diminution of their status. By reason of maintaining a fiction, evidence of the actual conditions of railroad hazards were excluded; for it is a cruel fiction to maintain as a standard of care for railroading such care as the reasonable, prudent man, a meticulous, cowardly person uses. It is as though grain in an elevator were to be measured by areas or land measures because it originally came from the land, or as though opposition to the use of the bushel or cubic liters were resisted because the Normans measured land by the team's work. The exclusion of evidence of actual danger, the suppression of necessary evidentiary facts enforced a diminished status quite as effectively as though a political disqualification had been enforced after the railway men's evidence, such as preferring that of native-born Americans over those naturalized or aliens. The latter disqualification could have been removed by Congress. The candid mind should be reluctant to admit that the identical results can not be arrived at by due process under the compensation act; for in each case the aim of Congress would be to restore to these workers that measure of equality before the law enjoyed by all who are not servants.

Examination and analysis of the statistics of railways demonstrate that no part of railway men's wages is paid for danger or for the risk inherent in the service. Every cent for increased wages means increased tonnage moved with heavier trains under such exacting hours of service that Congress intervened. This act was sustained by the Supreme Court in Baltimore & Ohio Railroad *v.* Interstate Commerce Commission, May 29, 1911, Mr. Justice Hughes delivering the opinion.

Since then demonstration has been made that the logic, the economic, and the sociologic doctrines of the Farwell case and all its ramifications are untenable, and that the State courts erred in adopting it, the legal disadvantage of the servants under Federal jurisdictions is manifest, if Congress can not reform the debased status of laboring men and place them on economic equality with all others, at least before Federal courts. The workmen are not given absolute equality with the rest of the community under a compensation act. Such an act merely diminishes economic and legal disability they now suffer. It temporizes with a great principle in order to afford just and prompt, even if inadequate, compensation, and that is not violating due process of law.

FREEDOM OF CONTRACT.

Nevertheless the above, it may be urged, merely loads the laborer with new disabilities while claiming to enlarge his status. These disabilities may become as onerous as those he is struggling against. Compensation acts do not confer on him identical rights with those enjoyed by the passenger. Absolute liability to pay damages is tending to become the self-imposed rule for settling losses in the case of any railway company having a decent financial standing. This right is not sought to be conferred on the railway employee, and, therefore, these servants are worse off under a compensation act than under the employers' liability act where unlimited damages may be recovered. Besides this such a compensation act bars the employee of his common-law right to a jury trial guaranteed by the Constitution.

To these and to untold similar arguments to those who oppose compensation acts two answers may be made; first, that if no one should be permitted to adjudge one's own claim, still less should they who urge liberty of contract for the workmen be his economic opponents when by his injuries his service relation with them have ceased; and, second, to quote Brown, J., in Holden *v.* Hardy (169 U. S., p. 387), where it is said:

"They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare, without bringing them into conflict with the supreme law of the land.

"Of course it is impossible to forecast the character or extent of these changes, but in view of the fact that from the day Magna Charta was signed to the present moment amendments to the structure of the law have been made with increasing frequency, it is impossible to suppose that they will not continue, and the law be forced to adapt itself to new conditions of society, and particularly to the new relations between employers and employees, as they arise. And, on page 397, the court again said: The legislature has also recognized the fact, which the experience of legislators in many States has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are to a certain extent conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules and the laborers are practically constrained to obey them. In such cases self-interest is often an unsafe guide, and the legislature may promptly interpose its authority.

"It may not be proper to suggest in this connection that although the prosecution in this case was against the employer of labor, who apparently under the statute is the only one liable, his defense is not so much that his right to contract has been infringed upon but that the act works as a peculiar hardship to his employees, whose right to labor as long as they please is alleged to be thereby violated. The argument would certainly come with better grace and greater cogency from the latter class. But the fact that both parties are of full age and competent to contract does not necessarily deprive the State of the power to interfere where the parties do not stand upon an equality or where the public health demands that one party to the contract shall be protected against himself. The State still retains an interest in his welfare, however reckless he may be. The whole is no greater than the sum of all the parts, and when the individual health, safety, and welfare are sacrificed or neglected the State must suffer."

The other phase of liberty of contract, viz, that arising between the corporation, as master, and the United States, in enforcing such a compensation act is more specious than difficult.

Even if in the premises we have shown the basis of Federal power for legislatively bringing about a change of status of the servant, by overturning the rule of excluding evidence of inherent danger, and by basing the new status on the reformed rule, there still remains to consider the question of regulating that liberty of contract alleged to be safeguarded by the fifth amendment.

The Supreme Court, however, looks at substance. It can be demonstrated that none but corporations are the masters of railway servant. (Although we had started by discussing the general features of a compensation act for the purpose of the brief the discussion would be limited to the employees of railroads solely engaged in interstate commerce or subject to the Federal power while at work and injured on a Federal highway.) Corporations are not endowed with a capacity to contract themselves or their acts beyond the pale of the law, but are subject, on the contrary, to regulation by law in cases where an individual might be heard on the academic rights of freedom of contract. In response to such an argument the opinion by Lurton, J., in Atlantic Coast Line Railroad Co. *v.* Riverside Mills (219 U. S., 186), is in point:

"It is obvious, from the many decisions of this court, that there is no such thing as absolute freedom of contract. Contracts which contravene public policy can not be lawfully made at all; and the power to make contracts may in all cases be regulated as to form, evidence, and validity as to third persons. The power of government extends to the denial of liberty of contract to the extent of forbidding or regulating every contract which is reasonably calculated to injuriously affect the public interests. Undoubtedly the United States is a government of limited and delegated powers, but in respect to those powers which have been expressly delegated, the power to regulate commerce between the

States being one of them, the power is absolute, except as limited by other provisions of the Constitution itself.

"Having the express power to make rules for the conduct of commerce among the States, the range of congressional discretion as to the regulation best adapted to remedy a practice found inefficient or hurtful is a wide one. If the regulating act be one directly applicable to such commerce, not obnoxious to any other provision of the Constitution, and reasonably adapted to the purpose by reason of legitimate relation between such commerce and the rule provided, the question of power is foreclosed. 'The test of power,' said Mr. Justice White, speaking for this court in the employers' liability cases, cited above, 'is not merely the matter regulated, but whether the regulation is directly one of interstate commerce or is embraced within the grant (of power) conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce.'"

Before applying that well-considered case to the subject matter of a compensation act let us examine what liberty of contract really means. The Constitution does not confer liberty of contract. The bill of rights denies Congress in the fifth amendment power to deprive "life, liberty, or property without due process of law." The difference between "the rights of man," the natural rights, namely, equality, freedom, self-preservation, and property, or the right that inheres in man to things proper to his enjoyment, and between the guarantee of the fifth amendment is the difference between two schools of thought. The rights of man based on the bill of rights, especially those of Virginia. The French form and the sharp accentuation of jural equality before the law is based on the influence of Rousseau. The idea of rights inherent, perpetual, and born with individual and not as a citizen of a State, have different consequences and a different source than the civic rights based on a social contract. The American theory of human rights bases on religious and not political origin, and is consequently a fruit of the Reformation and its contests. The New England colonies, Pilgrims and Puritans, carried the idea of a contract such as a religious community represented into the theory of the State. But the State never is and never was founded upon consent or contract. And the courts in many cases have transferred this mistaken political argument derived from theology into a field of economics. As shown above, the Supreme Court is beginning to reject consequences based on this false analogy of an academic freedom to the actualities of economic existence.

Therefore it would seem that Congress may impose as an absolute duty of requital for injuries on the carrier maiming its servants that of standing liable for the initial mishap to freight, no matter who actually caused the damage. In the Riverside Mills case (219 U. S., 186) the Supreme Court sustained the principle that the right of action against the actual tort feasor by the initial carrier paying the loss did not violate liberty of contract. In a compensation act, safeguarding the rights of the carrier to charge the Government for hauling the mail or increase its rates in a similar manner safeguards its rights.

Still less support is found for this academic freedom of contract under the theory of the Oklahoma Bank cases (219 U. S., 104, 121). above explained, no more need be said.

"In answering that question we must be cautious about pressing the broad words of the fourteenth amendment to a dryly logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown easily enough to transgress a scholastic interpretation of one or another of the great guaranties in the Bill of Rights. They more or less limit the liberty of the individual or they diminish property to a certain extent. We have few scientifically certain criteria of legislation, and as it is often difficult to mark the line where what is called the police power of the States is limited by the Constitution of the United States, judges should be slow to read into the latter a nolumus mutere as against the law-making power. * * * Nevertheless, notwithstanding the logical form of the objection, there are more powerful objections on the other side. In the first place, it is established by a series of cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what in its immediate purpose is a private use (citing cases). And in the next it would seem that there may be other cases besides the every-day one of taxation, in which the share of each party in the benefit of a scheme of mutual protection is sufficient compensation for the correlative burden that it is compelled to assume (citing cases). At least, if we have a case within the reasonable exercise of the police power, as above explained, no more need be said.

"It may be said in a general way that the police power extends to all the great public needs (citing case). It may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or strong and preponderating opinion to be greatly and immediately necessary to the public welfare. Among matters of that sort probably few would doubt that both usage and preponderant opinion give their sanction to enforcing the primary conditions of successful commerce. * * * It has been held, we do not doubt correctly, that inspections may be required and the cost thrown on the bank (citing case). The power to compel, beforehand, cooperation, and thus, it is believed, to make failure unlikely and a general panic almost impossible must be recognized if government is to do its proper work, unless we can say that the means have no reasonable relation to the end (citing case)."

In spite of the opinion of the New York Court of Appeals, which claimed that these bank cases had no weight in deciding the question of the power of changing the law, we contend that these cases support the contention of those who claim that if a State can require all banks to contribute toward a fund to safeguard in anticipation the property of its creditors Congress must have the same power under the commerce power to require as a condition that carriers shall pay compensation to those killed and injured in the every-day's work of the railroad service. Again, the power of changing the status of the railroad men can not be denied, and there can be annexed thereto such conditions of contracting for service in respect of interstate commerce as shall seem proper to the Congress. And such a condition of requiring requital at the hands of those that maim men can be required of those carrying on a public function quite as properly as can the duty be attached to those who handle the funds of the community. If the various States have the power to call on those, blameless, without fault, or negligence or deviation from the standard of the conduct of the most prudent man about his own affairs (where the standard of negligence has some juristic and sociologic basis) to stand a loss "to compel beforehand cooperation," the Supreme Court is apt to sustain legislation by Congress whose object it is to safeguard human life. As Lord Salisbury, in often-quoted language, well said, speaking in the House of Lords on July 20, 1897:

"To my mind, the great attraction of this bill is that I believe it will turn out a great machinery for the saving of life. This is the real history of this law of compensation. The law of compensation at the beginning of the century was taken up by the juries, and instead of compensation for the real injury incurred being given, it was used by them as a punitive instrument to force these great owners and railway companies to strain their efforts to the utmost in avoiding and preventing the accidents, which at one time were so numerous. It has been very successful so far as regards the ordinary passenger or ordinary citizen, but the law of common employment has damaged its efficacy as regards the workingman. We are now, by wise and general revision of the principle on which the law rests, applying it for the purpose for which it was originally destined, and for which it has been conveniently and most profitably employed, the purpose of forcing all who, by the process of industry or the accident of their position, have the lives of their fellow men in their power—forcing them to spare neither labor nor ingenuity nor money in making our industries as safe as possible to those by whom they are carried on." (Hansard, Parliamentary Debates, 1897, vol. 51, p. 555.)

There is power to change the status of those working on railroads, even if not directly connected with the interstate carriage of traffic, conferred by the first clause of the fifteenth amendment. It is certainly as sound in reason and policy to argue that there is power under that amendment to impose on those killing and maiming over a million men since 1887 the absolute duty of repairing in part the economic loss sustained by the whole community as there is in the argument that the fifth amendment precludes Congress from having power of changing the imported un-American standard of negligence. The status of the servant is not so fixed by the fifth amendment that Congress has not the power to change it under the commerce power supported by the fifteenth amendment.

To effect the change in the status it may be necessary to bring about incidental takings of property, but only incidental, because as soon as it becomes of value to the carriers to have to become careful of the lives of their servants, as they now are required to be of cattle and freight intrusted to their care, the self-interest affecting their surplus will take heed of their social duties. The courts can and will help the change, for up to now they have always placed the blame for existing conditions upon the legislative branch of the Government. The courts can then give heed to the changed condition of evidence, a proper consequence of the changed condition of the status of the servants, for the diminished status or denial of the right to compensation has been justified and brought about only by the exclusion of what really determined the injury, viz, professional risk, the most material matter in the case. By requiring the exclusion of what by the mass of those best informed is considered a subsidiary matter, the so-called negligence, and by substituting for the consideration of the courts (if a suit is required) the actual conditions based on professional risk, the status of the workers is enchanced, and if our reasoning has been correct, by due process of law. The prevailing morality of the best minds in the community (neither corporation lawyers, nor yet servants, as both are parties in interest, but dissenting judges, or those overruled in hard cases by those courts standing by the old decisions, or the conservatism of past courts, publicists, and authors, and all those with capacity to appreciate the force of the feeling of social unrest and injustice propagated by the administration of the archaic system of the law of man—master and servant—heretofore patiently borne), all agree as a political necessity that a compensation act must be established.

They do not believe that the Supreme Court will interpose a nolumus mutare to preserve life and limb, by arguments based on the preponderating sanctity of property, because the logic of events that upheld the safety-appliance acts as absolute standards of obligation, that upheld the principles of the employers' liability act and the Carmack amendment case, show that there is enough insight into the science of human interrelations in that body to justify the hopes of mankind that they will not blindly interpose a rule of property to justify the holders of public franchise to kill and maim without requital. Such sociologic insight was recently shown in the opinions sustaining the Oregon women's laundry acts (208 U. S., 412), the Federal hours of service act, and the Tennessee miners' law (183 U. S., 13) that the danger of a resort to the liberty of contract whereby blacklisting was legalized in the Adair case (208 U. S., 161) will probably never again be resorted to by that court.

RESORT TO A COURT OF LAW.

If in the premises it has been shown that neither due process of law nor liberty of contract would of necessity be violated by an act which in principle displaces the standard of care, heretofore set up by the courts, by one of unqualified and absolute duty of safeguarding life and limb, resort to the courts can not be required, save on such terms as are called for to permit the rights of the parties to determine the application of the act.

LEGISLATIVE POWER.

The contract of railroad employees with interstate carriers for service is protected by the same power as is the contract of the shipper with the same carrier for freight service. And the fact that it affects and indeed overrides State rate regulations is indifferent, since the paramount authority governs. But Congress has changed the rule for liability for damages to freight in the Carmack amendment case (Atlantic Coast Line R. R. Co. v. Riverside Mills, 219 U. S., 186), in which Lurton, J., said:

"In the employers' liability cases, Howard v. Illinois Central Railroad Co. (207 U. S., 463), power to pass an act which regulated the relation of master and servant so as to impose on the carrier, while engaged in interstate commerce, liability for the negligence of a fellow servant for which at common law there was no liability, and depriving such carrier of the common-law defense of contributory negligence, save by way of reduction of damages, was upheld. In Addyston, etc., Co. v. United States (175 U. S., 211) and Northern Securities Co. v. United States (193 U. S., 197) it was held that this regulation extended to and embraced contracts in restraint of trade between the States. It is obvious from the many decisions of this court that there is no such thing as absolute freedom of contract. Contracts which contravene public policy can not be made at all; and the power to make contracts may in all cases be regulated as to form, evidence, and validity as to third parties. The power of government extends to the denial of liberty of contract to the extent of forbidding or regulating every contract which is reasonably calculated to injuriously affect the public interests. Undoubtedly the United States is a Government of limited and delegated powers, but in respect of those powers which have been expressly delegated—the power to regulate commerce between the States being one of them—the power is absolute, except as limited by other provisions of the Constitution itself.

"Having the express power to make rules for the conduct of commerce among the States, the range of congressional discretion as to the regulation best adapted to remedy a practice found inefficient or hurtful is a wide one. If the regulating act be one directly applicable to such commerce, not obnoxious to any other provision of the Constitu-

tion, and reasonably adapted to the purpose by reason of legitimate relation between such commerce and the rule provided, the question of power is foreclosed.

"The test of power," said Mr. Justice White, speaking for this court in the Employers' Liability cases, cited above, "is not merely the matter regulated, but whether the regulation is directly one of interstate commerce or is embraced within the grant (of power) conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce." * * *

If the power existed and the regulation is adapted to the purpose in view, the public advantage justifies the discretion exercised and upholds the legislation as within the limit of the grant conferred upon Congress. Touching the range of legislative discretion of the States in respect to occupations and trades which are affected by a public use, this court, in Gundling v. Chicago (177 U. S., 183), said:

"Unless the regulations are so utterly unreasonable and extravagant in their nature and purpose that the property and personal rights of the citizen are unnecessarily, and in a manner wholly arbitrary, interfered with or destroyed without due process of law, they do not extend beyond the power of the State to pass, and they form no subject for Federal interference. As stated in Crowley v. Christensen (137 U. S., 86):

"'The possession and enjoyment of all rights are subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, good order, and morals of the community.'"

LEGISLATIVE POWER.

In the reargued and amended opinion in Noble State Bank v. Haskell (219 U. S., 575) Holmes, J., said:

"We fully understand the practical importance of the question, and the very powerful argument that can be made against the wisdom of the legislation, but on that point we have nothing to say, as it is not our concern. * * * For in this case there is no out-and-out taking at all. The payment can be avoided by going out of the banking business, and is required only as a condition for keeping on from corporations created by the State."

While in the original case (219 U. S., 104) Holmes, J., had said:

"In answering that question (viz, unless that statute deprives the plaintiff bank of liberty or property without due process of law) we must be careful about pressing the broad words of the fourteenth amendment to a dryly logical extreme. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of the great guaranties in the Bill of Rights. They more or less limit the liberty of the individual, or they diminish property to a certain extent. We have few scientifically certain criteria of legislation, and as it is often difficult to mark the line where what is called the police power of the States is limited by the Constitution of the United States, judges should be slow to read into the latter a nolumus mutare as against the law-making power.

"In the first place, it is established by a series of cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what, in its immediate purpose, is a private use. (Citing cases.) And in the next it would seem that there may be other cases besides the everyday one of taxation, in which the share of each party in the benefit of a scheme of mutual protection is sufficient compensation for the correlative burden that it is compelled to assume. (See Ohio Oil Co. v. Indiana, 177 U. S., 190.) At least, if we have a case within the reasonable exercise of the police power, as above explained, no more need be said.

"It may be said in a general way that the police power 'extends to all the great public needs.' (Camfield v. U. S., 167 U. S., 518.) It may be put forth in aid of what is sanctioned by usage or held by the prevailing morality or strong and preponderating opinion to be greatly and immediately necessary to the public welfare. Among matters of that sort probably few would doubt that both usage and preponderant opinion give their sanction to enforcing the primary conditions of successful commerce. The power to restrict liberty by fixing a minimum of capital required of those who would engage in banking is not denied. The power to restrict investments to securities regarded as relatively sage seems equally plain. It has been held, we do not doubt, rightly that inspections may be required and the cost thrown on the bank. (Charlotte, etc., Railway Co. v. Gibbes, 142 U. S., 386.) The power to compel beforehand cooperation, and thus it is believed to make a failure unlikely and a general panic almost impossible, must be recognized if Government is to do its proper work, unless we can say that the means have no reasonable relation to the end. (Gundling v. Chicago, 177 U. S., 188.) So far is that from being the case that the device is a familiar one. It was adopted by some States the better part of a century ago and seems never to have been questioned until now. From the above it may be concluded that Congress has the same power to require railroads to submit to taxation for the sake of relieving those killed and injured in their work as the States have to get up an insurance fund to pay insolvent banks from the contributions of the solvent ones."

Veazie Bank v. Fenno (75 U. S., 548). Opinion of the court:

"It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is therefore beyond the constitutional power of Congress.

"The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts, but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation or a class of corporations it can not for that reason only be pronounced contrary to the Constitution."

LEGISLATIVE POWER NOT TO BE LIGHTLY DISTURBED BY COURTS.

In M., K. & T. Ry. Co. v. May (194 U. S., 270), Holmes, J., said:

"It may be that the neglected strips occupied by railroads afford a ground where noxious weeds specially flourish, and that whereas self-interest leads the owners of farms to keep down pests, the railroad companies have done nothing in a matter which concerns their neighbors only. Other reasons may be imagined. Great constitutional provisions must be administered with caution. Some play must be allowed for the joints of the machine, and it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."

Wisconsin Supreme Court held that—

"The weight of authority is in favor of leaving the party injured without remedy when the damage inflicted is for the public good and is remote and inconsequential." (Pumpelly v. Canal Co., 13 Wall., 186.)

DUE PROCESS OF LAW—CHANGE OF REMEDY.

In Bronson v. Kinzie (1 How., 315) it was said:

"It must reside in every State to enable it to secure its citizens from unjust and oppressive litigation, and to protect them in those pursuits which are necessary to the existence and well-being of every community."

LEGISLATIVE POWER.

In the Legal Tender cases (12 Wall., 457, p. 309) it was said:

"Is it our province to decide that the means selected were beyond the constitutional power of Congress, because we may think that other means to the same end would have been more appropriate and equally efficient? That would be to assume legislative power and to disregard the accepted rules for construing the Constitution. The degree of the necessity for any congressional enactment, or the relative degree of its appropriateness, is for the consideration of Congress, not here."

Said Chief Justice Marshall in McCulloch v. Maryland, as already stated:

"When the law is not prohibited, and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground."

LEGISLATIVE POWER AND DUE PROCESS OF LAW.

In the Commodities Clause case (U. S. v. D. & H. R. R. Co., 213 U. S., 407) White, J., thus stated the case (on which they finally upheld the clause):

"And involved in the determination of the foregoing questions we shall necessarily be called on to decide: (*a*) Did the adoption of the Constitution and the grant of power to Congress to regulate commerce have the effect of depriving the States of the authority to endow a carrier with the attribute of producing as well as transporting particular commodities—a power which the States from the beginning have freely exercised, and by the exertion of which governmental power the resources of the several States have been developed, their enterprises fostered, and vast investments of capital have been made possible? (*b*) Although the Government of the United States, both within its spheres of national and local legislative power, has in the past for public purposes, either expressly or impliedly, authorized the manufacture, mining, production, and carriage of commodities by one and the same railway corporation, was the exertion of such power beyond the scope of the authority of Congress or, what is equivalent thereto, was its exercise but a mere license, subject at any time to be revoked and completely destroyed by means of a regulation of commerce?"

And on page 416:

"* * * That it (the act) merely and unequivocally is confined to a regulation which Congress had the power to adopt and to which all preexisting rights of the railroad companies are subordinated. We think it unnecessary to consider at length the contention based upon the due-process clause of the fifth amendment. In form of statement these contentions apparently rest upon the ruinous consequence which it assumed would be operated upon the property rights of the carriers by the enforcement of the clause, interpreted as the Government construed it.

"For the purpose of our consideration of the subject it may be conceded, as insisted on behalf of the United States, that these contentions proceed upon the mistaken and baleful conception that inconvenience, not power, is the criterion by which to test the constitutionality of legislation."

LEGISLATIVE DISCRETION.

Field, J., said in Missouri Pacific Railway Co. v. Humes (115 U. S., 512):

"If the laws enacted by a State be within the legitimate sphere of legislative power and their enforcement be attended with the observance of those general rules which our system of jurisprudence prescribes for the security of private rights, the harshness, injustice, and oppressive character of such laws will not invalidate them as affecting life, liberty, or property without due process of law. * * * And it often happens that heavy and oppressive burdens are imposed by statute upon residents of cities and counties, not merely to meet the necessary expenses of government, but for buildings and improvements of doubtful advantage, which sometimes, as in changing the grade of streets, seriously depreciate the value of property. Yet if no rule of justice is violated in the provisions for the enforcement of such a statute, its operation, in lessening the value of the property affected, does not bring it under the objection of depriving a person of property without due process of law. It is hardly necessary to say that the hardship, impolicy, or injustice of State laws is not necessarily an objection to their constitutional validity, and that the remedy for evils of that character is to be sought from the State legislatures.

"In few instances could the power be more wisely and beneficently exercised than in compelling railroad companies to inclose their roads with fences, having gates at crossings, and cattle guards. The speed and momentum of the locomotive render such protection against accident in thickly settled portions of the country absolutely essential, the omission to erect and maintain such fences and cattle guards in the face of the law would justly be deemed gross negligence, and if, in such cases where injuries to property are committed, something beyond compensatory damages may be awarded to the owner by way of punishment for the company's negligence, the legislature may fix amount or prescribe the limit within which the jury may exercise their discretion. The additional damages being by way of punishment, it is clear that the amount may be thus fixed; and it is not a valid objection that the sufferer instead of the State receives them. That is a matter on which the company has nothing to say. And there can be no rational ground for contending that the statute deprives it of property without due process of law. The statute only fixes the amount of the penalty in damages proportionate to the injury inflicted. The power of the State to impose fines and penalties for a violation of its statutory requirements is coeval with government; and the mode in which they shall be enforced, whether at the suit of a private party or at the suit of the public, and what disposition shall be made of the amounts collected, are merely matters of legislative discretion. * * * And experience favors this legislation as the most efficient mode of preventing, with the least inconvenience, the commission of injuries."

In Gundling v. Chicago (117 U. S.), at page 189, it was said:

"It is not a valid objection to the ordinance that it partakes of both the character of a regulation and also that of an excise or privilege tax. The business (in this case, dealing in cigarettes) is more easily subjected to the power to regulate where a license is imposed for following the same, while the revenue obtained on account of the license is none the less legal, because the ordinance which authorized it fulfills the two functions, one a regulating one and the other a revenue function. So

long as the State law authorizes both regulation and taxation it is enough, and the enforcement of the ordinance violates no provision of the Federal Constitution."

In Hammond Packing Co. *v.* Arkansas (212 U. S., 322), at page 350, White, J., said:

"The fundamental guaranty of due process is absolute and not merely relative. * * * Indeed, in Hovey *v.* Elliott (167 U. S., 409) the impotency of the legislative department to endow the judicial with the capacity to disregard the Constitution was emphasized. * * * To determine this question, we must take into view the authority below, exerted not from a merely formal point of view but in its most fundamental aspect. That is to say, we must trace the power to its true source, and if from doing so it results that the authority exerted flows from a reservoir of unquestioned power, it must follow that the action below was not unlawful, albeit in some narrower aspect that action might be considered as unlawful. The essential basis for the exercise of power, and not a mere incidental result, is the criterion by which its validity is to be measured. The want of power in the one case and its existence in the other are essential to due process—to preserve in the one and to apply and enforce in the other."

POWER, DUAL LEGISLATIVE—CONGRESS SUPREME.

Hale *v.* Henkel (201 U. S., 43) was on appeal to review a discharge of habeas corpus to inquire into a commitment for contempt on refusal to testify and produce papers before the grand jury in the Tobacco Trust cases. (Affirmed.)

Brown, J., in the course of the opinion, said (on p. 75):

"It is true that the corporation in this case was chartered under the laws of New Jersey, and that it receives its franchise from the legislature of that State; but such franchises, so far as they involve questions of interstate commerce, must also be subordinated to the power of Congress to regulate such commerce, and in respect to this the General Government may also assert a sovereign authority to ascertain whether such franchises have been exercised in a lawful manner with a due regard to its own laws. Being subject to this dual sovereignty, the General Government possesses the same right to see that its own laws are respected as the State would have with respect to the special franchises vested in it by the laws of the State. The powers of the General Government in this particular, in the vindication of its own laws, are the same as if the corporation had been created by an act of Congress. It is not intended to intimate, however, that it has a general visitorial power over State corporations."

In United States *v.* Heinszen (206 U. S.), at page 385, White, J., said:

"But the proposition begs the question for decision by shutting out from view the potential fact that when the goods were brought into the Philippine Islands there was a tariff in existence under which duties were exacted in the name of the United States. Indeed, the contention goes even further than this, since it entirely disregards the important consideration that, although duties were illegally exacted, the illegality was not the result of an inherent want of power in the United States to have authorized the imposition of the duties, but simply arose from the failure to delegate to the official the authority essential to give immediate validity to his conduct in enforcing the payment of the duties."

In Hannibal & St. J. Railroad Co. *v.* Husen (95 U. S., 465) the court, speaking generally, said that the police power of a State extended to the making of regulations "promotive of domestic order, morals, health, and safety." It was there held, among other things, to be "within the range of legislative action to define the mode and manner in which everyone may so use his own as not to injure others," and that "the police powers of a State justified the adoption of precautionary measures against social evils," and the enactment of such laws as would have "immediate connection with the protection of persons and property against the noxious acts of others." (From a quotation of Supreme Court in Plumley *v.* Massachusetts in 155 U. S., at p. 478.) * * * "These and other like things having immediate connection with the health, morals, and safety of the people may be done by the States in the exercise of the right of self-defense."

In Juillard *v.* Greenman (110 U. S., 214–421) it was said:

"It appears to us to follow, as a logical and necessary consequence, that Congress has the power to issue the obligations of the United States in such form and to impress upon them such quality as currency for the purchase of merchandise and the payments of debts as accord with the usage of sovereign governments. * * * Congress, as the legislature of a sovereign Nation, being expressly empowered by the Constitution to lay and collect taxes to pay the debts and provide for the common defense and general welfare of the United States, * * * and the power to make the notes of the Government a legal tender in payment of private debts being one of the powers belonging to sovereignty in other civilized nations and not expressly withheld from Congress by the Constitution; we are irresistibly impelled to the conclusion that the impression upon the Treasury notes of the United States the quality of being a legal tender in payment of private debts is an appropriate means, conducive and plainly adapted to the execution of the undoubted powers of Congress, consistent with the letter and spirit of the Constitution, and, therefore, within the meaning of that instrument, 'necessary and proper for carrying into execution the powers vested by this Constitution in the Government of the United States.' * * * The question of expediency is a political one, 'to be determined by Congress when the question of exigency arises, and not a judicial question, to be afterwards passed on by the courts' (quoting Marshall, C. J., in the McCulloch bank case, 4 Wheat., 423)."

POWER OF CONGRESS AND THE COURTS.

In United States *v.* Union Pacific Railroad Co. (01 U. S., 72–91) it was said:

"We can not go into an argument on the consequences which follow our decision. Consequences are not an element to be considered in the determination of the question whether an act of incorporation is less beneficial to the Government than was supposed. And whether an act of Congress be more or less politic and wise, it is not our province to determine. When we have declared the meaning of it, if there be power to pass it, our duty in connection with it is ended."

In the same case it was said:

"The loss of our Pacific possessions was feared; but even if this fear were groundless it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every government owes to its citizens.

"No argument can be drawn from the wisdom that comes after the fact.

"In construing an act of Congress we are not at liberty to recur to the views of individual Members in debate, nor to consider the motives which influenced them to vote for or against its passage. The act itself speaks the will of Congress, and this is to be ascertained from the language used."

Occupation, itself, is commerce (Crutcher *v.* Kentucky, 141 U. S., 47–62):

"If the subject was one which appertained to the jurisdiction of the State legislature it may be that the requirements and the conditions of doing business within the State would be promotive of the public good. It is clear, however, that it would be a regulation of interstate commerce in its application to corporations or associations engaged in that business; and that is a subject which belongs to the jurisdiction of the National, and not the State, legislature. Congress would undoubtedly have the right to exact from associations of that kind any guaranties it might deem necessary for the public security and for the faithful transaction of business; and as it is within the province of Congress it is to be presumed that Congress has done or will do all that is necessary and proper in that regard. Besides, it is not to be presumed that the State of origin has neglected to require from any such corporation proper guaranties as to capital and other securities necessary for the public safety. If a partnership firm of individuals should undertake to carry on the business of interstate commerce between Kentucky and other States, it would not be within the province of the State legislature to exact conditions on which they should carry on their business, nor to require them to take out a license therefor. To carry on interstate commerce is not a franchise or a privilege granted by the State; it is a right which every citizen of the United States is entitled to exercise under the Constitution and laws of the United States; and the accession of mere corporate facilities, as a matter of convenience in carrying on their business, can not have the effect of depriving them of such right unless Congress should see fit to interpose some contrary regulation on the subject.

"It has frequently been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce. Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves and soliciting goods and passengers for a return voyage without first obtaining a license from some State officer and filing a sworn statement as to the amount of its capital stock paid in? And why not? Evidently because the matter is not within the province of State legislation, but within that of national legislation. (Inman Steamship Co. *v.* Tinker, 94 U. S., 238, 24:118.) The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce belong to the Government of the United States, and not to the governments of the several States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject matter is not within the province or jurisdiction of the State legislatures. And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two."

In the draft bill, H. R. 831, provision for resort to Federal courts is permitted, and under the decision of the diseased-aliens restriction case, the Oceanic Steamship Co. *v.* Stranahan (214 U. S., 320), that is sufficient.

The following appears in Oceanic Steamship Navigation Co. *v.* Stranahan (214 U. S., 320): "Resting, as the statute does, upon the authority of Congress over foreign commerce and its right to control the coming of aliens into the United States, and to regulate that subject in the fullest degree, reserving for future consideration the particular contentions advanced at bar by the plaintiff in error, it may not be doubted that it is not open to discussion that the statute as thus construed was within the power of Congress to enact. In Buttfield *v.* Stranahan (192 U. S., 470), considering the subject, it was said (pp. 492, 493):

"'Whatever difference of opinion, if any, may have existed or does exist concerning the limitations of the power resulting from other provisions of the Constitution, so far as interstate commerce is concerned, it is not to be doubted that from the beginning Congress has exercised a plenary power in respect to the exclusion of merchandise brought from foreign countries; not alone directly by the enactments of embargo statutes, but indirectly as a necessary result of provisions contained in tariff legislation. It has also, in other than tariff legislation, exerted a police power over foreign commerce by provisions which in and of themselves amounted to the assertion of the right to exclude merchandise at discretion.

"'As a result of the complete power of Congress over foreign commerce, it necessarily follows that no individual has a vested right to trade with foreign nations, which is so broad in character as to limit and restrict the power of Congress to determine what articles of merchandise may be imported into this country and the terms upon which a right to import may be exercised. This being true, it results that a statute which restrains the introduction of particular goods into the United States from considerations of public policy does not violate the due-process clause of the Constitution.'

"In accord with this settled judicial construction, the legislation of Congress from the beginning, not only as to tariff, but as to internal revenue, taxation, and other subjects, has proceeded on the conception that it was within the competency of Congress, when legislating as to matters exclusively within its control, to impose appropriate obligations and sanction their enforcement by reasonable money penalties, giving to executive officers the power to enforce such penalties without the necessity of invoking the judicial power.

"It is insisted that the decisions just stated and the legislative practices referred to are inapposite here, because they all relate to subjects peculiarly within the authority of the legislative department of the Government and which, from the necessity of things, required the concession that administrative officers should have the authority to enforce designated penalties without resort to the courts. But over no conceivable subject is the legislative power of Congress more complete than it is over that which the act we are now considering deals. If the proposition implies that the right of Congress to enact legislation is to be determined not by the grant of power made by the Constitution, but by considering the particular emergency which has caused Congress to exert a specified power, then the proposition is obviously without foundation. This is apparent, since the contention then would proceed upon the assumption that it is within the competency of judicial authority to control legislative action as to subjects over which there is complete legislative authority, on the theory that there was no necessity calling for the exertion of legislative power.

"As the authority of Congress over the right to bring aliens into the United States embraces every conceivable aspect of that subject, it must follow that if Congress has deemed it necessary to impose particular

restrictions on the coming in of aliens, and to sanction such prohibitions by penalties enforceable by administrative authority, it follows that the constitutional right of Congress to enact such legislation is the sole measure by which its validity is to be determined by the courts. The suggestion that if this view be applied grave abuses may arise from the mistaken or wrongful exertion by the legislative department of its authority, but intimates that if the legislative power be permitted its full sway within its constitutional sphere harm and wrong will follow, and therefore it behooves the judiciary to apply a corrective by exceeding its own authority. But, as was pointed out in Cary v. Curtis (3 Hos., 236), and as has been often since emphasized by this court (McCray v. United States, 195 U. S., 27), the proposition but mistakenly assumes that the courts can alone be safely intrusted with power, and that hence it is their duty to unlawfully exercise prerogatives which they have no right to exert, upon the assumption that wrong must be done to prevent wrong being accomplished.

"3. It is urged that the fines which constituted the exactions were repugnant to the fifth amendment, because amounting to a taking of property without due process of law, since, as asserted, the fines were imposed in some cases without any previous notice and in all cases without any adequate notice or opportunity to defend.

"In view of the absolute power of Congress over the right to bring aliens into the United States, we think it may not be doubted that the act would be beyond all question constitutional if it forbade the introduction of aliens afflicted with contagious diseases, and as a condition to the right to bring in aliens imposed upon every vessel bringing them in, as a condition of the right to do so, a penalty for every alien brought to the United States afflicted with the prohibited disease, wholly without reference to when and where the disease originated. It must then follow that the provision contained in the statute is of course valid, since it only subjects the vessel to the exaction when, as the result of the medical examination for which the statute provides, it appears that the alien immigrant afflicted with the prohibited malady is in such a stage of the disease that it must, in the opinion of the medical officer, have existed and been susceptible of discovery at the point of embarkation.

"Indeed, it is not denied that there was full power in Congress to provide for the examination of the alien by medical officers and to attach conclusive effect to the result of that examination for the purposes of exclusion or deportation. But is is said the power to do so does not include the right to make the medical examination conclusive for the purpose of imposing a penalty upon the vessel for the negligent bringing in of an alien. We think the argument rests upon a distinction without a difference. It disregards the purpose which, as we have already pointed out, Congress had in view in the enactment of the provision; that is, the guarding against the danger to arise from the wrongful taking on board of an alien afflicted with a contagious malady, not only to other immigrant passengers, but ultimately, it might be, to the entire people of the United States, a danger arising from the possible admission of aliens who might contract the contagion during the voyage and yet be entitled to admission because apparently not afflicted with the prohibited disease, owing to the fact that the time has not elapsed for the manifestation of its presence.

"In effect all the contentions pressed in argument concerning the repugnancy of the statute to the due process clause really disregarded the complete and absolute power of Congress over the subject with which the statute deals. They mistakenly assume that mere form and not substance may be made by the courts the conclusive test as to the constitutional power of Congress to enact a statute. These conclusions are apparent, we think, since the plenary power of Congress as to the admission of aliens leaves no room for doubt as to its authority to impose the penalty, and its complete administrative control over the granting or refusal of a clearance also leaves no doubt of the right to endow administrative officers with discretion to refuse to perform the administrative act of granting a clearance as a means of enforcing the penalty which there was lawful authority to impose."

PART II.—BASES OF THE EXERCISE OF LEGISLATIVE POWER.

A compensation is constitutional which is based on the power to regulate commerce among the States, to establish post offices and post roads, to lay and collect taxes, duties, imposts, and excises, to * * * provide for the * * * general welfare, and to any combination of the above, not in other respects violating the constitutional safeguards.

IN GENERAL.

Under legislative power we propose to treat first of the subject in general and adduce the opinions of the court on that general phase of the question, and then to take up the specific points in particular and apply thereto the law as developed from the opinions of the Supreme Court.

The premises have shown that there is no valid constitutional objection to the enactment of a restricted Federal compensation act. That is, that in principle the fifth amendment does not in and of itself bar Congress from changing the rules heretofore enunciated by the courts and to substitute, in place of evidence of negligence, the standard of professional risk. Without discussing any particular draft or bill, let us see what has been said about legislative power in general.

SECTION 1. Railroad companies, though chartered by the States, are in respect of their interstate functions as completely subject to Federal regulation and domination as though originally of Federal creation. (Hale v. Henkel, 201 U. S., 43.)

SEC. 2. The power to regulate commerce is, when applied to the narrow scope of that power, or delegated grant, as ample as is the police power of the States. To state it in another way, the mere name or source of the power does not change or affect the new methods to be taken in applying the power. Whatever changes the States may effect under the police power are open to the United States in respect of such powers as directly affect the matters committed to the United States under the commerce power. Thus Lurton, J., said, in Atlantic Coast Line Co. v. Riverside Mills (219 U. S., 186), upholding the Carmack amendment to the twentieth section of the act to regulate commerce:

"It is obvious, from the many decisions of this court, that there is no such thing as absolute freedom of contract. Contracts which contravene public policy can not be lawfully made at all, and the power to make contracts may in all cases be regulated as to form, evidence, and validity as to third persons. The power of government extends to the denial of liberty of contracts to the extent of forbidding or regulating every contract which is reasonably calculated to injuriously affect the public interests. Undoubtedly the United States is a government of limited and delegated powers, but in respect of those powers which have been expressly delegated, the power to regulate commerce between the States being one of them, the power is absolute, except as limited by other provisions of the Constitution itself.

"Having express power to make rules for the conduct of commerce among the States, the range of congressional discretion as the regulation best adapted to remedy a practice found inefficient or hurtful is a wide one. If the regulating act be one directly applicable to such commerce, not obnoxious to any other provision of the Constitution, and reasonably adapted to the purpose by reason of legitimate relation between such commerce and the rule provided, the question of power is foreclosed. 'The test of power,' said Mr. Justice White, speaking for this court in the employers' liability cases, cited above, 'is not merely the matter regulated, but whether the regulation is directly one of interstate commerce, or is embraced within the grant (of power) conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce.'

"That a situation had come about which demanded regulation in the public interest was the judgment of Congress. The requirement that carriers who undertook to engage in interstate transportation, and as a part of that business held themselves out as receiving packages destined to places beyond their own terminal, should be required, as a condition of continuing in that traffic, to obligate themselves to carry to the point of destination, using the lines of connecting carriers as their own agencies, was not beyond the scope of the power of regulation. The rule is adapted to secure the rights of the shipper by securing unity of transportation with unity of responsibility. The regulation is also one which facilitates the remedy of one who sustains a loss, by localizing the responsible carrier."

Section 3. The legislative power is as unlimited within its scope and applicable to conditions of service on land as to those of sea-borne commerce.

Section 4. Granted the plenary grant and source of power of legislation, details of its exercise are not matters for judicial reexamination, but of legislative discretion. (See cases in footnote.)

COMMERCE POWER.

In Rearick v. Penn. (203 U. S., 512), Holmes, J., quoted the following:

"'Commerce among the several States' is a practical conception, not drawn from the 'witty diversities' (Yaites v. Gough (Yelv., 33), of the laws of sales; Swift & Co. v. U. S., 196 U. S., 398, 399)."

In Lyng v. Michigan (135 U. S.) at 166 it was said:

"We have repeatedly held that no State has a right to lay a tax on interstate commerce in any form, whether by way of duties laid on the transporation of the subjects of that commerce, or on the receipts derived from that transportation, or on the occupation or business of carrying it on, for the reason that such taxation is a burden on that commerce and amounts to a regulation of it, which belongs solely to Congress."

In McCall v. California, Lamar said (136 U. S., 104) at page 111:

"The test is, Was this business a part of the commerce of the road? Did it assist or was it carried on with the purpose to assist in increasing the amount of passenger traffic on the road? If it did, the power to tax it involves the lessening of the commerce of the road to an extent commensurate with the amount of business done by the agent."

In the employer's liability cases (207 U. S.) it was conceded by the majority that the regulation of the service of employees while engaged in any sphere of commerce subject to Federal control was subject to congressional regulation.

In the Drummer cases (cited in 204 U. S., 160) this line of thought had been carried to its logical extent, so that the relation of master and servant can be regulated by Congress while the servant of the interstate carrier is engaged in interstate commerce.

Details of what is and what is not interstate commerce are largely matters for Congress. (McNeill v. Southern Ry. Co., 202 U. S., 543.)

State laws may operate on some subject matters until displaced by paramount law. (Colasurdo v. Central R. R. of New Jersey, Fed. Rep.)

Then it would follow that the standard of care, etc., may be changed for interstate carriers and such servants as are solely engaged or maimed by interstate instrumentalities of commerce. (Sherlock v. Alling, 93 U. S., 99.)

POST ROADS.

I. In the Debs case (158 U. S., 564), it was said:

"Under the power vested in Congress to establish post offices and post roads Congress has, by a mass of legislation, established the great post-office system of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the prices of carriage, and also prescribing penalties for all offenses against it."

Obviously these powers given to the National Government over interstate commerce and in respect to the transportation of the mails were not dormant and unused. Congress had taken hold of these two matters, and by various and specific acts had assumed and exercised the powers given to it, and was in the full discharge of its duty to regulate interstate commerce and carry the mails. The validity of such exercise and the exclusiveness of its control had been again and again presented to this court for consideration. It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State with its recognized powers of sovereignty is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?

As, under the Constitution, power over interstate commerce and the transportation of the mails is vested in the National Government and Congress, by virtue of such grant, has assumed actual and direct control, it follows that the National Government may prevent any unlawful and forcible interference therewith. But how shall this be accomplished? Doubtless it is within the competency of Congress to prescribe by legislation that any interferences with these matters shall be offenses against the United States and prosecuted and punished by indictment in the proper courts.

It seems to follow that if Federal courts can preserve the peace of the United States in freight yards and cattle yards within a State, and can oust the State police power under the judicial power, that Congress must be assumed to have at least as great a power to safeguard the lives and limbs of all employees working or injured on post roads. There is reason for this in the uniformity cases, such as the Gloucester Ferry Co. case (114 U. S., 203), which are to be applied because of the facts of life railroads are operated as a unit.

II. Electric roads are subject to the same rule. The novelty of application is no answer to the exercise of power. Electric roads are less of a revolution than were steam railroads compared to wagons

and animals or to sloops, originally used to transport freight over postal routes.

Passenger traffic is, and of itself always has been, peculiarly considered postal traffic. The license by Congress to State-created corporations to haul passengers never was a specific grant and can be rescinded at any time. Conditions for carrying passengers on post roads may therefore be annexed to this exercise of power, practically limited only by the proposition that no absolute taking of the property devoted to public use take place. As long as the passenger traffic is allowed to earn something, the reasonableness of the amount is not a question of judicial but of legislative power. This is a proposition radically different from that of the Congress regulating rates as a legislative function. Rates primarily are made by the railroads under the tacit assent of Congress. The test of reasonableness prescribed by Congress is merely legislatively interpreting a preexisting duty. Not so in the case of passenger rates, where Congress exercises its plenary power over what in all partz of the world, as well as at common law, in the minds of the framers of the Constitution, had been postal traffic. Congress can forbid private corporations to haul passengers (except, perhaps, by the horse, mule, sloop, or post chaise) upon postal roads except on such conditions as it imposes. Congress might tax private carriers out of existence (see "Taxation" hereafter), and the duty of paying compensation for any person injured on such a post road may be annexed to the permission to haul passengers. If this were not so, it would follow that the courts derive from the grant of judicial power a more extensive power of superseding State police than has the Congress from the same Constitution under the post-roads clause.

Congress might impose such onerous taxes on carriers hauling passengers in interstate commerce as to render that occupation unprofitable if Congress wished to create a national passenger service as part of the postal establishment. (On taxing power, see cases cited in footnote.) If Congress can abolish, it can annex to the right of hauling of passengers conditions for rendering more safe the lives and limbs of the men at risk. If the power of taxation is less efficient in the hands of Congress in bringing relief for what it, by the prevalent morality, considers a public use than is the judicial power of superseding the police power of a State to preserve property of carriers and shippers (see Debs and other injunction cases) on a post road, it would seem that the courts would be giving greater protection to the claims of property interests than to human rights. But that sort of reasoning would show that the courts are the mechanism of domination of the property-owning classes, and that standpoint has not as yet been conceded. The courts claim to be acting for all the Nation, rich and poor alike, and where the source of power is undoubted the method of its exercise is purely a matter of legislative discretion. The congressional power of levying taxes on the carriers over postal roads, built though they are by private capital, is absolute. The carriers accepted the Federal statute (14 Stat., 66), haul mail cars over the route, and can not question the regulation by Congress of their postal functions. The power of taxation being public, the use of the proceeds of such tax is no concern of the carriers (Hume's case).

The argument may be made that the regulation of post roads confounds interstate and State employees. The answer is found in this, that no constitutional inhibition prevents Congress from joining in one act powers derived from various grants in the Constitution. Congress has exercised such an amalgamation of powers to justify the grants of vast principalities of public land to the railroads and taxed all the people for the benefit of those holding Pacific Railroad bonds. If it was lawful to join in one act powers derived from the grant of building military roads, postal roads, and the general-welfare clause, and to tax the country for a generation, benefiting those who built the Pacific Railroad, no logical reason can be found, but only political excuses, based on the relations of powerful groups, exist against the validity of enforcing justice for those killed and maimed on these same postal routes, for in principle all railroads are like those Pacific railroads to whom these grants were made.

TAXATION.

The power of taxation may be exercised for the general welfare. No person taxed can be made to see the propriety or justice of a tax. At all times taxes are the symbolic emblems of the political power of a governing class. The attempt to throw the burden of taxation on those politically unable to resist is overcome by the economic power of many economic groups to shift the incidence thereof on the consumer. So that in the last instance the equilibrium of political forces shown in a compromise or in legislation becomes an economic and political and not a legal question. And still more clearly is this seen in the case of taxing railroads. Every tax they are required to pay becomes a charge to operating expenses. Although ultimately this may affect dividends, it may bring about savings in other directions, such as claims for damages, before dividends are affected. But the right of the community to provide safeguards of every kind for those millions of men hourly risked is paramount to the right to dividends. (Covington Turnpike Co. case, 164 U. S., p. 578.) No stockholder has a right so intrenched in and to the unrequited loss of life and limbs of his fellow citizens that it becomes vested as against the power of taxation to relieve such a barbaric situation as now exists in this country. Taxation for such an end is not spoliation; it is salvation to the rest of the property interests of the country.

Taxation of carriages is a proper form of excise taxation specifically permitted by the Constitution as an excise and by the Supreme Court in the income-tax cases. (157 U. S., 430 et seq.)

THE POWER OF TAXATION.

The power of taxation is all pervasive and has, since the origin of the Government, been employed to help enrich a favored class. Indirect taxation has from the time of Hamilton been used by those in control of the Government to further their own ends. Except under spasms of reaction against excessive impositions levied, the people have for a century been forced to pay indirect taxes, enhancing their necessities on the plea of protecting American industries or, in other words, the capitalist class. No objection has been heard from the courts that such protective tariff was class legislation, and the internal-revenue laws, oppressive as they were and inquisitorial as they are, have always been sustained on the ground of legislative power being the test. Surely at this late day the courts can not set aside legislation taxing the instrumentality of commerce when for once legislation is to be exerted in behalf of humanity and the attempt made to make the owners of property bear a just share of those inevitable injuries inclosed in social service. The process of taxing instrumentalities of commerce is due process of law, in spite of what was said in the income-tax cases (Pollock v. Farmers' Loan & Trust Co., 157 U. S., p. 430 f. f.). The case of Veazie v. Fenno (75 U. S., p. 534 at p. 546) is still good law. In that case the following was said:

"It may be safely assumed, therefore, as the unanimous judgment of the court, that a tax on carriages is not a direct tax. And it may further be taken, as established upon the testimony of Paterson, that the words 'direct taxes,' as used in the Constitution, comprehended only capitation taxes and taxes on land, and perhaps taxes on personal property by general valuation and assessment of the various descriptions possessed within the several States.

"It follows necessarily that the power to tax without apportionment extends to all other objects. Taxes on other objects are included under the heads of taxes to direct, duties, imposts and excises, and must be laid and collected by the rule of uniformity. The tax under consideration is a tax on bank circulation, and may very well be classed under the head of duties. Certainly it is not, in the sense of the Constitution, a direct tax. It may be said to come within the same category of taxation as the tax on incomes of insurance companies which this court, at the last term, in the case of Pacific Insurance Co. v. Soule, held not to be a direct tax.

"Is it, then, a tax on a franchise granted by a State, which Congress, upon a principle exempting the reserve powers of the States from impairment by taxation, must be held to have no authority to lay and collect?

"We do not say that there may not be such a tax. It may be admitted that the reserved rights of the States, such as the right to pass laws, to give effect to laws through executive action, to administer justice through the courts, and to employ all necessary agencies for legitimate purposes of State government, are not proper subjects of the taxing power of Congress. But it can not be admitted that franchises granted by a State are necessarily exempt from taxation, for franchises are property—often very valuable and productive property—and when not conferred for the purpose of giving effect to some reserved power of a State seem to be as properly objects of taxation as any other property.

"But in the case before us the object of taxation is not the franchise of the bank, but property created, or contracts made and issued, under the franchise or power to issue bank bills. A railroad company in the exercise of its corporate franchises issues freight receipts, bills of lading, and passenger tickets, and it can not be doubted that the organization of railroads is quite as important to the State as the organization of banks.

"But it will hardly be questioned that these contracts of the company are objects of taxation within the powers of Congress, and not exempted by any relation to the State which granted the charter of the railroad. And it seems difficult to distinguish the taxation of notes issued for circulation from the taxation of these railroad contracts. Both descriptions of contracts are means of profit to the corporations which issue them; and both, as we think, may properly be made contributory to the public revenue.

"It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is therefore beyond the constitutional power of Congress.

"The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts, but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation, or a class of corporations, it can not, for that reason only, be pronounced contrary to the Constitution."

The amount of taxation by an excise tax is a nonjudicial question. In the Veazie Bank case (8 Wall., 533) power to tax State banks out of existence was conceded. The question of power only was one for the consideration of the court. (Hager v. Reclamation Dist. No. 108, 110 U. S., 113.)

That clause of the fourteenth amendment is found, in almost identical language, in the several State constitutions and is intended as additional security against the arbitrary deprivation of life and liberty and the arbitrary spoliation of life and property. Neither can be taken without due process of law. What constitutes that process it may be difficult to define with precision so as to cover all cases. It is, no doubt, wiser, as stated by Mr. Justice Miller, in Davidson v. New Orleans, to arrive at its meaning "by the gradual process of judicial inclusion and exclusion, as the cases presented for decision shall require, with the reasoning on which such decisions may be founded." (96 U. S., 104; XXIV, 619.) It is sufficient to observe here that by "due process" is meant one which, following the forms of law, is appropriate to the case and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law and must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty, or property which may result in the deprivation of either, without the observance of those general rules established in our jurisprudence for the security of private rights. (Hurtado v. California; ante, 232.)

The appellant contends that this fundamental principle was violated in the assessment of his property, inasmuch as it was made without notice to him or without his being afforded any opportunity to be heard respecting it, the law authorizing it containing no provision for such notice or hearing. His contention is that notice and opportunity to be heard are essential to render any proceeding due process of law which may lead to the deprivation of life, liberty, or property. Undoubtedly, where life and liberty are involved, due process requires that there be a regular course of judicial proceedings, which imply that the party to be affected shall have notice and an opportunity to be heard; so, also, where title or possession of property is involved. But where the taking of property is in the enforcement of a tax, the proceeding is necessarily less formal, and whether notice to him is at all necessary may depend upon the character of the tax and the manner in which its amount is determinable. The necessity of revenue for the support of the Government does not admit of the delay attendant upon proceedings in a court of justice, and they are not required for the enforcement of taxes or assessments. As stated by Mr. Justice Bradley, in his concurring opinion in Davidson v. New Orleans:

"In judging what is 'due process of law' respect must be had to the cause and object of the taking, whether under the taxing power, the power of eminent domain, or the power of assessment for local improvements, or some of these; and if found to be suitable or admissible in the special case, it will be adjudged to be 'due process of law,' but if found to be arbitrary, oppressive, and unjust, it may be declared to be not 'due process of law.'"

The power of taxation possessed by the State may be exercised upon any subject within its jurisdiction, and to any extent not prohibited by the Constitution of the United States. As said by this court:

"It may touch property in every shape, in its natural condition, in its manufactured form, and in its various transmutations. And the amount of the taxation may be determined by the value of the property or its use or its capacity or its productiveness. It may touch business in the almost infinite forms in which it is conducted, in professions, in commerce, in manufactures, and in transportation. Unless restrained by provisions of the Federal Constitution, the power of the State, as to the mode, form, and extent of taxation, is unlimited, where the subjects to which it applies are within her jurisdiction." (State tax on foreign-held bonds, 15 Wall., 319; 82 U. S., XXI, 186.)

Of the different kinds of taxes which the State may impose, there is a vast number of which, from their nature, no notice can be given to the taxpayer, nor would notice be of any particular advantage to him, such as poll taxes, license taxes (not dependent upon the extent of his business), and, generally, specific taxes on things or persons or occupations. In such cases the legislature in authorizing the tax fixes its amount, and that is the end of the matter. If the tax be not paid the property of the delinquent may be sold and he be thus deprived of his property. Yet there can be no question that the proceeding is due process of law, as there is no inquiry into the weight of evidence, or other element of a judicial nature, and nothing could be changed by hearing the taxpayer. No right of his is, therefore, invaded. Thus, if the tax on animals be a fixed sum per head, or on articles a fixed sum per yard or bushel or gallon, there is nothing the owner can do which can affect the amount to be collected from him. So, if a person wishes a license to do business of a particular kind or at a particular place, such as keeping a hotel or restaurant, or selling liquors or cigars or clothes, he has only to pay the amount required by law and go into business. There is no need in such cases for notice or hearing. So, also, if taxes are imposed in the shape of licenses for privileges, such as those on foreign corporations for doing business in the State, or on domestic corporations for franchises, if the parties desire the privilege, they have only to pay the amount required. In such cases there is no necessity for notice or hearing. The amount of the tax would not be changed by it.

It will be difficult to see how the Supreme Court could deny power to Congress to tax carriers who do not accept the requirements of enlightened legislation safeguarding the lives and limbs of workmen, when it did permit one class of security holders to crush out of existence by the use of the taxing power another group of bankers. If the Veazle Bank case found its ultimate justification in the need of financial statesmanship and a market for United States securities, there can be no less justification in taxing the instrumentalities of carriers used on Federal postal routes as a last resort of bringing about a change in the status of those at risk. Taxation may be used to further any public end.

In Merchants' National Bank *v.* United States (101 U. S., 1-6) Waite, C. J., said:

"The tax is on the notes paid out; that is, made use of as a circulating medium. Such a use is against the public policy of the United States * * *. The taxation was no doubt intended to destroy the use; but that, as has just been seen, Congress has the power to do."

The object of an excise tax on the carriages of carriers on a postal route is to bring about the adoption of a principle of a compensation act. Just as the tax sustained by the Supreme Court in the Veazle Bank case was not intended to be used as a revenue measure, so taxation by an excise tax on railroad equipment may be used as a means of obtaining acquiescence in and obedience to the provisions of the compensation act. The object of the tax in each case is to require submission to a new law. It is of quite as much importance to preserves the lives of men at risk as it is to have uniform bank notes. As soon as the burden of paying either compensation (assumed as a contract with the Government) or taxes imposed when not so assumed becomes a vital question, the railroads will see to it that standards, rules, and regulations are obeyed and enough men employed to stop the reckless slaugher of brigades and armies of able-bodied Americans. The power of so taxing the railroads is not open to doubt, as even on the reargument of the income-tax cases the excise taxes in the Hylton Carriage case (3 Dall., 171) was sustained (158 U. S., 127).

Fuller, C. J., said:

"What was decided in the Hylton case was, then, that tax on carriages was an excise, and therefore an indirect tax."

In Veazle Bank *v.* Fenno (8 Wall., 533), Chase, C. J., said:

"It may safely be assumed, therefore, as the unanimous opinion of the court (in the Hylton case), that a tax on carriages is not a direct tax."

And Story, in his work on the Constitution (vol. 1, 705, sec. 956), said:

"Fifthly, that, accurately speaking, all taxes on expenses or consumption are indirect taxes, and a tax on carriages is of this kind."

The proceeds of the taxation derived from the excise tax when covered into the Treasury are public funds and may be distributed by Congress as it sees fit. Congress has granted bounties, public lands, vast estates, and tariff favors to those classes economically better situated than the workmen, so that the denial of the power of Congress to apportion the proceeds from an excise tax on cars among those killed or injured on railroads would be a subservience to domination of the property-holding class, since no logical method of reasoning could sustain it. The mere statement of a consequence flowing from the decision holding that Congress would not have the power of using the proceeds of an excise tax for the relief of those killed or injured on post roads would seem to show that no danger should be felt therefrom.

The power of regulating commerce among the States was held ample in the employer's liabilities cases (207 U. S.) to give Congress the power of regulating the relation of master and servant, and the same power must flow from the post-office and post-roads clause of the Constitution in respect of the men working on railroads, though not engaged in interstate commerce, but on or with instrumentalities used on post roads. There is no constitutional limitation in favor of property rights, when that property is devoted to commerce or postal traffic, preventing Congress from subjecting it to taxation, and the amount of taxation and the purpose of taxation is a matter of political discussion not reviewable by the courts so long as the taxation be uniform. The taxation proposed by House bill 9831 complies with every constitutional requirement, and the amount is a mere matter of congressional discretion. Since no other standards are called for, Congress may tax the instrumentalities of railway and telegraph companies and may require these enterprises enjoying Federal protection to award social justice to those killed or maimed, all the more so, as such legislation in every other country has made for the preservation of life and limb.

THE STATUS OF EMPLOYEES.

The person of normal capacity has normal rights and is said to enjoy full status.

Whatever disability one is placed under, either politically, juristically, or socially, to that extent diminishes the status in that respect.

Thus a criminal sentenced to imprisonment for life is, by the law, treated as civilly dead, though he may live for many years.

So an absentee for an established term of years leaves his wife free to remarry on the legal presumption of his death, thereby dissolving her marriage condition without affecting the issue previously born.

In all these and allied cases the rules of the law, based on declared public policy, by excluding accessible evidence to controvert authentic facts, affect the status of the individual involved, so that the exclusion of evidence may make for a changed condition of status, and when the exclusion of evidence and the imputations of fictions or nonexisting conditions of physical activity (as in assumption of risk) have been persisted in by the courts there is in consequence created a juristic class of abnormal beings in having less juristic capacity for obtaining redress for grievances than other persons—servants.

These servants, then, are treated by the law as having a lower status; that is, having a lesser right to that standard of justice meted out at the same time to all other persons in like conditions of danger not affected by the status relation.

Being thus deprived of the common justice, it becomes of need for the dominant group to justify, before the conscience of its time, this exercise of power. So that by a necessary perversion of reasoning the very inaptitude in escaping from their status and its consequence is made a matter of reproach to them when they have been maimed and venture to seek redress. By asserting a fiction, and claiming that evidence must be directed to an indifferent matter, namely, the standard of care, and a reasonably safe place to work in, a reasonably careful selection of fellow servants, and the right to starve if conditions do not suit the ideally (meticulous) fault-finding workmen of the court's imagination, and excluding evidence of actual inherent danger of the work, the courts have created what, in fact, amounts to a status as against the workers, not only by excluding evidence in the light of actual conditions of labor, but far more disastrously by importing into the Constitution the theory that their dicta of public policy and convenience (for in the last analysis they are all following Abinger, C. B., and his famous dictum on the inconvenience of compensation) are now, and have been, hallowed by the term "due process of law" to such an extent that the legislature may not change the rule of the incidence of economic loss unless the master was to blame. In other words, they throw about the group theory of blame—negligence—such constitutional concepts, so taboo and sacred, that evidence to remove them is inadmissible, and deny power to legislatures to change them. Thus the courts maintain intact a status, or a presumption of law, not based on logic nor on evidence, but supported in the last instance by the brute power of the State, or of the dominant group. In doing this the courts disregard the very point at issue, namely, whether it is fault or negligence that causes the most serious disasters, or whether it is a danger inherent in the nature of the calling. By first imputing to the constitutional words "due process of law" a sacred and inclusive power, unchangeable by mere legislation, the courts then claim that it is part of the "due process of law" for the master class not to be made liable for compensation unless the injury happened through negligence or fault or words of such like import, although the standard of care of the prudent man has as much to do with the running of a factory or mill, or railroad, as has the binomial theorem.

In thus excluding evidence of the facts of danger, and reading a far-fetched theory of negligence and deviation from an impossible standard of care into the protection of the due process clause of the Constitution, the courts are preserving a status of inferiority of the laborers and a superior status of the master class. For the effect of status is one of economic superiority when, by the exclusion of evidence, those at risk are exploited without redress. The refusal of the courts to permit their views to be changed by the irrefutable evidence of statistics of the killed and wounded in the everyday work of modern industry shows such a deliberate exclusion of the facts of everyday life, when in other cases they undertake to apply the latest researches of science, that it must be presumed to be with the purpose of perpetuating the status of the oppressed and excluded in favor of those who benefit by the exploitation. In excluding evidence that it is not relaxation or deviation from the fictitious and impossible standard of care, but danger inherent in the work, the courts rivet firmer the status of the laborer. This is done by transmuting this exclusion of evidence into a principle of constitutional law, by casting about the erroneous conclusions of bygone courts a sacred protection of property rights, and conversely casting out any legislation attempted to remedy their errors of judgment and of policy, by treating that as a status which should be placed under the regulative power of the legislature.

The progress of the world has been shown in the advance from status to regulation by contract or legislative power. The maintenance or the extension of the relation of status is, and always was, a reactionary means of stifling reform. The attempts of the courts to perpetuate their errors by shifting onto the constitutional "due process of law," a rigidity and continuance of status called into being by their own misunderstanding of the effects of economic laws, is to be deplored, as it makes for instability and lack of harmony in the State.

If the Congress had power to grant public lands and issue and loan the public credit of the United States to any railroads because of the public service—whether as mail or as military routes is indifferent—of the carriers engaging in the work, by a parity of reasoning there must exist power derivable from the same source to change the status of the men at risk on these same roads. If there was power to tax these and other men, to pay interest and to redeem the bonds issued in aid of these railroads—and what applies to one applies to all in respect of their Federal character—there must be the same power to be able legislatively to change the consequences of the status in respect of their Federal service and to annex thereto whatever is held reasonable by the social conscience of the times. There is no Federal common law, as the Supreme Court has declared time and again, and therefore there can logically be no such consequences of the status of laboring men as the Federal courts have by a false analogy imported into their decisions. And there must, logically at least, be the same power of Congress to legislatively declare the consequences of the Federal status of labor as there was in the courts to apply the decisions of State judges to the Federal relation of laboring men working on a Federal highway.

STATUS OF SERVANTS.

Under the provisions of H. R. 9831 the relation heretofore existing between master and servant has been legislatively changed. Service on mail routes and post roads and interstate and foreign commerce has

been declared to be "public service" and the employees of a carrier are by the bill declared to be "public servants," thus enacting into law the relation construed by the courts, when in labor disturbances they held the men to be public servants and not allowed to either quit or to strike until such rulings were set aside.

This bill applies to occupations that are of a public character, if the standards heretofore advanced by the courts hold. The railroads are all carried on by corporations, subject in respect of their interstate and mail carriage to Federal regulation as fully as though they had been chartered by the United States (Hale *v.* Henkel case). The carriage of the mail is part of the public business, and never was anything else. This was used by the courts in the Debs case, when the mail routes and post roads clause was dragged in to justify the judicial power to clear obstructions from its path by using the equity powers of Federal courts to enforce the criminal law. If there is judicial power to declare the men's service, for the purpose of putting them into jail without a jury trial, a public service, there must be legislative power in the Congress deriving its power from the same Constitution to declare their service to be a "public service" for the purpose of safeguarding their lives and limbs from the dangers of that service.

The consent of the master is not necessary: In declaring unconstitutional the New York compensation act the New York Court of Appeals said:

"It (the act) does not affect the status at all, but writes into the contract between the employer and employee, without the consent of the former, a liability on his part which never existed before and to which he is permitted to interpose practically no defense, for he can only escape liability when the employee is injured through his own willful misconduct. That is a defense which needs no legislative sanction, since it would be abhorrent to the most primitive notions of justice to permit one to impose liability for his willfully self-inflicted injuries upon another who is wholly free from responsibility for them."

The attitude of the New York Court of Appeals is shown in the complete incapacity to see modern conditions of labor. It believes it has shown the absurdity of the modern ideas whereby relief is sought to be conferred from the stupid judge made rules of the common law when it states that a law would be declared unconstitutional by it "which would compel the industrial employers to give each employee a vacation on full pay during two months of every year." Why can not the modern legislature, as well as the old Babylonian exploiters of their brick-making slaves (the originators of that socialistic scheme of a sabbath), make an annual holiday with pay as valid as the courts can import into a contract of labor the unrequited throwing in of life and limbs? It just reduces itself to Abinger's, C. B., ruling that it would be "inconvenient"; that is, that it would decrease dividends and cut profits.

To return to the principal objection of that court, the railroad employees or any other laborers were not consulted about the doctrine of fellow servant or assumption of risk which the courts, on behalf of the master class, wrote into the contract of employment and which the Federal courts adopted, without leave of Congress, as the rule of awarding justice. There must be as much power in Congress to "write into the contract between employer and employee, without the consent of the master," a condition favoring the employee when, admittedly, conditions changed, as even the most reactionary courts admit, as there was for the courts to misinterpret economic conditions and to impose untold hardships and injustice on the laborers. Whenever the legislature happens to confirm some standard laid down by the courts—"no legislative sanction is needed"—the courts set their face against any change whereby the legislature attempts to undo some of the startling outrages against the social conscience of the times by setting up as taboo and unchangeable the dicta and the reasonings of courts which are illogical and have no foundation on anything save the arbitrary power of the last word. There is nothing apparently wrong in the courts writing into the contract of service the absurd and mendacious assumption of risk as a fiction to justify their exploitation of the men at risk, but it becomes a singularly mischievous attempt on the part of the legislature to shift the burden from the employee to the master. On this point it may be well to quote the Supreme Court in the famous Taylor case (210 U. S., at 296), where Moody, J., well said:

"Where an injury happens through the absence of a safe drawbar there must be hardship. Such an injury must be an irreparable misfortune to some one. If it must be borne entirely by him who suffers it, that is a hardship to him. If its burden is transferred, as far as it is capable of transfer, to the employer, it is a hardship to him. It is quite conceivable that Congress, contemplating the inevitable hardship of such injuries and hoping to diminish the economic loss to the community resulting from them, should deem it wise to impose their burdens upon those who could measurably control their causes instead of upon those who are, in the main, helpless in that regard. Such a policy would be intelligible." * * *

Applying this method of Mr. Justice Moody's reasoning to the changed condition of master and servant, when carried on (1) by corporations (subject to legislative control in respect of their contracts with any of their employees), (2) carrying on a public business (on a Federal mail route protected against violence and therefore subject to Federal regulation when operating over it), (3) for gain, paid for from public funds (in being permitted to haul passengers and express parcels and the mail, all of which might be carried by the United States under the post-roads clause of the Constitution), it is certainly within the power of Congress to classify the service as public and to thereby change the status or the relation of employees to their masters and to annex to the relation those modern concepts of equity which the courts have refused to import into the relation, for it follows that if the courts had power to declare the railroad man's service public service, to put him into jail for violating an agreement for personal service because of the character of his work, and, in the Arago case, to keep sailors in jail because of the peculiar character of the sailor's service with his ship and the public necessity of working the ship, then the Congress has the same power to classify the men as public servants and to impose liability on those corporations who voluntarily engage in mail carriage and commerce on mail routes. That must be conceded as a logical sequence under our system of division of powers.

If the character of the men's work is public service, there can be annexed to it whatever conditions Congress sees fit, so long as the conditions really are parts of that service, and the killing and maiming of men can be statistically demonstrated to be consequences of that service, and it must be as fully within the power of Congress to impose conditions, onerous though they be, against the waste of human lives as it was for that same Congress to grant away public lands in the aid of the same carriers. If the power of conferring benefits on a class and their use of these lands and taxes (for that is what, under the income-tax cases, the gifts of bonds amounts to) does not impose liabilities, there is no logic in the law. In this bill this reciprocal duty is sought to be imposed on the theory that, taking the benefit of Federal exemption from State legislation and claiming the protection of Federal justice for the protection of their bonds in receivership cases and in cases of labor disturbances, gives the right to the Congress to impose liabilities in respect of a more modern attitude toward their employees. In the Hale *v.* Henkel case it was held that there is a dual relationship of corporations engaged in interstate commerce. The United States, then, have the same right to change the status of the servant of these corporations as have the courts to administer what they claim is a general law of master and servant. The power of changing the status of the servant flows from his subjection to Federal law and the paramount legislative power of Congress over that subject; but in the employers' liability cases it was conceded by the majority that the relation of master and servant was, in the limited respects set forth therein, subject to congressional regulation, so that it merely reduces itself to the question whether the Supreme Court will state that changing the rule of decision is beyond congressional power when it legislatively declares a change in the status of the servant to be a public service and annexes to that changed status certain changed relations of liability.

The power of changing rules of evidence is inherent in Congress, so long as it does not upset the basic principle of "due process of law." The courts have for over 80 years misapplied the rules of evidence in construing into the relation of service the "assumption of risk and common employment" doctrine. These rules of law perpetuated fictions not found in fact, and excluded facts from the everyday life of the servants. And this exclusion of evidence is what every class does that has power and no social conscience.

The power of changing the rules of evidence must certainly be lodged in Congress, for the Federal courts have no intrinsic power of making that evidence what Congress declares shall not be evidence. The inferior Federal courts have only such power as Congress chooses to intrust them with in carrying out their granted powers. Evidence is a matter of procedure, and this is and always has been within the power of congressional regulation. The power of declaring what evidence shall be received and what facts shall be admitted are parts of the power of establishing inferior courts. And therefore Congress has the power of removing fictions imported by the courts and substituting modern concepts of professional risk, and these must be accepted by the courts if once written into an act.

There is nothing in the Federal Constitution to hinder the Congress from pursuing its own policy in regulating the social and civil condition of such persons as are, within the classes, given Federal citizenship by the fourteenth amendment, and are, within the classes, actually engaged in interstate and foreign commerce, and are within the jurisdictional limits of the United States, or that enjoins on the Congress the duty of maintaining the status of inferiority, or requires that those engaged in such commerce shall be held to be subjected to the rule of law whereby negligence is made a standard and whereby danger as a factor of causing injury is to be excluded.

The due-process clause of the Constitution, if in conflict with the later enacted fourteenth amendment, must give way, on the analogy of repeal or inconsistency of the two in the same subject matter. But there is no need of so arguing, as due process never was intended to prohibit the change of rules of evidence, and the exclusion of the rules of negligence from master and servant's cases and the substitution therefor of the actual facts by the rule of the danger or hazard is only changing the rules of what testimony shall in future be regarded as admissible evidence. That is certainly a purely legislative function, and to this change the courts must submit.

In the Lemmon case (20 N. Y.), on page 623, it is said:

"In incorporating the fugitive slave provision in the Constitution the Convention was careful not to do anything which should imply its sanction of slavery as legal. The provision as originally reported read 'legally held to service,' and it was amended by striking out the words 'legally held to service' and made to read 'held to service or labor in one State, under the laws thereof.' (See Journal, 384; Madison's Works, 1558, 1559.)

"So also the word 'service' was substituted for 'servitude' on motion of a delegate from Virginia, the latter being (624) descriptive of slaves. (3 Madison's Works, 1569.) The Federal Constitution treats slaves as persons and not as property, and it acts upon them as persons and not as property, though the latter character may be given to them by the laws of the States in which slavery is tolerated."

The fourteenth amendment went no further than to endow all persons within the subjection of the United States with a new status, leaving to Congress the details of elaborating the details thereof by adequate legislation based on the general powers of carrying into effect those granted powers. There can be no doubt that if the Constitution had not violated (and in law there is no fiction stronger than that of disregarding war or its incidents) the due-process clause of the original Constitution in breaking up the political status of black men, and in conferring on all nationals a new Federal citizenship, that then there must be power in that same Congress to changes the rules of evidence in actions brought for injuries on Federal highways, and to regulate the status of free men as parts of their national citzenship, and to require the courts in the future to disregard negligence as a criterion and to substitute therefor the more enlightened rule of the professional risk.

In the Lemmon case (20 N. Y.), at page 629, Wright, J., said:

"But, in 1841, the State, by actual legislation, abrogated the permission accorded to slavery during transit, and declared it to be her will that under all circumstances a slave voluntarily brought into the State should be free, and that the status should not be tolerated within her borders. It is for the State to establish the rule, * * * and not the courts in her behalf, and she may or may not as she chooses exercise it (comity). * * * It is the status, the unjust and unnatural relation, which the policy of the State aims to suppress, and her policy fails, at least in part, if the status be upheld at all. * * * The State deems that the public peace, her internal safety, and domestic interests require the total suppression of a social condition that violates the law of nature (Virginia Bill of Rights, 1, 15); a status declared by Lord Mansfield in Somerset's case to be 'of such a nature that it is incapable of being introduced on any reasons, moral or political'; that originates in the predominance of physical force, and is continued by the more predominance of social force." * * *

The United States have the right to determine the status or social and civil condition of their citizens, and of every condition of persons within their territory. This power of regulation of such a status is, it may be argued, derivable from the fourteenth amendment, whose opening words are:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

If the Congress has no power under this direct political attribution of power to bring about a changed result from the status heretofore evolved by the courts, we have the curious result that the fourteenth amendment was potent to exempt corporations and aggregations of wealth from State regulations and laws meant to benefit laboring men as a class, and that the courts will say that Congress can not use the power from the same source to overcome the status impinged on laborers, and that due process of law means one thing for labor and another thing for the corporations. As was said in the Lemmon case (20 N. Y., at 617):

"It can not affect the question that at some time in her history as a colony or State she (New York) has tolerated slavery on her soil, or that the status has ever had a legal cognition; for without regard to time and circumstances, the State may at her will change the civil condition of her inhabitants and her domestic policy, and proscribe and prohibit that which before had existed."

From the brief of W. M. Evarts in the case of Lemmon v. People, in the court of appeals (20 N. Y., at 597), we copy the following on status:

"The status of slavery is not a natural relation, but contrary to nature, and at every moment it subsists it is an ever new and active violation of the law of nature. (Citing cases.)

"It originates in mere predominance of physical force, and is continued by mere predominance of social force or municipal law.

"Whenever and wherever the physical force in one stage, or the social force or municipal law in the other stage, fails, the status falls, for it has nothing to rest on.

"To continue and defend the status, then, within our territory, the stranger must appeal to some municipal force." * * *

Charles O'Conner had on behalf of the respondent to the habeas corpus proceedings well stated the reason for exploitation. In his brief (p. 575) he said:

"Who shall deny the claim of the intellectual white race to its compensation for the mental toil of governing and guiding the negro laborer? The learned and skillful statesman, soldier, physician, preacher, or other expert in any great department of human exertion where mind holds dominion over matter, is clothed with power and surrounded with materials for the enjoyment of mental and physical luxuries in proportion to the measure of his capacity and attainments. And all this at the cost of the mechanical and agricultural laborer, to whom such enjoyments are denied. If the social order, founded in the different natural capacities of individuals in the same family, which produces these inequalities is not unjust, who can rightfully say of the like inequality in condition between races differing in capacity that it is contrary to a law of nature, or that the governing race who conform to it are guilty of fraud and rapine, or that they commit a violence to right reason which is forbidden by morality?"

Denio, C. J., in the opinion state (p. 603):

"So that whatever opinion we might entertain as to the reasonableness or policy, or even the moral obligation, of the nonslave-holding States to establish provisions similar to those stricken out of the Revised Statutes, it is not in our power, while administering the laws of this State in one of its tribunals of justice, to act at all upon these sentiments, when we see, as we can not fail to do, that the legislature has deliberately repudiated them."

SOCIOLOGICAL ARGUMENT.

In this connection we maintain that there can be demonstrated from numerous authors that the received views about "consent of the governed," "freedom of choice of occupation," and "freedom of contract," and the allied "assumption of risk," are historically unsound, and that, so far as they have been used against workmen, they are, to quote one court, "heartless mockery," or else are simply means of justifying class domination in the class state in perpetual contradiction to the theory upheld by the court, when they are using the sharp edge of the sword of state against the workers, as in the Debs case (158 U. S., 581).

Let us begin with simple concepts, such as the State. This is and always has been a political device of the ruling class or group, having for its object the economic exploitation of a subject class or group. (Gumplowis, Die soziologische Staatsidee, etc.)

Second. The constitution of the State (whether written or traditional) or form of political domination which the ruling class or group imposes on the subject, class, or group varies with the self-restraint exercised by the subject, class, or group.

(And this is true, although the economically or politically exploited class or group have acquired certain political rights, such as liberty of movement or, in advanced economic States, even certain political rights, but no property worth mentioning, when, as a matter of fact, it is property that it is the principal care of the dominant group to safeguard.)

Third. The self-restraint of the subject, class, or group depends upon or is determined by the collective intelligence of such group or class and its consequent ability to understand the character of the characteristics of the State and the motives of the dominant class in its constitution.

Fourth. The laws enforced by the ruling group or class through the instrumentalities of the State (by whatever formalism these may be obscured) will be determined by the character of the self-restraint of the subject, group, or class and by the ability of the ruling class to justify its scheme of economic exploitation by group conclusion concerning its class interests.

Point one.—Since, then, under our system of government the workmen have to be consulted about the character of the persons in the Congress or the Presidency and do not have any voice in the selection of those placed on the Federal bench, save by a very indirect method of shifted responsibility, the governing group, in this age of bond-holding and bankers' class, quite as apparently as in the last generation, the slavocracy will and can enforce their desire to have the benefits of the unrequited loss of life and limb of those at risk. Heretofore they have had quite as efficient aid from the Supreme Court in this generation, and the same flimsy justification was advanced in their behalf as was more boldly stated by the Supreme Court in the line of cases beginning with the Antelope (10 Wheat., 66) and ending with the Dred Scott case (19 How., 393). Marshall, Chief Justice, in the Antelope (10 Wheat., at p. 114) used the following language:

"In examining claims of this momentous importance, claims in which the sacred rights of liberty and property come in conflict with each other, * * * this court must not yield to feelings which might seduce it from the path of duty and must obey the mandate of the law. However abhorrent this (slave) traffic may be to a mind whose * * * feelings are not blunted by familiarity with the practice, it has been sanctioned in modern times by the laws of all nations who possess distant colonies, each of whom has engaged in it as a common commercial business which no other could rightfully interrupt. It has claimed all the sanction which could be derived from long usage and general acquiescence."

Again, on page 121, he says:

"Among the most enlightened nations of antiquity one of these (rules) was that the victor might enslave the vanquished. This, which was the usage of all, could not be pronounced repugnant to the law of nations, which is certainly to be tried by the test of general usage. That which has received the assent of all must be the law of all.

"Slavery, then, has its origin in force; but as the world has agreed that it is a legitimate result of force, the state of things which is thus produced by general consent can not be pronounced unlawful."

So this great expositor of the Constitution! For his generation and for all who believed in the exploitation of black men, the very incarnation of wisdom and good policy. In what does the standpoint advocated by him, and since the economic futility of his arguments has been demonstrated, it has become fashionable to cavil with his logic, differ from that still maintained by the advocates of the maintenance of the barbaric, inept, and antisocial rules of the law of master and servant?

There is no possible excuse for slavery that does not with precisely the same inexorable logic make for their retention. The rules advocated and enforced by the courts in master and servants law are of quite as much historical, juristic, and we may add, political, probative force, as had the wise theory of justification enunciated by the great Chief Justice. Historically, servants of all classes, were until comparatively recently, either the actual property, or else so dependent economically and socially upon their bread masters that they had few, if any, rights that these were bound to respect. And this was portrayed in the decisions of the courts. The political element—that is, the conscious intent to continue the unrequited exploitation, as far as it would permit such exploitation to go on—has been supplied by the American courts as the residuum of arbitrary power, which arbitrary power, here as elsewhere, is wielded in behalf of those groups who have dominance in economic power, or, in other words, are the de facto state.

There is a pathetic and ghastly element in our situation brought about by the mockery of the putative freedom which these same courts use to mock the victims of the industrial disasters. Because the political rights of freedom of locomotion, and because of the economic needs of factory life have made the workmen participants in the ordinary exemptions of police regulations used elsewhere to cow the laborers, we have blindly allowed the courts to impute a liberty that which does not exist, to maintain a disastrous fiction of freedom of choice, whereby we either stupidly or criminally excuse the exploitation of the laborers, in the interests of the stockholders and their allies.

That there is a point of difference between the capacity of containing this modern exploitation by the courts and that formerly justified before the conscience of the slave owners in this: That the workmen are persons who have before them other ideals and have knowledge of the remedies worked out elsewhere for their relief. Those mistake the temper of our times if they think that the continued acquiescence of the victims of judicial inept rules will continue to remain silent and will permit a game of battledore and shuttlecock of courts blaming legislatures and legislatures pointing out how the courts whittle away relief sought to be conferred upon the victims of modern industry. The American workmen are growing weary of protestations, and their widows are increasing, their orphans are being degraded in life's handicap. Relief must be brought soon and should be had without economic or social upheavals.

In the last instance, it is merely a question of dividends of the railroads and all fictitious anxiety about the constitutionality of the proposed legislation can well await the final decision of the Supreme Court, which will take whatever measure of placating the most potent influence. That what it must in the order of things do, and, being a part of the political mechanism of domination, it is quite as much subject to those influences of the spirit of the time as is any Member of the Congress or any other person in political life.

When certain fundamental rules of century-old constitutional law can be upset by the voice of one man (and the dissenting opinions of the judges in the income-tax cases show how bitterly they themselves stated the radical judicial legislation exercised by the majority in those cases)—argument against socialism is not reason per se. In dissenting from the majority in the income tax cases, Harlan, J., said (158 U. S., at 674): "This court has been urged to stand in the breach for the protection of the just rights of property against the advancing hosts of socialism. With the policy of legislation of this character, this court has nothing to do. That is for the legislative branch of the Government. It is for Congress to determine whether the necessities of the Government are to be met, or the interests of the people subserved, by the taxation of incomes. With that determination, so far as it rests upon grounds of expediency or public policy, the courts can have no rightful concern. The safety and permanency of our institutions demand that each department of government shall keep within its legitimate sphere as defined by the supreme law of the land." And again on page 679: "Is the judiciary to supervise the action of the legislative branch of the Government upon questions of public policy? Are they to override the will of the people, as expressed by their chosen servants, because in their judgment, the particular means employed by Congress in execution of the powers conferred by the Constitution are not the best that could have been devised, or are not absolutely necessary to accomplish the objects for which the Government was established?"—our duty becomes lighter by so much as we endeavor to remedy the evils that the courts brought into being and apply justice that they have refused to award because in cases of employees they could not overturn their own precedents, even though the ablest of them recognized their want of logic or elementary justice.

The same court that has upheld assumption of risk, in cases of a switchman stepping into an unblocked frog, as a simple device of relieving a powerful railroad company from paying damages, by a showing of lack of logic that would have disgraced a schoolboy (Seley case, 152 U. S., 145), had in the previous generation, when under the economic domination of the slave lords, spoken of the acquiescence of the slaves (The *Antelope*, 10 Wheaton, 114) as a reason for their position, and had then earned quite the same applause that the opinions in the Employers' Liability cases (207 U. S.), in our day were received at the hands of those who had to gain from the continuance of the exploitation of the railroad men. Let us examine whether the term exploitation, as applied to the rules of the common law as evolved, administered, and justified and distinguished by the courts in each such case, is properly called exploitation.

There are two forms of labor, and only two—political and economic. Economic labor is the work done and the exchange thereof for the labor of others, by economic desires and hopes of satisfying wants.

Political labor is the result of force, which, at the moment, is irresistible, and which must be submitted to by the victim, and which force or power the person in power can exert. The limitation, which the controlling group exercises may extend from absolute slavery (such as accompanied the development of the State, in its sorrowful progress through the ages), down to unjust class rules. In principle, however, it is always the same. There is an ever-advancing line of delimination, below which man will not be pushed back. Economics bring about the need of extra exploitation, and then there comes a crash. Such were the Jacqueries in France, in Lombardy, in England, and in the great Peasants' War of 1522, and those of the Russian peasants at the time of the French Revolution, and our War of 1861—then the Mexican revolution of to-day. The principle in each and every case was identical; there was a little too much exploitation; that is, unrequited labor, enforced by the mechanism of the dominant group.

In modern industrial conditions laboring men and women must work with machinery not owned by them. They, as a matter of fact, have nothing to say about their fellow employees. Nor have they the right or capacity to order machinery owned by their masters to be either repaired, improved, or in case of need discarded, and yet, when by a perfectly mathematical, ever-recurring statistical ratio one or the other is killed or maimed, they are met by the juristic twaddle about the assumption of risk as a heartless mockery of their sufferings, and told that this is American justice to its workers. One actual tale of recent wrong: Brinkmeier, who, after years of litigation was nonsuited and whose case was finally written by the Kansas Supreme Court, had lost his leg (105 Pac., 221; 93 Pac., 621), because it was cheaper for the Missouri Pacific Railway Co. to escape damages or compensation than to maintain its couplers in operative condition of safety; after the loss of his leg Brinkmeier entered a planing mill.

On the very morning on which counsel for the railroad company were trying (and succeeding) in keeping him from obtaining any damages, while the courts were again wrangling with his case, he lost his four fingers of his right hand in that planing mill. What does this man with a family of small children care about what reason is given for the exploitation of his efforts in life? In any walk of life open to him he meets the same dangers, and the courts claim such a man voluntarily assumes the risk of his calling. That is plainly exploiting his humanity for the benefit of those who placed in power the judges. Nothing can alter nor displace the ultimate verdict of unbiased thought in such a relation. The State, by its courts, claim that laboring men, as they are politically able to do for their services, are by the courts coerced, through a fiction created and fostered by them, to throw in for good measure their lives and limbs or else starve. This is cold-blooded coercion far more odious than the slavery of the blacks, for that slavery rested on the facts of force of a strong race over its barbaric subjects, imported like cattle, for the very purpose of being exploited without let or hindrance, while exploitation, for 80 years patiently borne by American workmen, is justified by unfairness and false logic, and thus is antisocial in its effects upon all who partake of the exploitation, for whatever purpose created or maintained.

Exploitation, then, is the unrequited labor of those under the political domination of a superior group. And to those who are damnified by the process of exploitation it matters not whether they are called "fellow citizens" about election time and cast upon the scrap heap of the industrial unfit after an accident, or whether they are, in name as well as in fact, slaves. The method of justifying the exploitation may differ, but the fact of the unrequited labor being used for the benefit of those owning the industries is the same, and no mere label of "common employment" or of "assumption of risk" can change this fact. The money that should be spent, as it is spent in every other industrial country having railroads, in taking care of the dependents of those killed or injured, is handed over to the stockholders, who thus claim a vested right to the blood money. Since thereby the standard of human life becomes a factor of lessening values, the management is encouraged in killing and maiming, because the only cost which the stockholders must pay is repair to rolling stock, while the railroad employees "assume the risk of their occupation," and if this is too dangerous for them all they have to do is to quit, only to be mangled in some other enterprise. This is certainly exploitation, and when courts of justice justify, it becomes nothing less than a cruel mockery.

In the Insular cases (182 U. S., 274), Brown, J., spoke ironically of the attempt of the Supreme Court in the Dred Scott case to definitely set at rest the questions based on economic differences of slavery. And there is no doubt that some future Supreme Court will treat with the same lack of respect the false reasoning and brutal class justification shown in the Lochner New York bakers case or in the Adair case. It is our function to fashion statutes as best we may, to follow the past rules of the Supreme Court as the great and final board of review of our political activities, as we might that of a coordinate body, if you will, but there is a limit where legislative independence ceases when we do not enact a bill because, forsooth, the Supreme Court may declare our work unconstitutional. They may do so at any time, and that is no reason for this body to abdicate its functions to the court.

Point two: The Constitution of the United States has ever since the Civil War become the mechanism of enhancing the power of those whom it is convenient to speak of as the bond-holding class. The amendments designed to give political power and freedom to the enfranchised blacks were used to batter down State legislation designed to benefit the working classes, and in so doing previous rules about noninterference with State legislation were set at naught, and the same courts that could find no warrant for sustaining the enlightened legislation for workmen in the employer's liability cases found in the word "persons" in the fourteenth amendment authority to extend the power of corporations to such an extent that in Hale *v.* Henkel they were forced to call a halt to corporate lawlessness, after having in Smith *v.* L. S. & M. S. R. R. Co. (173 U. S., 694) held that the creature of the State, a mere railroad company, could of its own free will do what the legislature could not force it to do.

The steady desire of State after State to pass laws to exempt their inhabitants from the domination of Federal courts shows a general unrest and distrust of the fairness of these courts, which, from its universality, must be capable of generalization. And that this feeling is not without its economic foundation in the cases where workmen are involved is shown by the fact that it was the Senate that inserted into the amendment to the second employers' liability act (H. R. 17263, approved Apr. 5, 1910) the rule that cases begun in a State court under that act should not be removable into the Federal court. Had there not been a strong feeling about this matter, it could not have been put through so easily as it was.

Wherever there is exploitation there is—there is bound to be—resentment; and this is a force of evil in the State. Wise statesmen, and to the extent that the courts are participants of political power, protecting property as their first aim (see Harlan's (J.) dictum in Monongahela Bridge Co. *v.* United States, 216 U. S., 177, and compare it with Story's dictum "that government can scarcely be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body without any restraint" in Wilkinson *v.* Leland, 2 Peters, 627, 70 years ago), give heed to these rumblings so as not to place themselves in a position where retreat with dignity is cut off. For no man anxious of his posthumous reputation, as is any judge whose opinions will be read by each generation of lawyers, cares to be classed among those who, having eyes, see not the things that are obviously manifest in the spirit of the times.

And then there is a force in suppressed resentment when workmen come to realize, as they must, that all improvements of learning are applied to every phase of legal inquiry, and only when their bodily injuries and the measure of toll to be paid for their lives are involved, that then alone they are met with a series of sophisms and precedents, while when property interests are involved, as they were in the income-tax cases, no precedents could keep the court from overturning century-old law and decision to read into the Constitution a specially exempted class of property. It must surely have struck all thoughtful students of the law as a very remarkable coincidence that we legislators, whether in State or National legislatures, never show greater ineptitude than in drafting legislation designed to take off the backs of those exploited some grievous wrong, as is all so-called labor legislation when viewed from an enlarged standpoint. And Bulletin No. 91 (Nov., 1910) of the Bureau of Labor shows quite an amazing mass of labor legislation declared unconstitutional, and always justified by a string of dicta and extracts from the opinions of the Supreme Court.

If, then, we must come to understand that there stands a body opposed to letting us relieve the fair name of our civilization from the reproach of being far behind cultured and civilized States in industrial legislation, and if we refuse or fail to act there will inevitably arise an aggregation of men soon powerful enough to demand a change.

Point three. There is abroad in the land to-day an all but universal recognition that we must get rid of the archaic class laws enunciated by the courts in the defense of property rights even though the lives and limbs of the men at risk suffered. This is shown in the autocratically organized trades. Where either the trust is absolute, economically, or where for the sake of holding upright its character as a benevolent feudalism, as in the case of some industries like the Harvesters or the Electric Trust or the Steel Trust mills, it concedes, as a matter of grace, to those injured in its employ that there is no justice in the law as enforced in American courts between master and servant. And yet sociology, or science of human interrelations, has been read to little account if this sort of paternal kindness at the breaking point of the laborers' endurance ever helped a tottering cause or delayed the unavoidable day of reckoning for the exploiters. As State legislature after State legislature passes ameliorative laws, and the courts in their blind incapacity to fathom the spirit of their times, save from the viewpoint of Moody's Manual, declares such legislation unconstitutional because not in harmony with Hamilton's Constitution of 1787, does it not begin to dawn upon the mentality that sooner or later others will take our places and carry out the needed reforms?

For it is economic needs and interests and not fine phrases that bring about political differences and groupings, and those that can not see beyond their day and generation should not be in the position of inflicting harm upon future generations by making for a smash instead of for a gradual change for betterments. So long as the dominant idea of protecting property rights at all hazards as cynically outspoken as the dictum of Harlan, J., in Monongahela Bridge Co. *v.* The United States (217 U. S.), is the standard of judicial right-mindedness and is used at all times as a bat to knock out any attempted relief from archaic laws or abused powers, so surely there will crystallize the consciousness that there is no hope within the outworn Constitution and demagogues will find ready listeners. The courts that can justify protective tariff and bounties to capitalist groups and "reasonable" trusts stand aghast at the idea of tardily awarding justice to those maimed in industrial warfare, because it would be, to quote Lord Abinger, "inconvenient" to pay for the maimed employees. And yet the English have repudiated the logic and justification of the continuation of this grievous wrong. Surely no one imagines that the American worker, and least of all the highly organized and ever efficient railroad men, have less political capacity or knowledge of what their interests demand than the British workers.

There is breaking dawn in the minds of the worker that the courts are the cause of the efficient and most selfish group control, viz, a plutocracy, without traditions and organized under legal guises so well fitted to eliminate any personal responsibility, that they have taken the consequence of the power of electing judges to mean that they will have the power of recalling tools of corporation greed or ineffective followers of precedents when opposed to modern ideas. What has been spreading throughout the West will in due time become a desired scheme of reforming the Federal judiciary, and unless there is a timely house cleaning and brushing away of the mass of unholy mediæval class justification there is bound to come a strong call for that reform.

Point four. So long as the courts, the highest social forces of restraint in the State of our industrial democracy, had slaves of an alien race, in a political lack of status to deal with—the brutal truths of the civil law needed very little justification, because of the incapacity of the exploited beings to resent the iniquity and because they had no other standards. Not so with the modern workmen. Although they are beginning to recognize that they, too, are slaves, self-imported into the steel mills and mines and nests of tracks in railroad yards to replenish the hordes of laborers required to carry on the industrial development of our lands, and a State which must go through all the vicissitudes of all maritime States, and either import slaves or exploit those self-imported masses of men into a condition analogous to wage slavery and differing from political slavery only in indifferent matters, yet there is this distinction to be noted that they have political rights and are beginning to exert them to unify their class interests as opposed to the acquiescent attitude so long drilled into them as the ideal state of mind of the laborer.

The old method of justification is passing away, and even the liberty of contract, so dear to the heart of a court that it could legalize blacklisting in the Adair case and encourage overworking bakers in Lochners's case by false analogies and mistaken readings of medical reports about tuberculosis among them, will not again be used to batter down legislation sought to better men's condition. And as there is no decent reason for the courts to stand alone in upholding that as a standard of reasoning which the entire industrial civilized world

has discarded as inept, mendacious, and unfair, the chances are that any act that shows a decent attempt to comply with the mandates of constructive legislation, based on their rulings, will be allowed to pass muster.

Men with a decent regard for their future reputation do not care to be left in the position of saying that it is good law to perpetuate a state of things which could make Judge Caldwell in a minority opinion not approved of by the Supreme Court say, as he did say of his colleagues on the Circuit Court of Appeals (121 Fed., 16 Kilpatrick case): "Whenever it is made to appear to a railroad company that it costs more to pay the damages assessed against it by the verdicts of juries for maintaining a dangerous condition of its tracks or appliances than it would cost to substitute safe ones in their place the substitution is quickly made; but as long as courts hold as matter of law that what the witnesses in this case declare to be 'simply a death trap' may be maintained with impunity and without incurring any pecuniary liability, the death trap will remain and the slaughter go on. The decision of the majority of the court makes human life in this circuit a cheaper commodity than lumber." (Kilpatrick case, 121 Fed. Rep., 16.)

In that case the railroads won, but class interests that require such Pyrrhic victories are in a bad way. If this dictum of that great judge was bad law, the courts that affirmed the majority and not the dissenting judge are branded before posterity. That sort of justification can not stand the test of time. Nor can the cunning sophistry used in justifying the "assumption of risk," so elaborately worked out by Sanborn, C. J., in the Miller case (123 Fed.), in future stand. The disapprobation of the whole civilized world is a factor to be reckoned with, even when the men at risk are politically powerless, which they are not in these United States. And that is another and an important factor. But these cumulative factors are within the knowledge of the Supreme Court so keenly and appreciated so well that there is in my mind no doubt that the socialogical insight of the Supreme Court will prompt it to give potency to an act as carefully thought out and well worded as is my bill. On that point I have no hesitancy whatever. Your duty and mine ends when we have done what we constitutionally may. The factors of deciding and censoring our work is committed to others.

In the foregoing it has been shown that every argument which can be set forth against a limited compensation bill has been answered. It remains to consider how far the draft, known as H. R. 9831, introduced May 18, 1911, is constitutional. That bill provides for freedom of contract and for due process of law to both carrier and to employee; it taxes those carriers who do not accept its provisions, and permits reviews by the courts of such questions as are properly subjects of judicial cognizance.

It comprehensively states the amounts of compensation to be awarded, and is, it is submitted, the first exhaustive attempt to codify the whole law for the compensation of those hourly at risk in railroad service.

It does not attempt to do more than serve as a model for any legislation that may be hereafter enacted to extend its principle to other occupations subject to Federal control.

This I compiled because at that time every railroad attorney maintained that Congress had not jurisdiction to enact this legislation, while they also maintained that no bill providing for workmen's compensation could be drafted which would be constitutional. In my argument I believe I have demonstrated that Congress has the jurisdiction and that the bill I prepared and for which I have fought was so drafted that there could not have been any question of its constitutionality.

Lastly I wish to insert my arguments against the bill now under consideration, made before the Judiciary Committee on June 7, 1912, which were responsible for a great many amendments to the original commission bill as passed by the Senate:

STATEMENT OF HON. ADOLPH J. SABATH, MEMBER OF CONGRESS FROM THE STATE OF ILLINOIS.

Mr. SABATH. Mr. Chairman and gentlemen of the committee, being the originator of the workman-compensation discussions and also of the legislation which is pending before this committee at the present time, I deem it important to appear before this committee.

At the time I introduced my first workman-compensation bill I was inclined to believe that the railroads of this country did not look upon it with a great deal of favor. In fact, they have charged that this was a revolutionary step and that my bill was a revolutionary measure.

Therefore I was very much amused when I learned recently that all of the railroad attorneys are now favoring the commission-prepared workman-compensation bill. At the time I introduced my workman-compensation bill I did desire to provide real compensation to employees who were injured or killed, and their dependents, and not to relieve the railroads from any liabilities or large judgments, as this bill aims to do.

Mr. STERLING. Is your bill limited to railroads?

Mr. SABATH. My first bill was limited to railroads, but all my other bills that I have introduced applied to persons employed in any occupation subject to the regulative power of Congress, including mail routes.

I may as well say now that the first bill I introduced was on February 5, 1908, H. R. 6061; H. R. 16739 following on February 10, 1908; the third, H. R. 24339, being introduced by me on December 16, 1908; the next, January 6, 1909, H. R. 25408; the next, known as H. R. 1, on March 15, 1909, on which I received a hearing after many requests, which hearing brought about the introduction of a resolution and the appointment of a commission to investigate the principles of workman compensation. Subsequently, on May 3, 1910, I introduced another bill, H. R. 25334, which I thought was an improvement upon all the former bills. In the Sixty-second Congress I introduced, on April 10, 1911, H. R. 2972, and on May 18, 1911, H. R. 9831.

After the commission prepared its draft I redrafted my bill again and have introduced a bill, H. R. 21962. In none of these bills, however, did I attempt to take away from the employees any rights or privileges that they possessed. The last two bills are drafted on a principle which will leave to the employees the right to choose to receive their present rights under the common and statutory laws, or privileges which may be gained under my compensation act; in other words, it is elective.

I desire to say that at the time I introduced my first compensation bills all the defenses—such as fellow servant, assumed risk, and contributory negligence—were still in force in all of the actions in suits for personal injury by injured employees; and it was nearly impossible for anyone to recover. Since that time, however, as you know, nearly all of the defenses have been removed, and I agree with the statement, made by Senator SUTHERLAND and the other gentlemen of the commission, that under the present conditions over 50 per cent of the employees injured will be able to recover as against the former 20 per cent.

Some of the gentlemen who have preceded me stated that before the defenses had been removed it cost the railroads $10,000,000 annually and that under this bill it would cost them $15,000,000, or $5,000,000 more than before, tending to show how liberally they provided for those unfortunates in this bill; but, Mr. Chairman, if 150 per cent more injured employees will be able to recover than under the present laws, it would mean that the railroads would be obliged to pay about $25,000,000 annually for damages. They themselves, however, stated that under the proposed commission act that they are endeavoring to force through they will be obliged to pay about $15,000,000—an indirect admission that this benevolent bill would save them about $10,000,000 each and every year.

Mr. Chairman, that was not what I intended to do when I started to advocate workman-compensation legislation. My aim in securing workman compensation has been to aid legislation and assist those who are killed or injured by eliminating litigation and changing the risk and responsibility from employee to employer, he being in a better position to bear it. After I introduced my bill (H. R. 1), and even before that, I sent to all the railroad organizations and all other labor organizations and unions and to all the newspapers and labor magazines several statements and articles about my bill, in which I endeavored to show the great benefit that would accrue to the people injured and how many hardships eliminated if my bill and the principle underlying my bill be adopted.

I have continued to advocate workman-compensation legislation, and I am of the opinion, Mr. Chairman and gentlemen, that a great many organizations to-day and a great many people of this country are under the impression that the commission bill that has been reported, or the Senate bill that has been passed, is a bill that is drafted after my compensation bill, providing cumulative and elective remedy. I venture to say that many organizations and a good percentage of the laboring people of this country are under the impression that they will have in this bill such law as I have advocated, and which will provide compensation, eliminate litigation, and that they will in all cases, when injured, receive a fair compensation without years of delay and without litigation.

* * * Mr. Chairman, I shall now, with your kind indulgence, give my views on the bill and point out its defects and jokers and explain why I did not and do not now approve of the bill now before you. Mr. Chairman, I am in favor of the principle, but I am not in favor of this bill, because it takes away at one stroke from the people whom I aim to assist the present remedy, the present protection and relief which Congress gave them when the liability law of 1908 and 1910 was adopted.

We now know what law they have, as the Supreme Court only a few days ago declared the 1910 act constitutional, and do not know what they are receiving in this compensation bill, because no one can tell what the Supreme Court will hold. And for that reason we should not at one stroke eliminate all the present liability laws as they now stand. It took England over 20 years of litigation before they ascertained what some of the provisions in their workman-compensation law actually meant and how they should be construed, and no one can tell how long it will take our courts to do so. Furthermore, England never made its act exclusive, as is aimed to be done here.

I am in favor of a workman-compensation bill.

Mr. BRANTLEY. Do I understand you are in favor of the principle of compensation because under any negligence liability law there will be a large class that will not get any compensation unless you do have a compensation law?

Mr. SABATH. That was and is the main reason why I favor workman compensation. I have been on the bench for 12 years. During that time I had hundreds of cases before me of unfortunate people, and in a majority of the cases I investigated I found that the cause of the misery and trouble to be due to the fact that the breadwinner of the family had been killed or injured and that no provision had been made by him or the corporation in whose employ he was injured for those who were dependent upon him, and he or they were precluded and prevented from recovering any damages or securing any relief or obtaining any assistance from the employer or corporation which was responsible for such injury, as the law, as it was construed then by our judges under a judge-made law, placed all of the responsibility on the employee for the protection of the employer.

That was the reason which set me thinking about the injustice that prevailed in all these cases, and I came to the conclusion that there ought to be a change in our laws. I started to study the German and English liability laws and in that way I came very soon after I came to Congress to introduce the first workman-compensation bill. Notwithstanding that I am in favor of a workman-compensation bill, and notwithstanding that I believe such a bill would do a great deal of good and would take care of all those who are injured, I am of the opinion that this bill that has been recommended by the commission and passed by the Senate and is now being considered by you, is not just nor fair to these hundreds of thousands of employees nor to their dependents, as it does not provide for reasonable compensation. They now have a much better chance to recover than they did at the time I introduced my first bill and even better since I have introduced my last one, as the Supreme Court has since that time declared the 1910 act constitutional.

They have a chance now to recover, as has been stated, at least in 50 per cent of the cases, where formerly they could recover only in about 15 per cent of the cases. I agree with some gentlemen when they state that they did receive only about 40 per cent. Yes, I am of the opinion that they have not received more than 30 per cent of the actual amount that was expended in any litigated case.

Mr. HOWLAND. You mean not recovered?

Mr. SABATH. No; I mean of the amounts that were actually paid by the railroads in taking care of the litigated cases, namely, for the cost of their own lawyers and the cost of investigations and the cost of the defense and all other costs on the part of the railroad and such injured employees.

Mr. MORRIS. You mean, as I understand it, that for every dollar that it cost the railroad company, that the railroad company paid, the real injured person only got 30 cents?

Mr. SABATH. Yes; that is what I mean. And really, if we would have the true figures it would not even reach that percentage or that amount.

Mr. MORRIS. Do you think so?

Mr. SABATH. I am absolutely certain.

Mr. FLOYD. But you include the expense incurred by the railroad company?

Mr. SABATH. Yes, sir; I do.

Mr. MCCOY. In other words, you do not mean that out of the amount recovered because of a judgment only 30 per cent was received by the employee?

Mr. SABATH. Oh, no, I do not; because I believe the railroad companies have expended between 25 and 30 per cent, and perhaps up to 35 per cent, to investigate and defend these actions with a view of defeating them. The other 35 to 45 per cent were and are expended on the part of the plaintiff for attorneys' fees, court and witnesses' fees, etc.

Mr. NORRIS. But you put them all together when you show the burden that somebody has to bear?

Mr. SABATH. No; trying to show the amount of waste under the old law.

Mr. NORRIS. Absolutely.

Mr. SABATH. Another reason I am in favor of a compensation law, although I can not support this particular measure, as I have stated, is it is much easier now than formerly to recover, and recover much larger amounts in a much larger number of cases. The railroads know this, and for that reason settle cases that formerly they would not even consider, and agree to better settlements. But still we have more litigation than we should have. I believe that under this bill litigation will not be lessened, and, no doubt, will cost as much as it did under the old conditions, and the only thing which will be accomplished will be that an injured employee will, if successful, recover not more than is provided in the schedule, and the amounts in the schedule are so unreasonably low that if such injured employee be able to litigate, as he will be obliged to do in a great many instances, there will be nothing left to him, even if he succeeds.

Mr. NORRIS. Do you find objection to the bill outside of the fact that the schedule is too low?

Mr. SABATH. Yes; I do. I think the bill is badly—well, no; the bill is too cleverly drawn, and notwithstanding the great ability of the gentlemen who represented the House on the commission, I am obliged to say that the gentlemen who represented the other side of the House, with the gentlemen who were placed on the commission for the railroads, have outmaneuvered our members of the commission. The reason I say this is, there are so many defects in that bill, and each and every such defect in some way will operate against the injured employees and lessen their chances to recover, or be entitled to compensation.

Mr. NORRIS. That is what I would like to have you point out.

Mr. SABATH. I will try to do so to the best of my ability.

Mr. BRANTLEY. Without, of course, replying to your criticism of the bill, would it change the situation any if you knew that the representative of the railroads on the commission, Mr. Brown, was able to attend only three or four meetings of the commission?

Mr. SABATH. But he appointed a gentleman to take his place who was there, whenever even you could not be there, to look after the railroad interest; a man who has devoted a great deal of time and study to this proposition, and whom I consider the shrewdest of all the claim agents that the railroads have in this country.

Mr. BRANTLEY. You refer to Mr. Whiting?

Mr. SABATH. Yes, sir; to Mr. Whiting.

Mr. BRANTLEY. You think he rather overreached the balance of the commission?

Mr. SABATH. I believe he did. I think he took advantage of the fact that you sometimes were obliged to be away, or sometimes while studying some other section he slipped over a section which to you appeared to be perfectly proper and to which you did not have the time to object or did not really have the time to examine properly.

Mr. BRANTLEY. If you knew that the commission debated every word that went in that bill and wrote and rewrote and rewrote it, would that make any difference in your opinion about what Mr. Whiting did?

Mr. SABATH. If that is the case, then I am obliged to say that you have tried to draft a bill more favorable to the railroads than to the employees.

Mr. BRANTLEY. I just want to get it clear.

Mr. SABATH. I am trying to be as honest as I can.

Mr. NORRIS. Would that remark apply to the representatives of labor on the commission? Do you think they were looking after the railroads rather than the employees?

Mr. SABATH. Judge NORRIS, were you not here when Senator REED made his statement?

Mr. NORRIS. No; I did not hear Senator REED. I had to go away.

Mr. SABATH. If you had been here, you would not ask me the question, because he has so ably illustrated that proposition that I would be embarrassed to attempt to follow him and explain the reason why labor at the present time, or some of the labor organizations, are satisfied with the draft of the bill. I believe that he made it perfectly clear that the labor representative on the commission, not being a lawyer and having no experience in drafting bills, was no match for the clever Mr. Whiting.

Mr. NORRIS. As I understand, in referring to the House representative on that commission, Mr. BRANTLEY, you say first that he must not have been there, and if he was there and discussed it, then it must have been an attempt to help the railroads. I wanted to know if the same thing applied to the representative of organized labor who was on that commission?

Mr. SABATH. I think the organized-labor representative had been hypnotized or mesmerized in some way.

Mr. NORRIS. Of course, not being on the commission and only being on this committee with the desire of doing what is right, I have listened to Mr. Gompers, I have heard the labor men, those who have been for and those who have been against it; I heard Senator SMITH speak against it to-day, and it has never occurred to me, and it seems to me you are going quite far to charge here that those men are doing anything except their best.

Mr. SABATH. Oh, I do not say that they did not do the best they could.

Mr. NORRIS. I think you insinuated something to that effect.

Mr. SABATH. I regret that I am obliged to make these statements, but the bill is so drafted as to be in every important provision favorable and beneficial to the railroads.

Mr. NORRIS. Oh, yes; others have made that statement, and you have a right to make that remark as to them. But I do not believe anything has occurred to intimate that Mr. BRANTLEY, for instance, was there on that commission desiring to——

Mr. SABATH (interposing). I do not desire to charge Mr. BRANTLEY or any member of the commission.

Mr. NORRIS. We all have a right to our opinion, and I think it has been conceded thus far that all these men were doing the very best they could.

Mr. BRANTLEY. You are aware of the fact, Judge SABATH, that Mr. Stone and Mr. Garretson and Mr. Lee each one congratulated and thanked the members of the commission for the fairness that they had shown to labor in this matter. That is a matter of public record.

Mr. SABATH. When you say so, of course I take it for granted that they did so. But personally I am still of the opinion that they are not acquainted with all of the provisions of this bill. I am inclined to believe that if they would study the provisions of the bill and if they would understand each and every section of the bill, they could not recommend it to their organizations and be satisfied with it.

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Mr. HIGGINS. What provisions of the bill do you think the House members of the commission do not understand?

Mr. SABATH. I do not say they do not understand the provisions of the bill, but merely desire to say that the gentlemen who were there representing the railroads succeeded in convincing them and inserting provisions that are more favorable to the railroads than to the employees.

Mr. HIGGINS. What are they?

Mr. SABATH. I will try to give them to you. If you desire me to go over the bill, I will do so.

Mr. MCCOY. Which bill have you there?

Mr. SABATH. I have the Senate bill now in my hand which is now pending before this committee.

Mr. Chairman, in the first place, the bill provides for exclusive remedy, taking away from each and every injured or killed employee rights that he has under the present liability law and gives him a law of which we are not certain as to its constitutionality—taking away a certain for an uncertain remedy.

I have for several years in my humble way endeavored to prove and show to Congress, various committees, and to the people in general that it was within the power of Congress to pass a workman compensation bill that would be constitutional. The first two years, with only one exception, every railroad attorney thought I was wrong and that no bill could be drafted on the lines proposed by me and be constitutional. I was not wrong, although I was not a man who knew all about constitutional law; still I had an idea that a bill could be drafted that would be constitutional. I had not heard many of these gentlemen representing the railroads say that this bill is unconstitutional. On the contrary, they are satisfied with it and say nothing about its being unconstitutional. This makes me wonder why this sudden change on their part—have I convinced them or is this bill so favorable to them that they are willing to take it even if it is unconstitutional—which? I myself commence to doubt whether in its present form it is constitutional. I believe it would be a safer course to pursue to pass a bill which would be elective and cumulative, so that in case it should be declared unconstitutional that the thousands of injured employees or those dependent on those who are killed would have the present liability law as an alternative means of recovery.

That is the reason I believe it is a grave mistake to take away from them the law that now protects them, which formerly oppressed them, and merely make this bill a bill which provides for exclusive remedy and deprives them of the common law and statutory remedies.

Mr. BRANTLEY. You of course understand by that section to which you refer that the liability law is not repealed in terms, and that consequently if the compensation law should be held unconstitutional the liability law is still on the books.

Mr. SABATH. That may be true, but during that time look at the uncertainty and in what positions many of these unfortunate people may be placed.

Mr. MCCOY. Your point would be, as I understand it, that if this was made an elective law, some one test case could be picked out and carried to the Supreme Court. In the meanwhile the injured could proceed under their present rights, under the rights as they are now?

Mr. SABATH. Yes, sir.

Mr. NORRIS. Why would not that happen anyway?

Mr. SABATH. Because this takes away from them the right to proceed under the old law.

Mr. NORRIS. Exactly, but it would be like this case Mr. MCCOY has drawn. If that was held unconstitutional the other law would be in force.

Mr. SABATH. But in the meanwhile people are being killed and injured every day.

Mr. NORRIS. So it would be in the other case. People would still be being killed and injured every day.

Mr. SABATH. But why should we repeal something which is certain, for something which is uncertain?

Mr. NORRIS. It is not.

Mr. SABATH. We do not know how this act will operate, but we know what we have now, and that is the reason I believe we should make this elective.

Mr. MCCOY. Your point, as I understand it, is right here: While a case under this act was being tested up through the Supreme Court people would not know whether they had better proceed under this act or whether they had better proceed under the present practice. And in the meanwhile not wishing to sacrifice what they considered their greater rights under the law as at present, and not wanting to go in under this law, the statutory limitations might run.

Mr. SABATH. That is correct, in part. What I desire to state or the point I wish to make is this: This bill provides for exclusive remedy in cases of personal injuries between master and servant or employer and employee.

It provides that how and what such employee can recover, or to what he is entitled for his injuries, or his dependents for his death. Such employee or his dependents to be estopped to proceed under the present law, but would take and receive compensation under this law, and if, after two or three years, the Supreme Court should hold this act unconstitutional, the statutory limitations having run, it may be possible for untold thousands of such injured employees to be deprived of any and all rights for the reason that this law, being declared unconstitutional, under the present law they would be barred from recovery on account of the statutory limitations.

Mr. BRANTLEY. It is a two-year limitation, though. And during that two years if any serious question was raised about the constitutionality of this law, it would be a very simple matter to protect any existing rights that would be necessary in the two years. But does this bill protect the existing or pending rights? I admit that it would be a simple matter, so why not do it?

Mr. MCCOY. I was just trying to get at the point he makes.

Mr. SABATH. I take it that we desire to pass a law that will aid and assist those unfortunates who are crippled each and every day on our railroads, and that it is not the desire of anyone to take anything from them. If that is the aim, why not make this elective and leave them what they have, and find out whether this can take its place and whether it will be a good law? We do desire, and I feel confident that the majority of the members of the committee desire, to make it simpler, make it easier, and make it better, and to equitably and justly compensate such injured employees, and until we are sure that this bill will do what is claimed for it, or rather what others claim for it, I maintain we should not repeal any existing law.

This bill is restricted to employees who are injured on the railroad. My bill included all those who were injured while employed in interstate commerce, which includes the employees of the express companies, Pullman Co., telephone, telegraph, and, in fact, all employees over which Congress has jurisdiction, including employees on mail roads, under interstate commerce, and Government employees.

Mr. BRANTLEY. I might say in that connection—I don't know whether it was stated in your presence—I think I can speak for the commission that they are in favor of extending this law to all people engaged in interstate commerce. But inasmuch as this question is a new one under the limitation of the Federal Constitution, we thought it was better to confine ourselves to that class where the power of Congress has been made sufficiently clear by the Supreme Court. And if the principle is sustained, I do not think there will be any doubt about the law being extended to all these other classes.

Mr. SABATH. I shall now, with your kind indulgence, take up section 3. This is a dangerous section and I desire to call your attention to it. It provides:

"That except as provided herein no such employer shall be civilly liable for any personal injury to or death of any such employee resulting from any such accident."

I am not sure that we are covering all such employees in this bill, and if this bill does not cover all those who are injured or killed they will be excluded from recovering under this bill, and employers will not be liable as already shown, in any case not covered by this bill.

Mr. BRANTLEY. We thought the word "such" qualified it. It was put in there in order to do that.

Mr. SABATH. I do not know, Judge. I think it is a dangerous provision and may eliminate a great many thousands of people who are injured from recovering at all in any way, shape, or manner.

Mr. BRANTLEY. I may state in that connection that when we came to finally draft that particular section we called in a law writer, Mr. Beeman, of great experience in drafting particular phraseology, and that particular language was worked out after a long conference with him. We think—of course we may be mistaken—that it is sufficiently guarded.

Mr. SABATH. Why should that section be in there?

Mr. BRANTLEY. We say who should recover here, and we say that no one else can recover.

Mr. SABATH. Of course I understand that you state who shall and that no one else can recover; that is what I object to. Are you sure that the bill is covering all? I am inclined to believe that you do not cover all; yes—I am positive you don't, and then you say those who are not covered can not recover civilly.

Mr. BRANTLEY. "Such employer," "such employee," and "such accident" undoubtedly refers to the employer and employee that this bill covers.

Mr. SABATH. Well, I am not sure; I hope you will think that over, because such employees as are not included will be deprived of any and all rights and remedies, as the section clearly shows that no such employer shall be civilly liable except as provided under this bill.

As to the next section, section 4, I am not going to waste much time on that, because it is a section which provides that no employee shall receive compensation in the case of injury that does not last over 14 days. That has been covered by Senator REED, and also by Senator SMITH. I desire to call your attention to the fact that notwithstanding that the former English act provided for 14 days, after years of actual experience they have amended the law and have now provided for only 7 days. I believe 7 days in place of 14 should be substituted.

Mr. NORRIS. You think, then, do you, that there should be some limit in there?

Mr. SABATH. I myself always thought that there should be some limitation.

Mr. NORRIS. I know that was a provision that struck me at the time as being a little peculiar, and I have listened carefully to what has been said.

Mr. SABATH. But it should not be any longer period than seven days.

Section 5 provides that after the expiration of the 14 days mentioned in the foregoing section the employer shall continue to furnish such medical and surgical aid and assistance as may be reasonably required, including hospital services. There is nothing here that would give such injured employees the right to secure their own physician. Knowing what I do about certain railroad physicians, I doubt very much whether this provision is beneficial to such injured employees, and I am of the opinion that this section should be amended so that such injured employees would have the right and privilege to engage and secure their own family physician or some other doctor in whom they have confidence.

Section 6 provides that no compensation shall be allowed for the injury or death of any employee where it is proved that his injury or death was occasioned by his willful intention to bring about the injury or death of himself or another, or that the same resulted from his intoxication while on duty. Gentlemen, it is claimed for the workman-compensation bill that it will eliminate lawsuits. I was under the impression when I started to look into the question of workman-compensation laws that such law would eliminate lawsuits. I am still of the opinion that it will if we will not inject into it provisions that mean nothing else but lawsuits.

True, perhaps, in the State from which Senator SMITH comes people do not drink much, and they may not drink because they can not get it; but in the State where I live and in other States the railroad employees do drink. I do not say they drink to excess, but they do take a drink once in awhile. And from what I know of railroad claim agents and railroad lawyers I am confident that whenever they will be able to show that a man has taken a drink, whether even the day or week before, they are going to try to show that at the time he received the injury he was under the influence of liquor, or, in other words, will claim that the injury resulted from intoxication, and for that reason he is not entitled to recover. The result, litigation, a lawsuit, and chance and opportunity to the railroads to defeat large numbers of claims of such injured employees. This is a dangerous provision and should be eliminated. I am of the opinion that the railroads are in a position to engage men in whom they have confidence, who will not violate their rules, and who do not drink to excess. In fact, it is their duty to do so. They owe it to the public to eliminate drunkards from handling and operating trains.

Mr. NORRIS. Would you eliminate the whole provision, or just that part?

Mr. SABATH. No; just that part. The other is all right.

Mr. NORRIS. The other, as a matter of fact, would bring the same litigation, would it not, if you left it in? You are not escaping entirely from litigation?

Mr. SABATH. No; it must be willful intention.

Mr. NORRIS. But the question would arise whether he did it purposely or not.

Mr. SABATH. That would be very hard to prove, because there is not a man in a thousand—yes, not a man in ten thousand—who would willfully injure himself.

Mr. NORRIS. I am of the opinion that it ought to stay in—that part of it—but I am just calling your attention to the fact that we can not get away from some litigation. I think that must be conceded.

Mr. SABATH. I think there will be very little litigation under this section if it is amended as suggested by me, because it will be left to the railroad to prove that the injury was brought about willfully. I am in favor of that provision and think it is sound, with the exception of the clause about intoxication.

Mr. FLOYD. There would be practically no cases where a man would willfully injure himself.

Mr. SABATH. Not one in ten thousand.

Mr. BRANTLEY. It is a great improvement over the English law, which says if a man is guilty of serious willful misconduct, he can not recover. It is a great step beyond that.

Mr. SABATH. I did not follow the English law. I don't know whether you ever took the time to read my bill. My provision reads as follows:

"That no compensation shall be allowed where it is proved that his injury or death was occasioned by his willful, wanton, and premeditated intention to bring about injury or death of himself or another."

Mr. FLOYD. I would like to ask Judge BRANTLEY a question in regard to that one provision. The theory upon which you advocate paying the man who has caused the accident through his own gross neglect, without fault on the part of the railroad company, is that when he is killed he has left dependent a family, and it is to relieve the suffering of the family. What reason is there for not applying the principle to the man that may be drunk and is killed? His family will become a burden on the community.

Mr. BRANTLEY. The only thought the commission had with reference to that was to take care of the public. We thought we ought to penalize the railroad man who is inherently responsible for human life, and that if he deliberately gets drunk and runs a train and gets hurt he ought not to be compensated.

Mr. SABATH. Railroads should not employ drunkards. I will say this, however, frequently you have switchmen and brakemen working in the open where it is below zero. They have no chance to get a warm meal, but they have a chance and time to take a glass of whisky, believing that it will warm them up and stimulate them.

Mr. BRANTLEY. That does not exclude him from compensation. The language of the bill is that his injury must result from it. That is much better.

Mr. SABATH. "That the same resulted from his intoxication while on duty." He may be on duty, and he may take a drink. He might have taken a drink before he went on duty. And if the claim agent of the railroad comes there within a half hour or an hour after the accident has occurred, and he detects from the man's breath, if he is alive, that he had taken a drink, a little beer or some whisky, it will be set up as a defense, and it will be claimed that he was intoxicated at the time the accident occurred.

Mr. BRANTLEY. If you were the court, would you hold those facts as a defense?

Mr. SABATH. I would not; but what would these Federal judge-appointed adjusters hold?

Mr. BRANTLEY. Why do you assume anybody else would?

Mr. SABATH. Because I know the railroad claim agents and what they will do. They will stop at nothing and, as a rule, prove anything and everything needed to defeat a claim.

Mr. BRANTLEY. The claim agent can not adjust this matter.

Mr. SABATH. He will testify and arrange the defense so as to show that the injured employee was guilty of intoxication, and the burden will be on the employee to disprove.

Mr. BRANTLEY. Suppose he does. Suppose he does prove that the man takes a drink.

Mr. SABATH. It means a contention, it means litigation, it means a contest. The main thing in a compensation law is to eliminate litigation. This provision is an invitation to litigation, and it means really the defeat of many cases.

Mr. BRANTLEY. If the railroad litigates upon that point and fails to sustain its contention, it is penalized.

Mr. SABATH. That is an excellent provision inserted in that bill. I approve of that penalty, of that clause penalizing the railroads in case they do appeal and the judgment is not reduced, or the amount is found to be the same as recommended, they should be penalized; because if that were not so, they would be appealing every case. They have been doing it before, and they are not getting any better. But under this provision it would not be the railroad that would appeal. I am afraid that in the majority of cases the employee would be obliged to appeal.

I also notice that the bill gives only 30 days' time in which to give notice, and if the employee does not notify the railroad within 30 days, in some cases 90 days, he is precluded from recovery.

Mr. BRANTLEY. He is given 90 days.

Mr. SABATH. That should be at least in the first place 90 days, and in the second provision a year. Senator REED has called your attention to it, and I will hurry on.

Section 8 provides:

"In case of death it shall be lawful for the employer and any of the dependents of the deceased employee to settle by agreement in like manner and with the same effect the compensation payable to such dependents under this act."

That being the case, I am afraid that in a great many cases the railroad will force a settlement of these matters in a way that will not be favorable to the employee. That provision should be safeguarded, and there should be a provision that would provide that such settlement should be approved by a probate judge or the judge of a district or

circuit court and not until he has satisfied himself that it is for the best interest of such dependents.

This section, unless amended as I have suggested, would give them the right to force any kind of settlement. From what I know about these settlements I am satisfied that frequently and in a great many cases such injured employee would be scared by the claim agent of the railroad into a settlement which would be unfavorable, unfair, and unjust. The employees and those whom they leave behind them in case of death should be protected.

Mr. NORRIS. Would you take away from him the right to settle?

Mr. SABATH. No; but such settlement should first be approved by a judge of the probate, district, or circuit courts.

Mr. BRANTLEY. You know there are some safeguards, because in the first place any settlement that does not comply with the law, that gives a man less than this law entitles him to, is void; and then, secondly, if he makes a settlement thinking his injury only temporary, he can have it reopened and reheard and collect what he ought to have.

Mr. SABATH. That is in some cases only.

Mr. BRANTLEY. In all.

Mr. SABATH. But I think under this provision they would have a right to make any kind of a settlement that they desired. And a settlement will dispose of the matter and can not be reopened. Cases that can be reopened are those where the employee is receiving compensation and either party may within two years make application for increase or decrease of such compensation, as the case may be.

Mr. BRANTLEY. He can not do it in this bill.

Mr. SABATH. I am again obliged to differ with you, Judge.

Mr. FLOYD. Provided they do not agree to pay him more than the bill calls for, and if so, the contract would be void, the same as if it were less.

Mr. SABATH. Section 10 should be amended. It provides:

"That before any agreement or award has been made or after the making of any such agreement or award, and at any time before the expiration of two years from the date of the accident, it shall be the duty of the injured employee, if so requested by the employer, to submit himself one or more times, at reasonable times and places for examination," etc.

There may be, however, cases where it would be impossible for such injured employee to present himself or to go to a certain place for examination. There should be an amendment there saying, "if physically able." In its present form, if a demand was made upon him to present himself at a certain place and he was not able to do so, notwithstanding his physical inability he would be precluded from further remedy or compensation.

Mr. NORRIS. I agree that that ought to be perfectly safe, but would not the word "reasonable" which is there make it so? That is included in the language and would seem to cover all the ground that is necessary to cover.

Mr. SABATH. "Reasonable times." The words "reasonable times" mean that they should not demand him to present himself every week or every two weeks for reexamination. But if they should make a demand upon him in 60 days, and he would be unable to go to the place that they might designate, they could say that he had failed to make his appearance, and he would be precluded from recovery.

Mr. NORRIS. He ought not to be required to go any place. They ought to come to him if they want that examination.

Mr. SABATH. I am only pointing out some of the defects, because the gentleman of the committee, Mr. HIGGINS, insisted that I should point out some of the defects, if there were any, in the bill; and also because some one stated yesterday that gentlemen came here condemning the bill without aiding or assisting or enlightening the committee wherein it was defective.

Mr. BRANTLEY. The first examination referred to in section 10 is before there has been any agreement. Section 11 is after the agreement has been entered into.

Mr. SABATH. Look at line 19 in section 10.

"If the employee refuses to submit himself to any such examination, or in any way obstructs the same, his right to payment or compensation and his right to take or prosecute any proceeding under this act shall be suspended until he shall have submitted himself for such examination."

Mr. BRANTLEY. That is before there has been any settlement made with him whatever.

Mr. SABATH. But in the meanwhile he will be deprived of any such compensation, he will be deprived of any aid or assistance.

Mr. BRANTLEY. That is the provision that is in every compensation law I ever read, that the man after he is hurt can not come and say, "I am entitled to $50 a month," and refuse to say how he is hurt or submit himself to any examination.

Mr. SABATH. He will be at home, and anyone could examine him. I only say in case he would be physically unable to present himself. I admit that a railroad should have the right to examine the man and see whether he has been injured and whether he is really disabled. But I do not desire to place a man at a disadvantage, place him in a position where, if he is unable to make his appearance or go 5 or 10 or 20 or 50 miles to be examined, his compensation would be stopped.

Mr. BRANTLEY. The words "submit to examination" do not involve the idea of traveling and going to any particular place. The man can say any day, right on the flat of his back, "I am ready to submit to an examination," and he has complied with the law.

Mr. SABATH. I do not know. It is a question, and we should not leave any of these things where any question can arise.

Mr. NORRIS. I agree with that, but I submit this question to you. It says, "If so requested by the employer, to submit himself one or more times, at reasonable times and places." If a man were sick, injured so that he was not able to go out, and the railroad company asked him to come to some other town and submit to an examination, would anybody say that was a reasonable time or place?

Mr. SABATH. I do not know.

Mr. NORRIS. It seems to me it would be plain that that would be an unreasonable proposition.

Mr. SABATH. It would; but frequently the attorneys for defendants in a damage suit will bring forward unreasonable propositions, and still we find some judges that rule with them.

Mr. NORRIS. Yes; I am sorry to say that is sometimes true; but we can not eliminate that in any law we pass.

Mr. SABATH. But we should try and eliminate all provisions which are liable to create any doubt.

You have the Senate bill. I do not know whether it still retains this provision, although I was given to understand that it has been eliminated, namely, in section 10, page 11, line 5, this bill provides that—

"The United States court, upon application of the employer, may in any case of death, for good cause, order an autopsy at the expense of the employer."

Well, that has been changed so that it is now under the order of the court. The Senate must have amended it, but even as amended it is objectionable, as it will again give the railroads opportunity, through their skilled experts, to contest after a man has been killed and buried for months to prove that his death was brought about or due to some other cause.

Section 13 is objectionable because, I believe, it will be unfair to ask the laboring people of this country to be bound by an adjuster who is appointed by the Federal judge. I have been under the impression that the Interstate Commerce Commission is in a better position to enforce this act than any other body. We know that that body has been fair; that they are acquainted with the railroad conditions, with the employers and employees. It seems to me the people of this country have more confidence in that body than they have in our judges, who are appointed for life. I believe it would be simpler and better to give the execution of this law to the Interstate Commerce Commission and give them the right to appoint examiners or adjusters. I believe that they would appoint men who have more experience and who would be fairer than the men the judges of the courts would appoint.

Mr. NORRIS. How would that be in a geographical sense? You would have one for each judicial district?

Mr. SABATH. One for each judicial district where he is needed or where his services are required. Of course, it is true that some judicial districts would have to have two or three. They would know better than anyone else.

It would be less expensive, and I think they would have men who are more familiar with the conditions than any man a judge of the Federal court would appoint. I am very much opposed to giving the Federal judges the right to appoint these adjusters, because if they would do as their masters, if they would be men with the same views and the same ideas as the judges who appoint them, I regret to say we could not expect a great deal from them. Lawyers representing injured employees at all times dread to go before the Federal courts in these cases; now you propose to turn all of these cases over to their appointees.

Mr. NORRIS. Let me make this suggestion: Instead of limiting it by judicial districts, would it not be better to do it by States, and then upon the recommendation of the Attorney General appoint additional adjusters where the States require it?

Mr. SABATH. I would not even leave it to the Attorney General. In one of the first bills I introduced I provided that a commission be created consisting of the Secretary of Commerce and Labor, the chairman of the Interstate Commerce Commission, and the Commissioner of Labor, and be given jurisdiction in enforcing this act. I am of the opinion that such a commission would be a great deal better to administer this law than is provided for in this bill.

Sections 12 and 13 have been covered by Senator SMITH. There are some objections in them, but time will not permit me to take up these two sections.

On page 23, paragraph 3 of section 14, notwithstanding that the commission meant well, I think there is a dangerous provision. It provides:

"The adjuster shall allow either party to be represented by counsel, or an agent, who need not be a member of the bar."

In large centers we have a great many runners, or men who are often even below what we term ambulance chasers—shysters—a man who is not a lawyer, but who is in the employ of a lawyer, ex-constable or a claim collector, who cares not whom he serves, and who for a few dollars will do anything and everything.

I am under the impression if this would be permitted that in a great many cases these men would go out and represent or misrepresent such injured employee or such dependents, without having any ability, honesty, or conscience. Instead of looking after the employee's interest, they would be looking after the interest of the railroad by aiding their claim agent. I think that this provision should be amended and safeguarded.

Mr. NORRIS. How would you amend that?

Mr. SABATH. I would amend it in such manner as to eliminate all sharks or professional claim agents or go-betweens from being permitted to handle any of these cases, or unless he is a lawyer; or one who would receive no compensation for it from the employer or the employee, and aid in settlement as a friend. I have made a little memorandum, in a hurry, a clause which might be inserted, to read as follows:

"It should be unlawful for anyone to represent the employee in any case under this act receiving compensation from or being on the employers' pay roll. Any violation of which be punishable by a fine of not to exceed $1,000, or by imprisonment of not more than six months, or both."

Mr. NORRIS. That is to prevent the employee being taken advantage of?

Mr. SABATH. That is to prevent unscrupulous men and rascals from preying upon the unfortunate widow and orphans of people injured and killed.

Mr. NORRIS. In other words, pretending to represent them when they are in the employment of the railroad company?

Mr. SABATH. Yes, sir.

Mr. NORRIS. I think that is a very good suggestion. It certainly can not hurt anything.

Mr. SABATH. Indeed it can not, and we in the large centers know how much of such abuse exists.

Mr. NORRIS. Where do you suggest that amendment would come in?

Mr. SABATH. On page 23, in section 3, line 10, after the word "bar."

Another reason why this should be corrected is this: We are giving the right of appeal in these matters. How will such men, who do not know anything about the law, perfect his record or bring out such evidence that would protect such injured employee?

Mr. NORRIS. You would confine it to attorneys?

Mr. SABATH. I think it would be safer. I know it will be very hard for the people under this act to secure the services of any really good attorney because there is so little that they can receive under this bill that it will be very hard for them to secure the services of a good lawyer.

Mr. WEBB. Do you think the court ought to have the right to say what compensation counsel should have?

Mr. SABATH. I believe the bill should be amended also in that respect. In a great many States the attorney for the plaintiff is allowed by the court a certain compensation for his services. I think that in these cases where the employer forces the employee to appeal, or where through other unfair means will force him to appeal, provision should be made for compensation for the services of employee's attorney because otherwise it will be absolutely impossible for such injured employee to secure the services of a decent lawyer.

Section 14, paragraph 4, provides, as to services in the case of notice of a trial and filing exceptions, only 5 days is given. It is absolutely unreasonable, and it should be made at least 30 days.

Also in that respect where trial by jury is demanded by the railroad filing exceptions, and after the service of exceptions, then the other party shall have the right for an additional five days to demand a jury. You see only five days are allowed.

I believe in protecting the injured employee, his widow, and his orphans to the best of our ability. Inasmuch as we are legislating, and it is our desire to enact legislation which is fair and just, let us pass an act, even if it should take a few days longer to perfect it, of which we all can be proud, and where we can truthfully say that we have done our work fairly, honestly, and that we have done it well.

Mr. NORRIS. So far as I am concerned, I welcome any man's criticism of the bill, because that is what I want to hear. I think we have heard a great deal of argument on the general proposition as to whether we ought to have compensation or not. As far as I am concerned, I do not care to hear any more on that, but I am interested in any suggestions of amendments or changes. If we pass a bill at all, I would like to have as good a one as possible.

Mr. SABATH. I am very glad to hear it.

Mr. NORRIS. As long as a man confines himself to the bill and does not devote too much to glittering generalities, I feel I am not wasting my time.

Mr. SABATH. No one has ever charged me with indulging in glittering generalities.

Mr. Chairman, I will now take up the compensation features of this bill. The most liberal provision in this bill is in the case of death, and in that provision this bill provides for a compensation of 50 per cent of such deceased employee's monthly wages for eight years, said wages not to exceed $100 a month. So, notwithstanding that this is the most liberal provision in the entire schedule, the most that can be recovered in case of death will be $4,800, and that only in a very few instances.

Mr. NORRIS. In case of total disability, it seems to me, that compensation is much more liberal. There it runs for life.

Mr. SABATH. I know; but in certain permanent-disability cases, if we will study all the provisions carefully we will find that it is not as liberal as some people try to make us believe, the bill again being so safeguarded that there will only be a few such cases that will be entitled to compensation for life.

Mr. BRANTLEY. You do not mean that $4,800 is the maximum amount for death to be recovered?

Mr. SABATH. That is the maximum, is it not? That is the way I read the bill.

Mr. BRANTLEY. No; the bill has been amended in the Senate and agreed to by Senator SUTHERLAND for the commission to continue those payments where there were minor children until they are 16 years of age, and if the child be a girl until 20, unless she is married before that time. So that if a man is killed, leaving a widow and two or three small children, his family might be paid anywhere from eight or ten to eleven thousand dollars.

Mr. SABATH. I am pleased that the Senate amended it and extended the payments, but I hardly believe that it would ever reach that amount, because the compensation would only run to that dependent's child, and inasmuch as in another section of the bill you provide that such dependent child shall be allowed only a certain percentage, namely, only 25 per cent, or, at most, $25 per month.

Mr. BRANTLEY. It must run for eight years. If he leaves an infant and a 2-year-old, a 4-year-old, and a 6-year-old child, they get their compensation until they reach the age of 16 and until the girls reach the age of 20, and it would go far beyond $4,800. The $4,800 must be paid anyhow.

Mr. SABATH. You are mistaken, sir.

Mr. FLOYD. Suppose he left only one child, and she was 19 years old when he was killed, and there was no mother. How long would the daughter's compensation last?

Mr. BRANTLEY. One year.

Mr. FLOYD. She would be absolutely cut off after that year?

Mr. BRANTLEY. If she was the only survivor.

Mr. FLOYD. Compensation is to be received by the parents. That is the theory, then, of compensation.

Mr. NORRIS. In that case the amount would not be paid as you specified awhile ago.

Mr. BRANTLEY. I am speaking of possibilities.

Mr. FLOYD. In any case he said $4,800 is paid. I cited the case of a girl, where there was no widow, and the daughter is 19 years old. I asked him if the compensation would not cease at the end of one year.

Mr. NORRIS. Suppose she was 20; would there be any compensation?

Mr. FLOYD. No.

Mr. WEBB. Where you get the eight-year period you do not contend that the railroad would actually pay $4,800. I have understood that, considering the interest on the money which would be reserved to the railroads during these periods, the railroad would actually pay out but $3,800, but it would have the use of the money until it was all paid over.

Mr. HARDWICK. That is a fair way of doing it; that is the way they do it in all courts of justice.

Mr. NORRIS. That is fair; but at the same time it seems to me that the payment of this sum in installments is vastly superior to paying it in a lump sum. I have seen so often where the widow got a large sum of money in insurance or otherwise, and it was dissipated or lost.

Mr. BRANTLEY. I do not think there were any representatives of labor who appeared before the commission that were not in favor of having this money paid over periodically.

Mr. SABATH. I have always advocated these annuities or installment payments, with the exception that where there is an extraordinary case which would permit a lump sum, and then only with the approval of a probate judge or such court having jurisdiction over minors. Conditions may arise where such a sum, if given to the dependent, it would do them more good than in case they received it in monthly installments. But such sum should not be given, except as I have stated. The probate judge of such county having jurisdiction would sanction such settlement as he believed, in his judgment, to be for the best interests of the dependents.

Mr. NORRIS. While it may not be exactly germane to this proposition, yet it is interesting and bears somewhat upon it. Several years ago, about 15, I had called to my attention a particular case of a man who had died leaving some life insurance. He left a widow. It was supposed that he was in very good circumstances. He was, as a matter of fact. His partners, however, after his death, with the consent of the widow, invested the property. They supposed it was going to be very profitable, but they lost it all, including his life insurance.

He was a prominent man in the town where he lived. The insurance was paid very promptly. As a matter of fact, the widow never saw the agent. The agent came to town within three or four days after the funeral and saw his partners. The dead man's partners wrote out a receipt for the widow to sign. It was taken up and the widow signed it, and the money was paid to the partners. They invested the money for the widow. It was all done honestly. There was nobody who was trying to get any financial profit out of it, and nobody did. But they lost every dollar, and that widow within two years from that time was milking a cow in a little home that her husband had left there, selling milk to her neighbors, baking bread, and supplying neighbors who were able to buy.

Mr. WEBB. That is an exceptional case.

Mr. NORRIS. I know it is. But that started me to thinking, and I have studied it off and on, watching things of that kind where insurance has been paid. I took it up with some insurance men. I had several life-insurance policies myself. But from that time I never took out one policy where the insurance was to be paid in a lump sum. I have taken out policies making it impossible for the beneficiary to do what this bill lets the beneficiary do, that they can not settle under the policy and have it paid in a lump sum. If the widow loses the first payment, she has not lost very much. She has suffered an experience and she will try again, and next time she will be more careful and will learn how to take care of her money. If she gets it all at once, it takes her some time before she develops the ability to take care of it, and in that time she may lose most or all of it.

I think that it is the better plan, and I should hesitate here to allow the railroads to pay a lump sum, even under certain provisions.

Mr. SABATH. Not without the consent of the courts, as it would often be an easy matter for the heartless railroad agent to persuade them to take much less than even they would be entitled to under the law.

The CHAIRMAN. I understood Judge NORRIS's idea is even with the approval of the court it is questionable.

Mr. SABATH. There may be some cases where is might be beneficial.

Mr. NORRIS. I presume there are.

Mr. SABATH. Where a lump sum may be of greater benefit.

Mr. NORRIS. But you know you have had experience in the courts. We all know orders of this kind are rather perfunctory. The advice comes from relatives and friends. They say "Yes, this is a good order to make," and the order is fixed. Ordinarily a probate judge who is acquainted with the people will say, "Let this widow have money," and they do not give it the consideration that ought to be given.

Mr. SABATH. I even safeguard that. I say with the approval of the probate court and the commission.

Mr. NORRIS. Of course the commission here in Washington could not give attention to things like that.

Mr. SABATH. They would have a deputy or agent in the district.

Mr. NORRIS. But he would have to take somebody else's word for it always.

Mr. SABATH. Still I believe it could be done with the utmost care and provide very careful investigation of conditions of such people.

Mr. BRANTLEY. We had it urged upon us, and we thought we did not want any provision made whatever for a commutation. We finally put in this language in section 29 that it could be commuted by court, the application for that purpose—"to be considered by the court sitting without a jury and can be granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future monthly payments will be for the best interests of the person or persons receiving or dependent upon such compensation, or that the continuance of monthly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States."

Mr. NORRIS. My objection to it is that this kind of an order made in the courts is merely a matter of form. I know from my own experience. In my State the county court and probate judge has no authority from the legislature to safeguard the rights of minors. It took away from them the right of property as well as of real estate, and you have to go up in the higher court, into the district court, to get that kind of an order. I have signed lots and lots of them myself when I was on the bench. I know as a rule I got very little information, and from my experience as an attorney when I was getting those kind of orders, it was easy to get them. It was mostly a matter of form. And lots of times money was lost in that way.

Mr. WEBB. Even though the lump sum be paid in a case where the deferred payments would amount to forty-eight hundred, the railroads would not agree to pay more than the present value, which is $3,800 in cash. It would settle the amount represented by $3,800.

Mr. NORRIS. If you do allow commutation, it seems proper that the actual payment should be less than would finally be paid if the payments were made in installments, deferred payments.

Mr. WEBB. It would be proper if your compensation law is fair and just.

Mr. NORRIS. Of course it is outside of that.

Mr. SABATH. In all of these cases the compensation is not nearly as high as it should be.

Mr. WEBB. You mean in this bill?

Mr. SABATH. Yes.

Mr. NORRIS. I want to ask you a question on that, the same question I asked of Senator SUTHERLAND, I think. Objection was made by Senator SMITH that this bill did not pay high enough compensation to men who were getting a large salary and had a large income; that it cut them down in order to pay something to the man who under the ordinary provisions of the law could not get anything. The idea is that the man who is not negligent does not get any more—or, if he is killed, his family do not get any more—than the man who is negligent. Would it be possible to put a provision in the law that would differentiate between the man who was negligent and the man who was not or between the widow of these two classes?

Mr. SABATH. That would be a dangerous provision. It would mean litigation, and furthermore the widow of a man that was negligent, as well as the widow and the children of a man who was not, would need to be supported and should be provided for.

Mr. NORRIS. That is true.

Mr. SABATH. This workmen compensation bill is drafted to take care of all those unfortunate people that, through no fault of theirs, are deprived of their support.

Mr. NORRIS. I understand. But to-day Senator SMITH made quite an argument, and there was a good deal of force in it, that by this law we propose here we give as much to the man who was negligent and careless as we do to the man who was careful and who was in no way to blame.

Mr. SABATH. I agree that the careless man will receive the same compensation as the one who is careful. But we know that in a great majority of cases where we charge negligence it is not. The railroad employees, as well as others working on or with machines, have no choice. It is speed, which they are obliged to maintain, and the dangerous and hazardous work they are obliged to perform that is responsible.

Mr. NORRIS. Yes.

Mr. SABATH. The speed, the machinery, the electricity, the steam that forces these men on is such that onlookers believe they are negligent. But they are not, for after they have been at the engine throttle or at coupling cars for some time they become used to the work, speed, and the danger, and do things without ever realizing how dangerous it is. But no fault is found or objection raised until such employee is injured, then it is brought forward as a defense. In fact, they are driven on by the conditions under which they work and the nature of their employment. In 95 per cent of these cases it is not negligence at all. It is due to the conditions—to the dangerous and hazardous occupation they are engaged in. It is the speed at which they are forced to go. It is an inherent risk.

Mr. NORRIS. I want to give you an actual occurrence. My neighbor at that time, and a very fine neighbor with a fine family, was a conductor on a railroad that ran into my town. Our homes were within 30 feet of each other, with no fence between. He was conductor on one of the passenger trains. A "head-on" collision happened near my town, where, I think, 17 people were killed and a large number injured. The wreck was caused, as I understood from the railroad officials with whom I have talked, on account of the neglect of this neighbor of mine to get the necessary orders before he started out with his train. The result was a head-on collision with another train and without the fault of any of the officials of the other train.

Mr. SABATH. Was he not perhaps obliged to make up time?

Mr. NORRIS. No.

Mr. SABATH. Was he not behind time?

Mr. NORRIS. In this case he was not. While he did not do it intentionally, it was an oversight. There was a certain meeting point for this other train, which was late that day. He had the orders for it that he did not observe or something of that kind; some technicality of that kind. If he had examined his orders carefully and followed them he would have avoided the wreck.

Mr. SABATH. Did he have time enough to examine the orders carefully?

Mr. NORRIS. Yes; I think he did. But the point I am making now is that the men on the other train who lost their lives were absolutely blameless. This man, who was to blame, as I understand, did not happen to be killed. But suppose he had been hurt and the other conductor on the other train, who was also a neighbor of mine, had been hurt; we would have paid them the same amount, and yet the carelessness of one of those men was to blame for the injury of the other one.

Now, I agree and I am in favor—I think I am in favor of this bill, although I want to amend it in some respects. But it seems to me if it were possible to differentiate we ought to do it. I do not know that it is. I ask you the question purely for information, and I asked it the same way of Senator SUTHERLAND.

Mr. WEBB. I remember a case similar to that outside of Washington a few years ago. There was a short train coming into Washington, and a heavy train was following it. Right out here at Takoma the red lights were set; the block was on the engineer. He had a very long train, 8 or 10 cars; very heavy. He came thundering along there at night, you might say recklessly and carelessly running, because he did not observe the red lights set there, which the rules and regulations required him to do. He went flashing by and crashed into the other and shorter train, killing and wounding a number of passengers, and was killed himself. He was operating his train very recklessly.

Mr. HARDWICK. If that be true, this sort of a system puts a premium on carelessness.

Mr. WEBB. I have argued that all along.

Mr. NORRIS. I do not believe that. This neighbor of mine was as honest a man as ever lived. He was not a careless man, but I understand he was to blame for this wreck. Somebody is to blame as a rule for almost all of the wrecks, and at the same time while I want to compensate him I want to compensate his family in case of his death——

Mr. SABATH (interposing). That is the thing.

Mr. NORRIS. Still I would like to make a difference, if I could, without endangering the principle.

Mr. SABATH. I hardly believe it is possible; at least I have not been able to think of a scheme under which it would be possible. I go upon this broad theory that when a man is killed, whether he has been careful or careless, he is dead, and if he has a wife and children they must eat and live, and for that reason they should be provided and cared for by those who are responsible, namely, the industry that crushes out one life every two hours and maims one employee every six minutes.

Why should this enormous sacrifice be exacted from railroad employees and others who are engaged in hazardous employments? Does the efficient operation of the Nation's transportation system require that this great burden should remain where it now unjustly lies? Suppose we admit that the terrible sacrifice of lives and limbs is necessary to railroad operation. Suppose we resign ourselves to the belief that our transportation must continue to crush out the lives of its operatives without abatement. Even then, can we excuse ourselves for saddling upon those operatives the financial burden of providing for the needs of their widows and orphans, made such by the very exigencies of the industry itself? Is it not more to the point and more akin to justice that this burden should be assumed by the transportation industry and, through it, by society as a whole? Commerce and industry should shoulder the burden of compensation for personal injuries to workmen, or to their widows or dependents, and it is but plain sense to say that this burden shall be made a fixed charge added to the cost of commerce and industry, which can easily and readily bear it. The maimed and crippled workmen or their widows and orphans can least afford to do so.

In Germany, in England, and other countries where this law prevails not one-eighth part of the accidents occur. Naturally it has been said that because of a liberal provision and compensation is allowed that the people will be reckless and careless because they can recover whether they are careless or not. The contrary is true, because in Germany not one-eighth part of the accidents occur where there is a fair compensation law in force.

Mr. NORRIS. That brings me to another point which I think illustrates just what you are saying and bears me out in the statement that I do not believe it is a premium on carelessness. The difficulty with a good many of these wrecks and accidents is this: A railroad company will want to get trains over the road; they will have certain rules and regulations that under certain conditions the conductor or engineer must not go faster than so much. But a train is late. They want that train to get through on time or to make up some time, or something. It can not be done without a violation of these rules and regulations.

Mr. SABATH. That is correct.

Mr. NORRIS. If the conductor and engineer violating the rules get through they praise them; if there is a wreck or an accident and the rules have been violated, they back up under the rules and they say, "We will not pay anything, because you have violated one of our plain rules."

Mr. SABATH. That is again correct.

Mr. NORRIS. I think that is true sometimes.

Mr. SABATH. And that occurs on nearly every trip where something goes wrong somewhere, and one man must aid and assist another, and if some accident does occur and a man is injured while performing some other work than that to which he was assigned he can not recover; he was not in the performance of his duty. That also is a provision in this bill, and in that respect this bill ought to be amended.

Mr. WEBB. I offered an amendment to the effect that employees should not recover if the injury were produced by his willful negligence.

Mr. SABATH. That is what I am endeavoring to get away from. The bill does not provide for willful negligence, but where the injury is brought about willfully by himself.

Mr. WEBB. That he willfully intended to bring about the injury?

Mr. SABATH. Yes.

Mr. WEBB. But that is quite different from willful negligence.

Mr. SABATH. Yes; the amendment you suggest of negligence will bring about a great deal of litigation which workman compensation law aims to eliminate.

Mr. WEBB. Yes, and you will have it under this bill; lots of it.

Mr. SABATH. Yes; but if the committee will carefully go over this bill, knowing the ability the members possess, I feel confident they can perfect this bill so that it really will eliminate litigation. But if it should be passed as it is it would invite litigation, it would provide for litigation, even more litigation than we have now. What the country demands is that law be passed that would take care of all who are injured, as well as the families of those who are killed, without years of delay and expensive and troublesome litigation and tremendous waste.

Mr. Chairman, I shall now call your attention to section 20. It provides the method of arriving on the monthly earnings of the employees, and then goes on to state, line 11, page 31:

"For the purpose of such calculation no employee's wages shall be considered to be more than $100 a month or less than $50 a month."

And then this exception, "that when in any case the monthly wages of the employee are less than $25 per month, payment for the first 24 months of disability shall not exceed the full amount of such monthly wages."

Here you will notice at a glance what solicitude, what care, is demonstrated that such unfortunate who may be earning $25 per month would not be overpaid and receive more than he would be capable of handling or using. And under the first part of this provision an employee can not be earning more than $100 per month. Of course, that provision is placed in this bill again for the interest of those who are left behind by such unfortunate employee, for fear that they may receive greater compensation than they would know how to expend and protecting them from becoming spendthrifts.

Mr. Chairman, it is rather late, and I am not going to detain you much longer; but I do desire to call your attention to section 21, paragraph A, which reads as follows:

"Where death results from any injury, except in the cases provided for in section 23, and except in the cases in which, in certain contingencies, a reduced period is hereinafter provided for, the following amounts shall be paid for a period of 8 years from the date of the death: *Provided, however*, That this limitation shall not apply to any child under the age of 16 years; but payments shall continue to such child until it shall have attained the age of 16 years."

You will notice that even the limited amount allowed him will stop after eight years, and what will then become of such widow, perhaps unable to work and provide for herself and children, or of his old father or mother who are totally dependent upon him, who have become too old and feeble to take their place in the workshop?

Section 21 continues:

"(1) If the deceased employee leaves a widow and no child under the age of 16, and no dependent child over the age of 16, there shall be paid to the widow 40 per cent of the monthly wage of the deceased.

"(2) If the deceased employee leaves a widow and any child under the age of 16 or any dependent child over the age of 16 there shall be paid to the widow for the benefit of herself and such child or children 50 per cent of the monthly wages of the deceased.

"(3) If the deceased employee leaves any child under the age of 16 or dependent child over the age of 16 but no widow there shall be paid, if one such child, 25 per cent of the monthly wages of the deceased to such child, and if more than one such child 10 per cent additional for each of such children, not to exceed a total of 50 per cent of the monthly wages of the deceased, divided among such children share and share alike: *Provided*, That if the number of children entitled to payment be subsequently reduced to less than four, the amount of the payments shall be correspondingly diminished."

So if there be only three children she will be entitled to only 40 per cent of his earnings, which may be about $50. She will then receive but $20 per month for the support of herself and three little ones. Oh, what liberality on the part of the commission!

"(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amount stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, but to continue in any event until the youngest child shall have attained the age of 16 years, subject to the provisions of subdivision (9) of this clause (A).

"(5) If the deceased employee leave no widow or children entitled to any payment hereunder, but leave a parent or parents, there shall be paid, in case of partial dependency, 15 per cent of the monthly wages of the deceased to such parent or parents, and if both or either are wholly dependent upon the deceased there shall be paid in lieu of the 15 per cent, if only one parent, 25 per cent of the monthly wages of the deceased, or, if both parents, 40 per cent of the monthly wages of the deceased to such parents or parent.

"(6) If the deceased leave no widow or child or parent entitled to any payment hereunder, but leave any brother, sister, grandparent, or grandchild wholly dependent upon him for support, there shall be paid to such dependent relative, if but one, 20 per cent of the monthly wages of the deceased, or, if more than one, 30 per cent of the monthly wages

of the deceased, divided among them share and share alike. If none of such relatives is wholly dependent and the deceased leave any such relative or relatives partially dependent upon him for support, there shall be paid to such dependent relative or relatives 10 per cent of the monthly wages of the deceased, divided among them share and share alike."

You will notice how the amounts are reduced when and wherever possible. If we had at our disposal the statistical figures showing all those who leave only a widow or children above the age of 16 or only a parent or a brother and those that leave no dependents, you could easily see how unreasonably low is the compensation provided for in this bill.

We now come to paragraph 7 of section 21, which is the most objectionable feature of this bill and which should be amended or eliminated. It provides:

"The foregoing subdivisions of this clause (A) shall apply only to dependents who at the time of the death of the deceased employee are actual residents of the United States or contiguous countries, except (a) if the nonresident dependent be a widow and there be no resident child or children entitled to compensation under this act, there shall be paid to her a lump sum equal to one year's wages of the deceased employee, as hereinbefore defined and limited, for the benefit of herself and nonresident children, if any; (b) if the nonresident dependent be a child or children under the age of 16 years and there be no widow, resident or nonresident, and no resident children entitled to compensation under this act, there shall be paid to such nonresident child or children a like lump sum, to be divided among them share and share alike, it being the intention of the foregoing to exclude from the benefits of this act any such nonresident widow, child, or children, if there be any resident child or children entitled to compensation under this act, and to exclude from the benefits of this act all other resident dependents if there be any nonresident widow, child, or children entitled to take under the provision of this subdivision."

Gentlemen, this is another dangerous provision. By it you encourage and invite the railroads to employ and give preference to foreign labor by eliminating them from recovering or receiving even this meager compensation and thereby it will be cheaper to kill a foreigner than an American citizen. Yes; it will be still cheaper to kill those poor unfortunates. Think it over carefully.

Is not this paragraph cleverly drawn to relieve the railroads from paying even the small amounts provided for?

Now we come to paragraph 8, and see how liberal the commission was. They go so far as to provide the liberal sum of $75 for burial expenses of an employee who, in the performance of dangerous work for his employer, risked and lost his life. Paragraph 8 reads as follows:

"(8) If the monthly payments for a death hereunder are at the rate of not more than $15 per month there shall be paid by the employer a contribution of $75 toward the burial expenses: *Provided, however,* That where no compensation for death of an employee caused as defined by sections 1 and 2 of this act is payable hereunder there shall be furnished by the employer a reasonable burial expense not exceeding $150.

"(9) If compensation is being paid under this act to any dependent, such compensation, unless otherwise provided for herein, shall cease upon the death or marriage of such dependent, and in case the dependent be a child, shall cease upon such child reaching the age of 16, unless dependent, and then when such child shall cease to be dependent."

Section 21 B provides:

"(B) Where permanent total disability results from any injury, there shall be paid to the injured employee 50 per cent of the monthly wages of such employee during the remainder of his life"—

This would be fair and reasonable if it were not for the limitations in section 20—

"In the following cases it shall, for the purposes of this section, be conclusively presumed that the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity."

But these enumerated injuries are not sustained frequently on the railroads.

"(C) Where temporary total disability results from any injury there shall be paid 50 per cent of the monthly wages of the injured employee during the continuance of such temporary total disability.

"(D) Where permanent partial disability results from any injury—

"(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the periods stated against such injuries, respectively, as follows: In case of—

"The loss by separation of one arm at or above the elbow joint, or the permanent and complete loss of the use of one arm, 72 months"—

I presume that after 72 months such arm will grow forth again and he will be able to provide for his family as before—

"The loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, 57 months."

Here again they expect him to recover his hand, but allow a shorter allotment of time, only 57 months. And what will he do then?

"The loss by separation of one leg at or above the knee joint, or the permanent and complete loss of the use of one leg, 66 months.

"The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, 48 months."

What will such an injured employee be able to do after 48 months? Continuing:

"The permanent and complete hearing in both ears, 72 months.

"The permanent and complete loss of hearing in one ear, 36 months.

"The permanent and complete loss of the sight of one eye, 30 months."

In these cases they will pay him about one-quarter of his former wage in one case for 36 months; in the other case, the loss of one eye, 30 months.

"The loss by separation of a thumb, 13 months; a first finger, 9 months; a second finger, 7 months; a third finger, 6 months; a fourth finger, 5 months."

Oh, what extravagance. But what follows is still better:

"The loss of one phalanx of a thumb or two phalanges of a finger shall be considered equal to the loss of one-half of a thumb or of a finger, and compensation for one-half of the above periods shall be payable.

"The loss of more than one phalanx of a thumb and more than two phalanges of a finger shall be considered as the loss of an entire thumb or finger."

Kindly study the liberality for the loss of a finger. They are so magnanimous that they allow the payment for one-half of five months of one-quarter of his wages, which may amount to $125 with the highest allowance.

"The loss by separation of a great toe, nine months; any other toe, four months."

In this case, again, they believe the toes will sprout forth again.

"(2) In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in the subdivision 1 of this clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months."

Why do they always name a maximum limit and not a minimum limit?

"(E) Where temporary partial disability results from an injury, the employee, if he is unable to secure work, shall receive 50 per cent of his wages during the continuance of such disability; but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, he shall not be entitled to any compensation for such disability during the continuance of such refusal."

Why not state that if the employee is capable to perform such work?

"If the employee is at work at reduced wages, he shall receive compensation according to the method provided in section 22.

"SEC. 22. That, notwithstanding any agreement, award, finding, or judgment, as hereinbefore provided for, the employer may continue such injured employee in his service at suitable work, and if the employee accept such work and continue in his employer's service, compensation in any case of injury shall be suspended while the injured employee is at such work for which he receives wages he was receiving at the time of the accident. If his wages received fall below such 90 per cent, an amount of compensation shall be payable equal to the difference between said 90 per cent and such wages, not to exceed, however, 50 per cent of the monthly wages he was receiving at the time of the accident.

"The time during which the employee is at such work shall effect a reduction to that extent in the aggregate period for which payments would otherwise be paid."

Why that provision? Unless it be to provide such injured employees with work during the time the employer would be liable, and as soon as the liability ceased the employee would be discharged. It has been done before and is being done now in many cases where they are employed for a year or two, and as soon as the statutory time wherein he can file suit has expired, he is let out, his services not being needed any longer.

"SEC. 23. That should an employee who sustains an injury resulting in permanent total or permanent partial disability die from any cause at any time, or should an employee who sustains an injury resulting in temporary or total or temporary partial disability die as a result of such injury after 14 days of disability, the employer shall be liable for an amount to be ascertained as follows:

"First. By computing the amount which would have been payable under clause (A) of section 21, if death had immediately resulted from the accident."

And for fear that they have allowed excessive amounts here we come across relief.

"Second. By deducting from such amount a sum equal to the payments for the period between the accident and the death, which, if the accident had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause (A) of section 21, would have been relieved from making.

"Third. By deducting from the remainder so ascertained the amount of the compensation paid up to the time of death under clause (B), (C), (D), or (E) of section 21 or under section 22."

I am inclined to believe that if there are a few other deductions provided for upon the death of such employee he will be called upon to make up a deficit due the railroad.

"The amounts so ascertained shall be paid to the dependents, if any (if not, nothing will be paid), of such employee, living at the time of his death, in the same amounts and subject to the same contingencies as if compensation had been payable to them under clause (A) of section 21 by reason of their having been dependent at the time of the accident: *Provided,* That should an employee who sustains an injury resulting in permanent partial disability die from cause other than the injury at any time, the liability of the employer shall not exceed the unpaid balance of the amount which, if the injured employee had lived, would have been paid under the terms of any agreement, award, findings, or judgment, or under clause (D), section 21, or under section 22."

Again protecting and safeguarding the railroad against the widow and orphan.

"SEC. 24. That if, in an accident, an employee receive an injury resulting in permanent partial disability and in the same accident receive additional injury which, by itself, entitles him to compensation, or if he be injured in the service of the same employer while entitled to or receiving payments for a previous injury, the amount of the monthly payment to him for such combined injuries shall be computed as for a single injury as provided for and limited by section 20 hereof, but in such case the periods of time prescribed for such injuries, severally, shall be added together: *Provided,* That where any such period is less than three months the same shall not be added, but shall be disregarded."

Additional discrimination, additional limitation, and subtraction.

"If an employee receive an injury which of itself would only cause permanent partial disability, but which combined with a previous injury does in fact cause permanent total disability, the employer shall only be liable as for the permanent partial disability, so far as the subsequent injury is concerned."

Thousands of railroad employees are injured twice, three times, and sometimes even a greater number of times. Again this provision discriminates against them, and, notwithstanding that in many cases under this provision he will be permanently disabled and thereby unable ever again to provide for his family, he will not be able to recover the compensation which he should receive.

Gentlemen, many of these provisions are dangerous, but paragraph 7 of section 21 is more dangerous than the rest, because in that provision you invite and encourage railroads to employ foreign labor because it will be cheaper to kill a foreigner than an American citizen. That section must be carefully studied, because there is no one here who is desirous of throwing the American laboring man out of employment.

Mr. FLOYD. Let me see if I understand your point. If a man is an American and he is employed on a railroad, then under the provisions of this bill you must take care of his dependent, under the terms of the bill.

Mr. SABATH. Yes, sir.

Mr. FLOYD. But if he is a foreigner, there is no provision in the bill for paying any compensation to his dependents?

Mr. SABATH. With the exception that if he has a widow or dependent child or children living abroad one year's salary is to be paid her or them.

Mr. FLOYD. Your point is it will encourage the railroads to employ foreigners instead of American citizens to work on the railroads?

Mr. SABATH. Yes, sir; as it will be cheaper to kill them.

Mr. HOWLAND. Is not this bill on all fours with Gov. Wilson's bill of New Jersey?

Mr. SABATH. I regret that I did not study Gov. Wilson's bill. My hands were full following the commission bill and my own bill.

Mr. HOWLAND. The reason why I asked that question is that I have received resolutions complaining that the bill of the New Jersey governor discriminated against the foreigner.

Mr. SABATH. If the New Jersey act has the same provision, I am not surprised that you are receiving protests and complaints, as the American people are fair and just and do not approve of discrimination. It is a provision which is unfair and unjust.

Mr. HARDWICK. This bill is not on all fours with the bill recommended in 1908 by President Roosevelt.

Mr. SABATH. No. President Roosevelt only recommended workman compensation after, as I have been informed, he had seen the draft of my bill [laughter] and before I had a chance and an opportunity to introduce it. But I was very glad that he did, and welcome aid and assistance from every quarter. I assure you I was not opposed to his approval of my bill, notwithstanding the fact that he sent the message the day before I had a chance to introduce the bill in the House. But that shows that he then possessed a great deal of energy, and some of it is still stored up to the present time. [Laughter.]

Mr. HOWLAND. How did he come to see your bill, which he recommended?

Mr. SABATH. I did not desire to go into that, but as long as you ask the question I will make that plain. When I arrived in Washington I started to look for some one to help me to go over my bill and inform me whether it was constitutional. I never claimed to be a constitutional lawyer, and no one ever charged me with it. Therefore I did not desire to introduce the very first bill that would appear on its face unconstitutional. I was recommended to a certain gentleman who has been for many years in the employ of the Interstate Commerce Commission, a man of ability, and a man who, it was claimed, knew how to draw bills. I sent for him and informed him that I was willing to pay him to aid and assist me in perfecting the bill so that it would be constitutional.

It was just a few months after the Supreme Court had declared the liability act of 1906 to be unconstitutional. I was requested by him to let him have my draft of the bill. He had it there for a few days. I wondered why he did not return it, and I called him up, and finally he informed me that he must consult with the Secretary as to whether or not he could do the work. That was after about 10 days. Finally I called him up again, and he informed me then that he had talked with the Secretary, and the Secretary had stated that it was not permissible for anyone in the department to aid in drafting this bill. Inasmuch as they were working on a similar bill, this, I believe, was for the purpose of being able to introduce it before I could introduce mine. I said, "Then bring me back the bill." "The Secretary has the bill," he said. Then I made a demand upon the Secretary for the bill. In the meanwhile I was informed that the chairman of the commission had the bill. From the chairman of the commission it traveled to President Roosevelt, as I understand. A few days thereafter I was pleased to note that President Roosevelt had sent a message to the House advocating workman compensation. But in the meanwhile, the day after I finally secured my draft back, I worked day and night with another gentleman whose services I had secured to help me to perfect my draft so as to be able to get it in before the so-called department bill or before the message reached the House, because they were coming fast—but, as usual, President Roosevelt was there before me [laughter], with a message, but not the bill.

Mr. MCCOY. You have heard of the Ananias Club. You are not looking for a membership there, are you?

Mr. SABATH. No; because after that I gave President Roosevelt a great deal of credit for what he had done in advocating workman compensation. He did advocate workman compensation, and has publicly commended me for the labor I put into the bill and into the speech that I inserted in the CONGRESSIONAL RECORD for the purpose of enlightening the American people on the principle of the workman-compensation bill, for my honesty in stating that I availed myself of the privilege of the House to insert remarks instead of trying to mislead the country that I had actually delivered the speech on the floor of the House. Right here I desire to state that I was obliged to insert it, not being able to secure enough time to enable me to deliver it on the floor.

In that way I have no complaint to make and feel satisfied that he himself did not know that I would be ready to introduce the bill as soon as I was, or he might perhaps have waited a few days with his message. What transpired soon thereafter forces me to the conclusion that he recognized my efforts, as in a short time he requested me to call on him for the purpose of discussing with me this legislation, and in that way has shown me more courtesy and placed in me more confidence than he did in the members of his own party of many years' service, and all this notwithstanding that I was only a new Member.

Mr. WEBB. You do not think he would have sent the message on this subject unless he had seen your bill?

Mr. SABATH. That I do not know. I would not charge him with it; but I hope that the draft which was submitted by me to the gentleman, and which traveled through the department and finally reached the White House, as I was informed, was instrumental in bringing out the message.

Mr. BRANTLEY. Is this bill, introduced in March, 1912, the last one which you introduced?

Mr. SABATH. That is the last one. And right here I desire to say, before you ask me anything more about it, that this last bill of mine includes some of the provisions that are embodied in the commission bill, the same as the commission bill contains many of my clauses and provisions; and the only ones that are really good are those taken from my bill.

Mr. BRANTLEY. Your schedule of compensation is higher than that in the commission bill?

Mr. SABATH. Yes, sir.

Mr. BRANTLEY. Under your bill no railroad in this country has to pay your schedule of compensation unless it voluntarily elects to come under the operation of your bill?

Mr. SABATH. Yes. I said my bill is so drafted. It is voluntary on the part of the employee as well as the employer.

Mr. BRANTLEY. Did you ever have a dream that if you put enormous amounts in the schedue of compensation and not make them compulsory any railroad in this country would ever adopt it?

Mr. SABATH. I do not think my amounts in this bill are enormous. They are fair. They are lower than are recovered under the present conditions. I make limitations. I admit in the first draft of my bill I did lesire to secure more than probably the railroads could reasonably pay, and that is the reason they assailed my bill and assailed me. But the last two bills are reasonable, and I maintain, Judge BRANTLEY and gentlemen of the committee, that even my bill, H. R. 1, would not increase the operating expenses 1 per cent and the cost would not be as great as many people imagine.

Mr. BRANTLEY. At the same time, under your bill it would be at the pleasure of the railroad whether it would come under its operation or not?

Mr. SABATH. Yes; but I have a few provisions in my bill, Judge, which I am positive would aid the railroads in coming to the conclusion that it would be better for them to adopt it and avail themselves of its benefits. I provide in my bill that if they do not accept it we should impose a certain tax on them; and I believe as Mr. Thom, of the Southern Railway, said, and as I have maintained, that we have that right and the power, especially under the ruling in the Oklahoma bank cases, to tax the railroad companies for this fund, and, where they would not accept, impose a certain tax upon them, and in that way we could get them to accept the provisions of my bill.

Mr. BRANTLEY. I want to ask you a further question. If the railroads do accept it, then under your bill it becomes practically an exclusive remedy, does it not?

Mr. SABATH. No; only to those who have accepted, and in certain cases it does not affect the present civil liability.

Mr. BRANTLEY. Read section 5 of your bill.

Mr. SABATH (reading)—

"SEC. 5. That no common-law or statutory right to recover damages for injury or death sustained by any such employee while engaged in any employment subject to the provisions of this act, other than the compensation herein provided, shall be available to any such employee who has accepted the provisions of this act nor to any such employee's dependents or his legal representatives: *Provided*, That where the injury to the employee was caused by the failure of the employer to furnish any safety appliance for use in said employment which is now or may hereafter be required by any act of Congress, nothing in this act shall affect the present civil liability of the employer."

As you notice, it provides that the employee may, at his option, accept or reject. There is a proviso in there which provides that where the injury of the employee was "caused by the failure of the employer to furnish any safety appliance for use in said employment which is now or may hereafter be required by any act of Congress, nothing in this act shall affect the present civil liability of the employer."

That was put in for the purpose of forcing the railroad companies to put in all the safety appliances and make travel as safe as possible.

Mr. BRANTLEY. Aside from the fact, if the railroad and the employee elect to go under your compensation law it becomes an exclusive remedy?

Mr. SABATH. If he accepts, yes. I admit that my aim has been, and is now, to eliminate litigation, and that where we give fair compensation under a bill that they should not also have the remedy under the present law. What I contend for is a fair remedy, a fair trial of the remedy which we are giving, and if it works out right, and if the law after it has been in operation a year or two will do what we claim for it, it will then be time enough to eliminate all of the present remedies. But until we are satisfied that this bill will do what is claimed for it I believe we should not deprive those injured and those dependent upon them of the rights that they have under the present liability law.

Mr. HOWLAND. Under this bill of yours you give the railroad company the right to elect whether it shall be under the liability law or under the compensation act, and you give the employee the right also to elect whether he shall come under the compensation act or the liability act?

Mr. SABATH. Yes, sir.

Mr. HOWLAND. Suppose the railroad company elects to come under the compensation law and the employee elects to insist on his common-law rights?

Mr. SABATH. He would be obliged to give notice. I am trying to eliminate that indirectly as much as I can. But he would have to give 30 days' notice that he does not avail himself of the compensation act.

Mr. HOWLAND. You can not give the right to both to elect different remedies because they might elect different remedies.

Mr. SABATH. They both have the right to elect. They could, because the railroad may elect——

Mr. HOWLAND (interposing). Suppose the railroad wants to come under the compensation bill and the employee wants to come under the liability bill; where are you?

Mr. MCCOY. That is not the way they do it.

Mr. SABATH. Then he would not be obliged to come under the workman compensation. I am satisfied that right from the start 95 per cent—yes, 98 per cent—of the employees would elect to come under a workman-compensation bill if compensation provided therein is as fair as in my bill. But of course if the bill does not provide reasonably fair compensation, naturally they would not elect the compensation law.

Mr. NORRIS. I would like on that point to ask you a question. Your theory is that both the employee and the railroad company must elect to accept the new law or else it is not effective.

Mr. SABATH. Yes, sir.

Mr. NORRIS. The railroad company of course would elect to go under the law that would be the most favorable to them and that would allow the smallest amount of damages. The employee would want to go under the law that would give the largest amount of damages. I think that is perfectly natural.

Mr. SABATH. There is no doubt about that.

Mr. NORRIS. How would you ever expect to get both of them to agree to the same law?

Mr. SABATH. In this way: By passing a fair compensation law which would provide for fair and reasonable compensation without delay. I feel confident that within a short space of time that 98 per cent—yes, perhaps 99 per cent—of the employees would elect to come under the workman compensation if they would be satisfied that it really provides fair compensation.

Mr. NORRIS. For the same reason that they would go under that law the railroad company would keep out from under it.

Mr. SABATH. Yes; but I make it effective for the reason that I was not quite sure that the Supreme Court would otherwise declare it constitutional as that tribunal may hold that we are taking property without due process of law. So I make it elective. But I have a clause or two in the bill which will coax the railroads to accept, namely, by providing for a taxation system upon those that do not accept, as Congress has the right to impose such tax. In that way we would coax them along and help them to accept the bill and elect to come under its provisions.

The CHAIRMAN. Have you that provision of the bill before you to which you are now referring?

Mr. SABATH. As to the taxation?

The CHAIRMAN. Yes; your coaxing provision, as you call it.

Mr. SABATH. You will pardon the expression.

The CHAIRMAN. I do not find any objection to the expression. But as a matter of information I wanted to know what particular provision in your bill provided for that, in all seriousness. I think in one sense that is not an inapt word for you to use.

Mr. SABATH. It is in section 31 of my bill. It provides:

"That 60 days after the passage of this act every common carrier subject to the regulative power of Congress shall be liable for the following excise taxes for the purpose of paying the administrative expenses of this act and for paying the compensation herein provided for, namely:

"First. There shall be levied, collected, and paid on every car or motor vehicle used in the transportation of persons or property on the lines of every common carrier subject to this act, whether steam or electric line, an excise tax of $6 per year.

"Second. There is hereby levied, and there shall be payable by every telegraph company operated along the line of or connected with any telegraph line built, constructed, or maintained along the line of any railroad and telegraph line to which the United States has granted subsidies, or which telegraph line shall have accepted the provisions of title 65 of the Revised Statutes, an excise tax of $50,000 for an in respect of its plant within the District of Columbia.

"Third. Every express company subject to this act shall pay an excise tax of $5 per year on every wagon or other vehicle used by it in the collection, distribution, and delivery of express matter, and on every car used exclusively by any express company on any line of railroad for the transportation of express matter a tax of $5 per year shall be levied and paid."

The CHAIRMAN. That was the inducement you held out for accepting the provisions of this act?

Mr. SABATH. Yes; there are some other inducements in my other bills.

Mr. NORRIS. You have a tax in there for the purpose of paying the compensation provided for in the act?

Mr. SABATH. Yes, sir.

Mr. NORRIS. And then you provide that if they accept the bill so that they will have to pay compensation, they do not need to pay the tax; and if they do not accept the bill, and therefore there will be no use for a fund to pay it, then they have to pay the tax?

Mr. SABATH. No; as that tax shall be used only for the purpose of paying this compensation and the cost of enforcing and carrying out of the act.

Mr. NORRIS. There will be none to pay.

Mr. SABATH. If they do not accept, then they pay the tax.

Mr. NORRIS. But that is for the purpose of raising a fund to comply with the provisions of the law?

Mr. SABATH. Yes.

Mr. NORRIS. If the bill is not enforced, if they do not accept it, they do not need that fund?

Mr. SABATH. No. The law would be the law of the land; they must accept or elect to come and avail themselves of all its provisions under that law. Then, in a case where they would refuse, we do that duty for them, providing for those who are injured and killed by imposing a tax, that tax to be collected by the Government and paid in a special fund, out of which fund these injured employees would be provided for and taken care of.

Mr. NORRIS. How do you provide that they should get the money out of that fund?

Mr. SABATH. I have a provision in the bill.

Mr. NORRIS. You have a provision for that?

Mr. SABATH. Yes, sir; I provide for that. I shall read the provision to you:

"Whenever the Interstate Commerce Commission shall have certified to the Secretary of the Treasury that any such common carrier has not complied with the orders of said commission in respect of paying any compensation due, it shall be the duty of said Secretary of the Treasury to collect the excise taxes hereby imposed during or for such time or times as said carrier is not complying with any lawful orders of said commission with respect to the matters contained in this act. Said excise taxes under the provisions of this act when collected and paid into the Treasury of the United States shall be, and they are hereby, specifically reappropriated, and shall constitute a permanent appropriation, to be called the "Federal compensation fund," to pay any compensation not paid by any carrier or person subject to this act, pursuant to any lawful order of said commission, and to meet the necessary expenses of administering this act; and all acts heretofore passed in aid of pensioners of the United States in respect of limitation of attorneys' fees, proof of claim, allowance, and payment and audit, are hereby, as far as applicable, extended to any funds exacted, collected, appropriated, and disbursed pursuant to this act."

Mr. SABATH. Mr. Chairman, Mr. Hardwick is here, and I know he is anxious to go on, but at this late hour it will be impossible, as I have transgressed on the goodness of the committee in taking up nearly three hours, and I do not desire to take up a great deal more time. But before I conclude I desire, however, to ask the privilege to embody in the hearing my last two bills.

The CHAIRMAN. You may do that.

Mr. SABATH. And the first speech that was made by me on workman compensation in the House.

The CHAIRMAN. Without objection that may be done.

Mr. NORRIS. You do not want to incorporate the CONGRESSIONAL RECORD in the hearing?

Mr. SABATH. No; not all that I have said on this subject.

Mr. NORRIS. The speech is already printed in it.

Mr. SABATH. I know; but I would like to incorporate it here, because it contains much information that those interested may read if in these hearings and may not in the CONGRESSIONAL RECORD. I am under the impression that some may read it and be benefited by it.

I have also with me communications from several labor organizations that are opposed to this bill, as well as from the lodge of the Brotherhood of Railroad Trainmen.

The CHAIRMAN. Are they opposed to it in its present form?

Mr. SABATH. Yes, sir. Also a communication of protest against the bill from Pennsylvania employees west of Pittsburgh, and they claim they are speaking for the majority of railroad employees. I shall read extracts from the communication and insert the others. [Reading:]

EXHIBIT 1.

Hon. ADOLPH J. SABATH,
Member of Congress.

DEAR SIR: We, the undersigned, members of the advisory board of the relief department of the Pennsylvania Lines West, who were elected by and represent the contributing members of the relief department, respectfully request that you hear our protest against a proposed law which has been introduced in Congress as bill S. 5382 and known as the employers liability and workmen's compensation law, and ask that you use your influence to defeat this measure for many reasons, a few of which we will endeavor to make clear to you.

We represent, on the lines west of Pittsburgh, about 48,000 members. The lines east of Pittsburgh have a membership of about 90,000. The Chicago, Burlington & Quincy Railway has a membership of about 26,000, and the Baltimore & Ohio system a membership in excess of 100,000. The aggregate, as you will see, makes a total which amounts to quite a large percentage of the total railway employees of the country.

The promoters and sponsors for this proposed legislation are undertaking to give out the impression that the employees want this law, and while it has been indorsed in some of the meetings of the organizations, this has been accomplished through an improper understanding of the proposition and through the willingness of certain classes of employees to take up anything which seems to be a fight against the employing company.

We are not in favor of fixing a price on the life or limb of a railway employee at a less figure than that which may be fixed for any other citizen. We believe that if an employing company is at fault in case of death or disablement it should pay as much to an employee as it is compelled to pay to a patron of the company.

We believe that this law if enforced will cause more contention on the part of employers for the purpose of avoiding the payment of damage claims than we now have. It is a mistaken idea to imagine that the employer will pay each claim under this law without a protest.

In the comments which we have read on the proposed law attention is frequently called to the fact that the proposition is indorsed and recommended by President Taft. We will say that in view of an approaching election it would be foolishness for him not to indorse it after having been induced to believe that the million or more voters who are interested in the proposition want it. We believe, however, that this is a mistake.

HERBERT E. CUNNINGHAM.
J. VAN ALLSBURG.
O. IRVIN.
JERRY A. CARROLLE.
F. G. HUNT.
M. J. PURCELL.
E. G. MCINTYRE.
JAS. C. BROWN.

Now I insert a communication from Mr. Callahan, representative of the Illinois Central Railway Brotherhood of Railroad Trainmen:

EXHIBIT 2.

Hon. A. J. SABATH, M. C.,
Washington, D. C.

DEAR SIR: After considerable discussion and debate with relation to the compensation act now pending before the House, it was decided by a number of railroad men that I write Mr. J. C. McShane, a lawyer of distinction and reputation, and who is regarded as a friend of the railroad men, for his opinion upon the compensation act passed by the Senate.

His reply is herewith attached.

Let me say briefly this measure does not meet with the approval of the rank and file of our organization.

Yours, truly,

M. D. CALLAHAN,
7349 Madison Avenue, Local Committeeman
Illinois Central Railway Brotherhood Railroad Trainmen.

And one from John Delano, vice chairman of the Local Chairman's Association of Chicago:

EXHIBIT 3.

BROTHERHOOD OF RAILROAD TRAINMEN, LODGE NO. 752.

GENTLEMEN: I am sending you herewith a copy of a resolution adopted by the above lodge at its last regular meeting, held April 28, 1912. I also desire to state that the Local Chairman's Association of the Brotherhood of Railroad Trainmen at its last regular meeting, held May 6, 1912, at the Hotel Sherman, Chicago, by a unanimous vote passed resolutions requesting that action looking to the passage of the "employers' liability and workmen's act" be withheld until such time as the employees affected can familiarize themselves with the provisions contained therein.

The above-mentioned association represents the many thousands of railroad trainmen in and about Chicago.

JOHN DELANO,
1367 East Sixty-second Street,
Vice Chairman of the Local Chairman's Association of Chicago.

Also from a committee representing Division No. 175 of the Order of Railway Conductors of America.

EXHIBIT 4.

ORDER OF RAILWAY CONDUCTORS OF AMERICA,
DIVISION NO. 175,
Memphis, Tenn., June 16, 1912.

Hon. ADOLPH J. SABATH,
Washington, D. C.

DEAR SIR: By unanimous vote of the members present at several meetings of Division No. 175, O. R. C., and on June 2, 1912, the chief conductor appointed a special committee of three to file protest of this division against the employers' liability and workmen's compensation act which recently passed the United States Senate and is now pending before the House.

Yours, truly,

B. J. JACOWAY,
A. C. MULFORD,
W. G. BEANLAND,
Committee.

Mr. NORRIS. Who are those men who have signed it? Are they officials of different organizations?

Mr. SABATH. They are members of the executive board of the Pennsylvania lines and the Chicago, Burlington & Quincy, as well as the Baltimore & Ohio.

Mr. NORRIS. How are we to do if we are trying to find out what these railroad men want? Here are other men, who are recognized heads of these organizations, advocating this bill. Who are these men who are protesting against it? What official connection do they have with these railroad organizations?

Mr. SABATH. I am only giving the committee what I have, and I deem it my duty to do so.

Mr. NORRIS. I am not finding fault, Mr. SABATH. I am only asking for information. I would like to know who these people are.

Mr. SABATH. I am of this opinion, that the great majority of the railroad employees are not familiar with this bill and I feel satisfied if they would become acquainted with all the provisions of the bill the great majority of them would be here in opposition. That is my honest opinion. I have been in communication with many of these societies and orders and with nearly all of the bodies. I have sent out nearly 100,000 communications to various organizations on this question, and in all those communications I made them believe that workmen's compensation will provide actual compensation; that it will eliminate litigation; that it will eliminate all these drawn-out lawsuits and bring about a better feeling between the employee and the employer. A great many of these men were under the impression that this bill which the commission has drafted, which is before you to-day, will do all these things. For that reason many of the organizations went on record for this bill, believing, as I have stated, that it will do all I claimed for my bill.

I am sorry to say that the bill does not do so. Still, I am pleased that they have recognized the principle underlying my bill and the principle of workmen's compensation. It can be made a good bill by this committee if amended and the objectionable features I have pointed out are eliminated.

So you see I am by myself. I do not agree with the commission nor with the railroad men, nor do I agree with some of the gentlemen who are opposed to this bill on the principle that it takes care in the same way of those who have been negligent in the performance of their duties as of those who have not been so negligent.

Mr. Chairman, I have given a great deal of my time and study to this proposition, and I believe that if the laboring people of this country would be thoroughly familiar with the draft of the commission bill they would be opposed to it. They are, however, in favor of workmen's compensation that will provide compensation and eliminate litigation. This bill provides compensation in some cases; that compensation, however, is unreasonably low and does not eliminate litigation. I am afraid that under this bill, if it is passed as it is at present, you will find there will be more litigation than we have under the present law.

Mr. FLOYD. The effect of this bill will be to repeal the employers' liability act of 1908?

Mr. SABATH. Yes, sir.

Mr. FLOYD. Suppose we make it compulsory, and the Supreme Court, for any reason not discovered by the authors of the bill, should hold that this bill is unconstitutional; would we be without any remedy at all?

Mr. SABATH. The bill repeals the 1908 and 1910 acts by implication. I answered that question a few moments ago while you were out. I said then that it would be dangerous to make the remedy exclusive. My reason for making the statement is this: The bill provides an exclusive remedy. Section 3 provides that, "except as provided herein, no such employer shall be civilly liable for any personal injury to or death of any such employee resulting from any such accident," which means, in simple words, that such injured employee can not maintain any action under the present laws and is entitled only to the remedy given him in this bill. Then, if after two or three years the Supreme Court holds this law unconstitutional, I am inclined to believe that all these thousands of injured employees who have been maimed and crippled between the time this act goes into effect and the time the Supreme Court might hold the bill unconstitutional will be deprived of their present legal rights under the liability laws now in force.

Mr. HARDWICK. The Supreme Court would probably not declare the repealing clause unconstitutional, even if the balance of it was so declared. We can repeal a law even if we can not do anything else.

Mr. BRANTLEY. This law does not repeal the employers' liability act in terms, and consequently if this law should be declared unconstitutional the liability law will still be in force.

Mr. HARDWICK. I take the contrary position to that, and I would like to be heard on that point.

Mr. SABATH. My point is this: If they should come under this compensation act and would be deriving compensation under it for two or three years, and after that time the Supreme Court should say that the act was unconstitutional, would they not be deprived of proceeding under the present liability law?

Mr. BRANTLEY. Because they have two years in which to file the suit.

Mr. SABATH. In all probability they will take it for granted that it is constitutional and will not file a suit under the present law; in fact, they could not. And the result would be that their claims or rights would be outlawed.

Mr. BRANTLEY. Under the act they can still do it.

Mr. SABATH. I can't see how. I think they should not be deprived of any remedy that they now have until we will be satisfied with the working and constitutionality of the law, so if the law be declared unconstitutional they would not be deprived of their present rights.

Mr. Chairman and gentlemen of the committee, I realize that it is late and that I have taken up a great deal of your time, therefore I shall conclude my remarks; but before I do so I wish to express to you my appreciation of your kind indulgence and attention, and to assure you that, were it not for the fact that workman compensation is near and dear to me, I would not have imposed on your good nature as I have. But, having devoted a great deal of time, labor, and study to the subject, and seeing my efforts in behalf of the thousands upon thousands annually maimed—and by judge-made law disinherited—citizens rewarded, and the principle I have contended for adopted, I must be excused if in my anxiety to improve and perfect the bill I detained you as long as I did.

Mr. Chairman, under the permission granted me, I now desire to insert and wish that the following be made a part of the hearings: First, a copy of a letter dated February 15, 1908, sent out by me to all of the Members of Congress and to the newspapers and magazines of this country, as well as to all international unions; second, a letter of May, 1908, mailed to the above names; third, a letter mailed by me April 21, 1909, to all the governors, lieutenant governors, and members of the various State legislatures, labor organizations, etc.; fourth, communication of May 26, 1909; fifth, hearing of first statement made by me before the committee; sixth, a general letter dated May 28, 1910; and seventh, statement prepared and issued by me comparing my bill with the commission bill.

EXHIBIT 1 A.

FEBRUARY 15, 1908.

DEAR CONGRESSMAN: I am mailing you, under separate cover, H. R. 16739, introduced by me on the 3d, and reintroduced on the 10th instant. The bill provides for compensation and benefits to employees solely engaged in interstate commerce, including such as are subject to Federal navigation and shipping laws, who sustain injury or death; it further provides for a scale and condition of compensation, benefits, and injuries; creates a commission of injury awards, consisting of five commissioners to be appointed by the President, and gives the commission full power under the interstate-commerce act; prescribes method of procedure; and provides for an appropriation of $350,000 for the work of the commission.

This bill is modeled after laws which are in operation for many years in England, Germany, Austria, New Zealand, and other countries that are progressive in this direction, and give general satisfaction.

I trust that you will concur with me, in that the subject matter is of vital importance, and that you will find some spare moments to read this bill. If not asking too much, I would be pleased to have your views on the same.

Yours, very truly,

A. J. SABATH.

(Copy of bill and letter sent to all Congressmen and Senators, newspaper men, and international unions.)

EXHIBIT 2 A.

HOUSE OF REPRESENTATIVES,
Washington, May —, 1908.

DEAR SIR: Herewith inclosed I am sending you my amended copy of my compensation bill, which provides for compensation to all employees who may be injured while solely engaged in interstate commerce. It further provides for the creation of a commission of injury awards, granting it certain powers over all carriers who are subject to the regulative power of Congress. This bill has the approbation of many Senators, Representatives, and a great number of civic organizations, as well as that of President Roosevelt.

I am also sending you herewith a bill of the same nature which, however, is applicable to the States.

I would be pleased to have your views on these.

Very respectfully,

A. J. SABATH.

EXHIBIT 3 A.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 21, 1909.

MY DEAR SIR: Herewith inclosed I am sending you a copy of my compensation bill (the first of its kind ever introduced in this country), which has been indorsed by President Roosevelt, who made it a subject for one of his special messages to the past Congress. This bill has the indorsement of labor unions throughout the United States, and it was the basis for the plank on workmen's compensation in the Democratic national platform of 1908.

I have reintroduced this bill with some slight modifications, and it is the first bill introduced in the Sixty-first Congress.

In order that you may obtain a more definite knowledge of its scope, I am sending you also a copy of my speech in support of this measure.

Very truly, yours,

A. J. SABATH.

EXHIBIT 4 A.

MAY 26, 1909.

DEAR SIR: The present method of requiring an injured employee to sue the employer is both antiquated, vicious, and produces strife and contention instead of rendering prompt, certain, and definite justice. My compensation bill, H. R. 1, is based upon the existing laws of England and Germany, and it ignores the ancient legal fictions of contributory negligence, assumption of risk, and fellow servants, defenses urged in all personal-injury suits by the employer. Statistics prove beyond the pale of doubt that on the vast systems of railroads in the United States one employee is killed or injured every time that seven minutes elapse. The compensation act would substitute for the bitterness engendered by the litigation a prompt payment of an amount which at first would be small, but after the principle is established would be increased. For one excessive verdict that is now allowed to stand, nine verdicts are set aside by the courts for one reason or another.

The bill proposes to establish a series of clauses in statutory form, and these must be accepted by the corporations sought to be regulated as a condition precedent for contracts by the United States with railroads engaged in carrying the mail. In respect of vessels they are absolutely subject to the jurisdiction of the Congress as long as they use navigable waters of the United States. The contract features of the bill have no application to them, as they are absolutely subject to Federal regulation—and the Congress from the earliest times has regulated the relations between the owners of vessels and their crews. The legality of this act can not be attacked; it is invulnerable to constitutional objections. And the reason why mail routes rather than interstate commerce is the basis of regulation is that Congress is absolutely supreme in respect of granting or withholding payments of money, and therefore can regulate the terms of service on these mail routes. The freedom of contract is in no way impaired. The entire act is one of contract which the carrier must accept as part consideration for the privilege of carrying or transporting the mail. The mail route as the basis of regulation becomes important, because, if adopted in this act, no question of (*a*) conflict with police power of the State can arise; and (*b*) to what extent intrastate commerce can not affect the contract.

Under the Sabath compensation bill millions of workmen will be benefited, such as railroad employees, street car employees, telephone and telegraph employees, seamen, and many others whose work is in connection with matters pertaining to mail routes.

Provision is made in the bill which permits the employee to elect or choose whether he desires to avail himself of the provisions of the bill, or if he should wish to enforce his rights in a court of law under the present method of procedure.

The scale of compensation embodied in the bill is based in the main on the United States Pension Office scale.

With reference to the cost of carrying out the provisions of the bill, it may be said that but 14 per cent of the moneys expended by the corporations in defending personal-injury claims ultimately reaches the injured workman or his legal representatives. Eighty-six per cent

of the moneys so expended are required to defray the attorney's fees, cost of investigating claims, preparation of cases for trial, witness fees, court costs, stenographers' charges, printing of appeal briefs, and other incidentals. These percentages therefore show conclusively that the injured workman is at a great disadvantage in the courts of the country when he seeks to recover for injuries sustained. The passage of this bill will give him relief in the premises.

A. J. SABATH.

EXHIBIT 5 A.

FIRST STATEMENT MADE BY MR. SABATH BEFORE JUDICIARY SUBCOMMITTEE, 1909.

The theory of American law is that the contract between the employer and his employee, known in the common law as "his servant," is ample to take care of the person who is injured by reason of the contract. The law furthermore proceeds on the theory that the damages may be sought primarily against the wrongdoer. As a matter of fact, strictly speaking, the injured person has no redress, because the person who primarily caused the wrong is financially unable to respond in damages. The law then allows an action against the master at common law on formal proof, with the burden upon the person injured to show negligence upon the part of the master, to sustain a cause of action. Justice to the injured employee or in the event of death resulting from the injury, then the widow or next of kin of the deceased, is practically lost sight of by reason of the amazing mass of legal jugglery and hair-splitting distinctions handed down by the judges. The administration of the law has become so refined, delicate, and neat, for the purpose of maintaining the rights of the defendants (usually corporations and therefore absolutely subject to the legislative power), that the more important questions, the questions of humanity and justice to the plaintiff, are utterly forgotten in the defense of vested rights.

The adherence to a rule of law which was harsh when it started, which has become unjust in its operation, which under the totally changed industrial conditions under which great operations of manufacturing, of commerce, and of interstate commerce must be carried on, becomes a pernicious and dangerous form, because under the guise of exercising the law it brings about a denial of justice and a consequent distrust for the courts. The method which has been pursued by the courts in enforcing the strict letter of the law has brought about a feeling that injustice is done to the employee in nearly every instance, which injustice is not due to the administration of the law, but to the inherent injustice of the theory and its perverse construction. The litigation which is necessary to enforce the rights of these persons at common law brings out the extreme of the law, which is always injustice.

The plaintiffs in these cases are our maimed fellow citizens, or, in the event of death, their widows or guardians ad litem for their orphans. In no case do they stand before the court equally prepared with a great corporation which defends the action. It is absurd on the part of any person who has ever practiced even a few years in any court to say that the poor man can hire a great lawyer. His social and economic condition, his lack of relation to the great leaders of the bar, his very maimed condition or the depressed position, occasioned through whatever loss it might be as the proximate result of the injury sustained, all prevent him from having access to any except the ordinary persons who take these cases on contingent fees. That is the average rule. But for argument's sake let us assume that the widow or injured person has the very best counsel; that although he has been defeated in one court, appeals and appeals, and follows his first victory from the lower courts to the supreme court, or even to the Supreme Court of the United States, until the law ultimately says that the defendant must pay damages. A careful investigation into the various State reports has convinced me that the pluckiest and quickest litigants never get a final determination under four years, and that cases have been in the circuit court of appeals (United States), Erie Railway Co. *v.* Kane, four times (118 Fed. Rep., 223; 142 F. R., 682; 155 F. R., 118), and the litigation has lasted 10 long and weary years. The accident to Kane occurred December 17, 1897; the circuit court of appeals handed down its opinion June 26, 1907. In cases of great historical importance, such as Johnson *v.* Southern Pacific Co., the injury took place within four days after the safety-appliance act took effect, in August, 1900. The action was finally decided by the Supreme Court on December 19, 1904 (196 U. S., 1), and finally in May, 1908, eight years after Johnson was injured, he received a slight sum by way of settlement with the company.

In the Schlemmer case the injury took place within a day or two after the safety-appliance act went into effect. The case was decided by the Supreme Court on March 4, 1907 (205 U. S., 1), in favor of Schlemmer's widow, who, upon the second trial, obtained not very long ago a verdict against the carrier, and the action is now on its indeterminable route of delay to the higher State courts, and possibly will again return to the Supreme Court of the United States. Now, what do you think becomes of the widow in the interim? What care is taken of the children, and what has the State done to relieve itself of the duty which it owes to Schlemmer and to Johnson and to thousands and thousands of railway employees similarly situated all over the country? The litigation which these people are forced to undertake under the process of our common law, even if successful, is inefficacious. The fruits of the litigations are wasted in attorney's fees, court reporters' fees, printing cases and costs, and to the repayment of debts necessary to maintain the families. The social standard of the survivors has been lowered or else the families have gone to pieces; the maimed man, if he has not died of his injuries, has become a pauper and an object of charity; the children have been taken from school; the families have been split up and separated, perhaps forever.

Or let us take the case of a woman who was injured through the violation of the master in not guarding his machinery. St. Louis Cordage Co. *v.* Miller (126 Fed. Rep., 495) is a case in which Walter Sanborn, circuit judge of the circuit court of appeals for the eighth circuit, wrote a very painstaking, carefully thought out, and exquisitely inhuman opinion. The woman, after having had her hand mashed in a cog, was thrown out of court. The judge writing the opinion of the court claimed that although the factory act of Missouri protected her, yet she assumed the risk of her employment and must go forth without damages. Now, what can a factory hand do who has had a right hand or arm mashed? The probabilities are that she is unfit for domestic employment; her tastes, her habits have been fixed; the court throws her out. If there is any method for that woman to earn her living except by throwing herself upon the tender mercies of human kind, it is not due to any care that the State has taken to protect her from the prospective evils; and surely the State owes these people some kind of a fair chance. These are our fellow citizens.

The courts will say that the laborer is free; that he chooses his occupation; that if he takes up a dangerous occupation he takes the risk—he does it with his eyes open; he is compensated for it, and that his wages in part may be used, if properly employed, toward buying insurance in some society or company to compensate him for the risk which he is bound to take. Is it not a truism, which must only be stated to be understood, that the choice or freedom of the laborers is entirely illusory; that they have no choice; that the fiction which claims to treat them as free agents is overcome by the actualities of their conditions, which make wage slaves of them all; that the wages are always so small and purchase so little that adequate self-insurance is impossible, and the very, very few of them have any insurance which will keep their families out of the poorhouse?

It is well known that employees in railroad train service are unable to procure insurance in any of the old-line companies except at rates that are practically prohibitive, while most of the companies and societies absolutely refuse to accept such risks under any consideration. Certain of the companies will write 5, 10, and 15 year endowment policies for switchmen—a small portion of the employees under consideration—at premiums based upon a 20-year advance in age; thus, for instance, a switchman aged 25 years may obtain such a policy by paying the 45-year endowment premium rate. Inasmuch as insurance premium rates are based upon broad observation and are always the result of careful and accurate consideration, this fact is vastly significant. It means that the man who embraces the occupation of railroad switchman thereby at once cuts 20 years off his reasonable expectancy of life. If there is any compensating advantage in this occupation to offset the horror of this grim fact I have failed to discover it in more than 10 years' close observation of the conditions of railway labor.

Being denied the benefits of ordinary insurance, railroad employees have been compelled to establish and maintain insurance societies of their own. Those societies are never called upon to pay death claims as a result of old age. Their payments, however, on account of railroad accidents are surprisingly large and in most of the organizations represent a major portion of the total claims paid. In 1908 the Brotherhood of Railroad Trainmen, with a membership of about 90,000, composed of conductors, brakemen, switchmen, and baggagemen, paid 1,512 claims, amounting to about $1,750,000.

Why should this enormous toll of life and treasure be exacted from these employees? If the efficient operation of the Nation's transportation system requires the terrible sacrifice of lives and limbs, it is more to the point and more akin to justice that this burden should be assumed by the transportation industry and through it by society as a whole. These employees, when injured through no fault of their own, through a regularly recurring risk which is an incident of their employment, are cast aside and no effort is required by law of the carriers to heal or repair them; these men are abandoned and are left without compensation. When broken in body, maimed, and injured they are forced, under the most disadvantageous circumstances imaginable, to combat the carriers whose commerce they have been pushing through the country.

THE PROFESSIONAL RISK.

The professional risk—that is, the inherent liability of any person employed in railway traffic being killed or injured—is a permanent and continuous risk. It is a risk which the man can not shift. In the case of death by a railroad accident no question of the employees' inattention, stupidity, carelessness, or similar defenses urged by the defendants can well be urged. It is as much a part of the business of the carrier to pay for the injury of the person who handles the traffic as it is to replace equipment retired from service.

The carriers maintain a fund for the replacement of wrecked or worn-out equipment. But the human being, our fellow citizen, of whom one risks being killed or injured every time seven minutes of the day or night elapse, if wrecked, as a consequence of his professional risk, so as to make him unfit for further service, is cast aside, and the carrier assumes no responsibility whatever for his condition. He must assume his own risk, must bear his own damage, as though it occurred by reason of his fault or his negligence, when, as a matter of fact, his damage is as much the result of the operation of the property as is the damage to locomotives and cars, bridges, and buildings, roadway and track, for all of which the carrier provides without question.

I do not care whether the railways recoup themselves for the additional expense involved in paying compensation to their employees by raising the rates or by charging extra passenger fares, or by decreasing the amount of free baggage that they haul. Directly this would affect a very small portion of the community. The freight charges might affect a still larger portion of the community, but at all events it is proper that the community which indirectly causes the railways to be so inhuman to the fellow citizens of us all should permit a recoupment, because in the last instance the people at large pay for the maimed and injured. They do this by taking care of those survivors of those thousands of railroad men whose families have fallen in the scale of life simply through the utterly inadequate protection afforded them in our law.

This bill provides for compensation and benefits to employees solely engaged in occupations or trades connected with such businesses which are subject to the regulative power of Congress, to be paid by persons carrying on such businesses to employees injured, and to change the general law for injuries received on mail routes, including such as are subject to the existing Federal navigation and shipping laws. It further provides for a scale and condition of compensation, benefits, and injuries; creates a commission of injury awards consisting of three commissioners to be appointed by the President, and granting said commission full power to carry out the provisions of this bill. It further prescribes a method of procedure and provides for an appropriation of $50,000,000 for the work of the commission.

With the exception of our country and Turkey, all other civilized nations having railroads have compensation acts. Under this bill persons who are injured have their choice of remedies. They can either sue in the courts as heretofore, bearing the burden of the proof, or else they can avail themselves of the compensation features provided in the bill.

EXHIBIT 6 A.

WASHINGTON, D. C., *May 28, 1910.*

MY DEAR SIR: The inclosed bill (H. R. 25334) is an amplification of H. R. 16061, which I introduced in the first session of the Sixtieth Congress, being the first bill introduced in Congress which embodied the principles of "workmen's compensation." In this Congress I introduced H. R. 1, upon which I secured hearings before the Judiciary Committee. The hearings developed a number of objections, which were pointed out by lawyers representing some of the railway companies as well as by some of the members of the committee. To meet these objections I redrafted the bill.

The object of my workmen's compensation law is to change the present unjust method of settling damages for the regularly recurring injuries to employees of railroads and other carriers and giving the injured employee, or in the event of his injuries resulting in death, then, to his surviving dependents, immediate and material relief in place of the uncertainty of a suit at law for damages.

With the exception of the United States and Turkey, every country on the Continent has in operation a system of "workmen's compensation," and the reports conclusively show that its operation meets with universal approval alike from employer and employee.

The tendency of a "workmen's compensation" law is to stop the strife existing between the employer and employee under the present status of industry and law.

It relieves the community from supporting hundreds of thousands of workmen who sustained injuries while engaged in hazardous occupations.

In the event the workman is killed in the pursuit of such employment, his family or dependents are provided for.

It provides for immediate relief and obviates the necessity now in vogue of bringing suit and waiting many years for its final determination in the courts, during which time the entire burden of responsibility rests upon the employee or his dependents—left to shift for themselves without any relief.

It prevents litigation, thus relieving the congestion of the courts.

It will prevent perjury, which is so prevalent in personal-injury suits, and the waste of money occasioned by excessive judgments.

My bill proposes the enactment of a certain and limited compensation not exceeding in any case $75 per month, and ceases with the death of the annuitant, the remarriage of the widow, as well as with the arrival at age 16 of the children of an employee who was killed.

The bill is strictly limited to employments subject to the regulative power of Congress.

It provides for the creation of a commission to carry out the provisions of the bill.

I am firmly convinced that its enactment into law will effect a material saving by reason of the decreased expense and cumulative interest charges, etc., resulting from the annual payment of a small annuity to many, rather than an exorbitant lump sum to few.

I am of the opinion that every constitutional objection which might be raised in the premises can be successfully overcome.

I bespeak your earnest and careful consideration for said bill.

Very truly, yours,

A. J. SABATH.

EXHIBIT 7 A.

[Addressed: "Dear Sir," to newspapers and magazine; "My Dear Colleague," to Members of House of Representatives; "My Dear Senator," to Members of Senate.]

Your attention is called to the inclosed bill, H. R. 21962, which provides real compensation for employees of common carriers subject to the regulative power of Congress when such employees are killed or injured from any cause arising out of and in the course of their employment.

The bill establishes an elective system of compensation and does not deprive either employers or employees of their rights of citizenship by confining them to an exclusive remedy. The scale of compensation proposed is fair, without being unduly liberal. It provides for the payment of such amounts as the disabled employee, or his dependents in case of his death, should be justly entitled to, and which are clearly in the interest of the public welfare. The administrative machinery provided is simple, logical, of proven efficiency, and calculated to operate at minimum expense to the public.

This bill was drawn and introduced by me expressly as a substitute for, and an improvement on, the bill presented by the Federal Compensation Commission, which bears the indorsement and approval of the President, and in order that the respective merits of these bills may be understood their salient features will be compared and contrasted, as follows:

1. APPLICATION.

(a) Commission bill: Applies only to common carriers engaged in interstate or foreign commerce by railroad.

(b) My bill: Applies to every common carrier subject to the regulative power of Congress, thus taking in employees of telegraph, telephone, express, and sleeping-car companies engaged in interstate commerce, as well as steamship lines and (inferentially) post roads and mail carriers whether engaged in interstate commerce or not. It also applies to the United States Government with respect to all its civil employees.

2. REMEDY.

(a) Commission bill: Provides an exclusive remedy, thus, in effect, repealing the Federal employers' liability law recently declared constitutional by the Supreme Court of the United States, which law was only obtained after years of effort and vast expense on the part of railroad employees and their friends.

(b) My bill: Provides an elective remedy. Neither employees nor employers are deprived of any of their existing statutory or common-law rights, as they are not required to accept the provisions of the bill unless they see fit.

3. SCALE OF COMPENSATION.

(a) Commission bill:

[1] Death: The greatest amount that can be obtained for death is $4,800, which is the sum that would be paid to a widow with children in case the deceased employee's wages amounted to $100 per month or over. This sum would be paid in monthly installments of $50 per month for eight years. The minimum would be just half that amount, paid in the same way. For purposes of calculation no employee's wages are considered to be over $100 nor less than $50 per month. A widow without children would receive 40 per cent of such monthly wages for eight years. Other dependents, such as children and dependent parents, are paid various percentags of such monthly wages according to the degree of their dependency. A widow, or child or children under 16 years old, residing in any foreign country except Canada, would receive a lump sum equal to one year's wages of the deceased employee in lieu of all other payments. No compensation would be paid to any other nonresident dependent.

[2] Disability: Permanent and total, 50 per cent of monthly wages during life (maximum, $50; minimum, $25); temporary total, same as permanent during its continuance; permanent partial, 50 per cent of wages in certain specified cases for varying periods from 4 months minimum to 72 months maximum. In unspecified cases of partial disability payments are to be proportionate to those established in the specified cases and for proportionate periods, in no case exceeding 72 months, the proper proportions to be established by agreement or litigation in accordance with the methods provided by the bill.

If a partially disabled employee secures work after his injury, his compensation shall be 50 per cent of the difference between his wages before he was injured and what he is able to earn after his injury, providing his wages after the injury are not 90 per cent or more of what he received before his injury, in which case he is paid nothing.

No payment is made for disability that does not continue for more than 14 calendar days.

If a disabled employee, while at work after his injury, should receive a second injury which of itself would only cause partial disability, but which combined with his previous injury does in fact cause permanent total disability, he is paid only for the partial disability.

(b) My bill:

[1] Death: Eight times the average annual earnings of deceased employee, but in no event less than $5,000 nor more than $7,500, to be paid the widow, children, parents, or other lineal heirs of deceased in monthly installments in proportion to their dependency, installments for the first six months to be paid the widow or children in the same amounts and at the same intervals as the employee received his wages while living; after six months payments to be made in monthly installments equal to 60 per cent of the monthly wages, but not less than $30 nor more than $75 per month until total amount due has been paid. Monthly payments may be computed to a lump sum upon proper order of a probate court after full hearing and determination that such commutation would be for the interest of the beneficiaries and not prejudicial to the public welfare. A widow and (or) children resident in any foreign country shall receive the whole amount of compensation due in a lump sum at once; other nonresident dependents to be paid compensation the same as though they were residents of this country, in lump sums proportionate to their dependency.

[2] Disability: Permanent, total. Sixty per cent of annual earnings for life, in no case less than $30 nor more than $75 per month, payments to be made monthly; temporary, total, 60 per cent of average weekly earnings as long as the disability lasts, payments to be made weekly, and not to be less than $10 nor more than $18 per week. If disability lasts more than seven days, compensation is to begin from the day of the injury; if less than seven days, no compensation other than medical attendance is to be paid. For partial disability compensation is to be paid at the rate of 60 per cent of the difference between what the employee earned before his injury and what he is earning or able to earn after the injury. If he is able to earn as much after as before the injury, compensation stops.

If a partially disabled employee who is drawing compensation for a previous injury receives a second injury which of itself would only cause partial disability, but which, combined with his previous injury, does in fact cause permanent total disability, he receives compensation for his total disability, and if the two injuries were received in the service of two employers the compensation payment is divided between them.

4. ADMINISTRATION.

(a) Commission bill: Compensation may be settled by agreement between the parties, agreements to be filed with officials, known as "adjusters," created by the bill. If not settled by agreement, proceedings are to be had before an adjuster, whose finding in the matter is subject to review by the district court, and to such further court proceedings as the parties may deem necessary for the protection of their rights. Appeals and writs of error may be taken from the district courts to the circuit courts of appeal and to the Supreme Court of the United States.

One adjuster is to be appointed by the district court in each judicial district of the United States, and additional adjusters may be appointed from time to time whenever the Attorney General of the United States shall deem necessary. These adjusters are to be paid not less than $1,800 nor more than $3,000 per year, and expenses. They are required to maintain offices at their places of residence.

(b) My bill: Compensation may be settled by agreement between the parties, agreements to be filed with the Interstate Commerce Commission. If not settled by agreement, compensation is to be settled by an examiner of the commission to be known as "arbitrator," whose finding in the matter, after approval by the commission, is to be final and conclusive, subject to appeal by either party to the commission, and to further appeal to the Court of Commerce.

Arbitrators are to be appointed by the commission as need requires. They are to be paid such salaries as the commission may determine, in the same manner as its special agents and examiners are employed and paid. The commission is empowered to make such rules and adopt such methods of administration as will best give effect to the declared purpose and intent of the law.

Provision is made for the payment of compensation to those whose employers default, by means of an excise tax to be levied and collected from those employers who fail to observe the terms of the compensation agreements or awards, or who do not elect to accept the terms of the bill. The amounts collected by this tax are turned into the Treasury and reappropriated for the purpose of paying compensation due and not otherwise provided for and meeting the expense of the administration.

It is declared to be the intent and purpose of the bill to place the financial burden of death and injury to employees upon the industries involved, and the Interstate Commerce Commission is directed to recognize and give effect to this policy in any proceedings before it affecting rates.

The commission bill, in my opinion, does not afford employees the relief they are entitled to and which in justice should be given them. Its scale of payments is unduly low, and it betrays great solicitude for the assumed rights of the employer and the protection of property, while almost entirely ignoring the rights of the employee and the protection of those rights of common humanity which should be the distinguishing mark of our advanced and advancing civilization. In the one instance where, by the provision in section 24 of the bill, a totally and permanently disabled employee is only permitted to draw compensation for partial disability, the harsh, cruel, and sordid character of the bill is admirably illustrated.

Neither is the commission bill, in my opinion, in any respect calculated to establish a correct public policy for this great country. By its palpable discrimination against foreigners it creates a motive for employers to discriminate against American citizens in the matter of employment, because it will be cheaper under the commission bill to kill and disable foreigners than it will be to kill and disable American citizens. The man who suffers the burden of disability or death in the industries of our country should be given all the benefits of every remedy allowed by law for such death or disability, irrespective of citizenship, and that is what I have attempted to give him in my bill.

If it was the purpose of the commission bill to avoid litigation and expense, that purpose will be wholly defeated by the operation of the bill.

The sections dealing with the adjusters and the court process growing out of their proceedings form an invitation to litigation, and there can be no doubt that the courts would be burdened with compensation litigation should that bill become law to a greater extent even than they are now burdened with personal-injury litigation.

The expense of administration by the method proposed by the commission bill would be enormous and out of all proportion to the results to be accomplished. An adjuster at a minimum salary of $1,800 per year is to be appointed in every judicial district of the United States and one in the District of Columbia. These appointments are required to be made whether they are needed or not. That means a minimum salary list of $138,600 per annum for the 77 districts, to say nothing of traveling, subsistence, and office expenses; and who is there so simple as to believe that all these appointments will be made at the minimum salary? The probability is that many of them will be made at the maximum of $3,000, and a fair estimate of the average salary of the lot would be $2,500. And the Attorney General is empowered to appoint additional adjusters in his discretion. If the commission had exhibited the same solicitude for the welfare of the employees who are the reputed beneficiaries of its proposed legislation as it has for these adjusters who are to furnish its administrative machinery, it would undoubtedly have presented a better bill.

My bill puts the work of administration upon the Interstate Commerce Commission, where it properly belongs. That is a body of known efficiency, having long experience with the affairs of interstate carriers, and having ample authority to obtain necessary information and enforce its orders. It will appoint arbitrators as they are needed, and will undoubtedly be able to accomplish the work with less than half the number of functionaries which the commission bill absolutely requires to be appointed.

Other features of the commission bill might be criticized at length, but this is not the place to enter into all of its bad features. To mention but one, namely, the virtual repeal of the Federal employers' liability law, is to condemn the measure.

The bill here inclosed is the result of long and careful study of this question. It is the eighth measure of the kind that has been introduced by me in Congress, and I firmly believe it to be a just, fair, practicable, and constitutional measure. I earnestly request you to give it careful consideration, and, if it meets with your approval, such support as you are able to render.

Very truly, yours,

A. J. SABATH,
Member of Congress, Fifth Illinois.

Mr. Speaker, during all these years I have worked faithfully for a principle and for a compensation bill that would give immediate relief to all those that are injured and their dependents. However, though at times I have met with the most determined opposition, little did I think that a measure purporting to accomplish this, and which in fact has directly the opposite effect from that intended, would be recommended to this House and seriously considered.

Some of my colleagues state that I should support this bill because it is legislation which I have advocated for these many years. Mr. Speaker, I admit that after I have fought for this legislation for such a long time it is disappointing indeed to be unable to support the bill now under consideration, but I would not be true to the principle for which I have battled, I would not be just to the people, were I to cast my vote for this bill simply because it is termed the "workmen's compensation bill."

Mr. FLOYD of Arkansas. Mr. Speaker, I yield the remainder of my time to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, instead of being called the "workmen's compensation bill" the pending measure ought to be entitled "A bill for the relief of the great railroads of the United States." Instead of being supported on the idea that it is giving something new and desirable to the American workingman engaged in railroad work of an interstate character, it ought to be opposed because it repeals the most generous and complete system of laws for the protection and compensation of these men that the world has ever known—our present Federal employer's liability law, and the amending statutes—and takes from these men, with one hand, rights far greater and benefits far more valuable than those it professes to confer with the other hand. If the men who propose this legislation and support it on this floor and elsewhere really want to help the workingman, really wish to enlarge his rights, really wish to better his condition, why do they not give him legislation of this character, in addition to what he already has? Why do they insist that before they will enact this legislation they must and will repeal every Federal law that with years of labor, of toil, and of conflict, in Congress and in the courts, we have given to these men?

And let me say, in answer to my friend from Maryland [Mr. LEWIS], that if he were correct in his statement that the substitution of this legislation for existing law will cost the railroads from forty-eight to sixty million dollars per year, instead of fifteen millions, the railroad lawyers and lobbyists would be here in opposition to this bill as thick as blackberries in summer time, whereas we all know that in fact they are supporting this bill instead of opposing it.

The situation that we face to-night is this: Many Members on both sides of the Chamber are committed to the principle of workmen's compensation. All of the political parties have indorsed it; no one that I know of opposes it. But, outside of a very few men, who knows anything about the provisions of this particular bill, what its real purpose is, or what its real effect would be if it became a law? And yet, without the slightest opportunity for amendment, with only 40 minutes of debate, we are asked to swallow this bill in one dose, without opportunity for amendment or real debate, so far as this House is concerned, although the proponents of the measure have already found it necessary to amend it elsewhere about 150 times within its short legislative life. Consequently, many Members whose duties have not allowed them time to examine into the merits of this particular bill may support it simply because they favor the general principle and do not like to be put in the attitude of having voted against "a compensation bill," to use the very skillful phraseology of Mr. Gompers.

The bill applies, of course, only to employees of railroad companies while such employees are themselves actually engaged in interstate business. Following the rule in the Howard case, it could go no further. It has no application to an employee of an intrastate railroad company or of an interstate railroad company unless such employee is himself engaged in interstate transportation. Let us consider the principle upon which it rests. It is this: When a workingman is engaged in a quasi public industry and is injured or killed while so engaged, he ought to be compensated, or his family ought to be compensated if he is killed, regardless of whether he was at fault, unless willfully reckless or drunk, or whether the master or his fellow servants were at fault. Why? Because the enterprise in which he is engaged is quasi public in its character, is conducted for the benefit of the public, and is necessary for the public comfort, safety, or prosperity. Therefore, the risks incident to the enterprise or industry ought not, in fairness, to be borne by the relatively small number of wage earners engaged therein, upon whose shoulders it is a most grievous burden, but ought to be borne by the general public, for whose benefit the industry is conducted, and upon whom the burden will be comparatively light, because so widely distributed. I submit to the House and to the country that I have stated the doctrine accurately and fairly. It is a great principle, based on sôlid foundations of humanitarian statesmanship and of sound political economy. It is progressive, and yet really conservative, because it is even-handed justice, too long delayed. It was this doctrine that Mr. Roosevelt stood for in his great message to Congress when he urged its application to our interstate railroads. It was this doctrine that Woodrow Wilson stood for in the recent campaign. But I propose to show you that from the fundamental principles that underlie this doctrine Mr. Taft, his late commission, and this bill have woefully departed, presenting, as a result of that departure, a proposition so twisted and warped that both the object to be achieved and its means of accomplishment seem to be ignored and forgotten.

It must be remembered that the idea of this legislation is that the burden of assuming the risk incident to the employment was to be transferred from the employee to the general public. As I have already stated, that is the basic principle upon which this legislation rests. No one recognizes that better than the distinguished gentlemen who propose this bill, the Senator from Utah [Mr. SUTHERLAND] and my own colleague, the gentleman from Georgia [Mr. BRANTLEY], for in both of their bills as originally introduced there was a section providing that, in fixing both freight and passenger rates, the Interstate Commerce Commssion should make ample allowance to the railroads for the expense that would be put upon them by the passage of this legislation. This section they struck out of the bill in committee because of its utter inconsistency with another section, to wit, section 3, which makes the remedies proposed in this bill the sole and exclusive remedy of the workingman, and repeals in one sweeping stroke the splendid legislation that this Congress has spent years in perfecting, and which, after the most stubborn and protracted litigation, was only about a year ago completely upheld and sustained by the Supreme Court of the United States. (Mondou v. New York, New Haven & Hartford Railroad Co., 223 U. S., p. 1.)

The effect of this proposed radical and sweeping change would be most terrific and most unjust. In the first place, instead of transferring the burden of carrying the risk incident to the employment from the backs of all workingmen engaged in interstate railroad work to the general public, it would transfer that burden to the shoulders of an even smaller class than it now rests upon, namely, to the most careful and diligent of the workingmen, who have been injured under circumstances that entitle them to recover much larger sums from the railroads than any compensation they could ever receive under the pending bill. The remedy is worse, is more unjust than the evil it seeks to cure. A smaller class would bear the burden that humanitarian statesmanship would seek to place upon the general public than the class that bears it now under existing law. The doors of the court—the sacred right of the Anglo-Saxon to have a jury of the vicinage assess the amount of the damages

against the man who has wronged him would be denied, and no matter how free from fault the servant or how negligent the master, the careful and prudent workingman who has been diligent and cautious, and who has been injured by the negligence of the master, would be told by this law that no matter what his actual financial loss was; no matter how much pain and suffering he had endured; no matter how badly he was disfigured; no matter how prudent, thoughtful, and cautious he had been in the performance of his duty; and no matter how gross the carelessness that had caused his injury, he could only make the railroad pay a mere pittance of what he would be entitled to recover under the law of master and servant in every civilized country on earth. And why? Because other men whose legal rights were not so great, whose financial loss was not so heavy, whose suffering was not so keen, whose prospects were not so bright, whose earning capacity was not so large ought, in the name of humanity and public policy, to have something, and, as neither the master, who is chafing under the liberalizing tendency of our statutes to broaden the rights of the workingman in the courts, nor the general public, in whose behalf the service is rendered and in whose name the propaganda proceeds, can afford to pay, therefore the careful, the diligent, the prudent must give up something and strike an average far below his legal rights so that all may receive something.

To my mind the proposition is indefensible. Indeed, it seems infamous to me. It is neither more nor less than shutting the courthouse door in the face of the man who wishes to insist upon his rights rather than take the beneficent charity that humanitarian policy provides. It puts a premium on carelessness. It offers no reward to diligence. Under this bill the charity of the law falls alike upon the just and the unjust; upon the diligent and the careless; upon the young man with a life of usefulness and of long and increasing earning capacity in front of him, and with a young and growing family dependent upon him; and, on the other hand, upon the old man, whose earning days are almost over, whose capacity to earn money is decreasing, whose family is grown up and no longer really dependent upon him. The man who ought, under the law, to be allowed to recover his full financial loss, and for his pain, his suffering, his disfigurement, must give up his rights because neither the railroad nor the public is willing to pay for the injury of the man who could not recover under the rules of law, but who ought, as a matter of public policy, to receive some compensation for injury. I do not object to these men who have no legal rights against the master being allowed compensation, and far more reasonable compensation than this bill provides, at that. On the contrary, I earnestly favor it. But if we do it as a matter of humanity, of sound public policy, and do it because the public in whose interest the service is performed ought to bear the risk incident to the service, then, in the name of heaven, why should not the railroads primarily and the public ultimately foot the bill? Why should it be shoved off on the careful, prudent, diligent workingman who has been injured through no fault of his own and because of the negligence of the master? Such an idea, to my mind, is both intolerable and indefensible, and I denounce it here and now as a scheme born of railroad desire to escape the full measure of liability under the employers' liability law.

So far as the attempt to stir up prejudice against the lawyers who represent the plaintiffs in these suits is concerned, I scorn it as unworthy of either serious consideration or extended reply. "Ambulance chasers" the railroad crowd delights to call them. If they are half as nimble in that chase as some of the railroad lawyers and agents, they certainly deserve the title; but in behalf of the bar of my own State, I wish to say that so far as we are concerned, as a general rule at least, the members of our legal profession are not deserving of the stigma some gentlemen who favor this bill attempt to attach to their names. As a general rule, the lawyers of my State who are not representing the railroads take this character of cases when they come to them in the regular and legitimate course of business, and I do not believe that because they do so they ought rightfully to be held up to the public as pettifogging marplots who seek to stir up litigation and endeavor to drum up business, or as vampires who drain the poor laboring men who are so unfortunate as to become their clients of the last drop of blood. Nowhere in the Union is the general tone of the bar higher, its devotion to lofty ideals of professional conduct more striking, and its unselfish service to the public more noteworthy than in the State of Georgia; and while I have the highest regard and respect for many of the lawyers who represent our railroads, yet I am quite confident that they have not furnished all of the intelligence, integrity, patriotism, and courage that have glorified the past history of the Georgia bar and that contribute so largely to the present prosperity and greatness of our State. At least a fair proportion of these notable contributions have come from the rank and file of the lawyers of our State who hold no retainers from the railroads and often take cases against them.

But why dwell on this phase of the "argument" advanced by the proponents of this bill? If the standard of the bar is not as high as it might be in any State, if the practices and charges of the lawyers who represent the plaintiffs in this character of cases is wrong in any State, then that State has ample and plenary power to right the wrongs and correct the abuses, so far as intrastate business is concerned. If the practices of these lawyers are wrong or their charges exorbitant as to cases arising in interstate commerce, then Congress has ample and complete power to apply whatever remedy is needed—to correct whatever abuses may exist—to even limit the amount of fees that may be charged. It seems to me that this is a complete answer to the profound and weighty "arguments" advanced against "ambulance chasers."

The proponents of this bill insist that if it becomes a law it will cost the railroads of the country a much larger sum than they now have to pay under our liability laws. Evidently the railroads do not think so, for their earnest support of this measure is overwhelming proof to the contrary—far stronger, to my mind, than any of the statistics they have produced. Besides, their so-called statistics, admittedly furnished by the railroad claim agents, are all taken before our Federal liability law of 1910 had gone into practical operation and while the enforcement of that law was being held up everywhere by the constitutional attacks that the railroads were making upon it, which did not finally fail until January 15, 1912, when the Supreme Court decided the Mondou case (223 U. S., p. 1). I venture the assertion that when impartial statistics are taken from the date of that decision and careful account is taken of the settlements that our liability law will force out of the railroads, a very different state of facts will be shown to exist, and the real reason why the railroads so earnestly desire the pending bill will then be known of all men.

Mr. Speaker, there is no English-speaking people on this earth, no spot in all the world where the spirit and substance of Anglo-Saxon jurisprudence exists, where individual rights have been so wantonly ignored, the doors of the courthouse so rudely and unjustly closed upon the man who demands justice instead of mercy, as is proposed in this bill.

In the sheep's clothing of humanitarian philanthropy the railroad wolves are proposing to crucify justice between master and man, while they save their own skins and work a great "reform" at the expense of the diligent and cautious and prudent workingman, calling upon him to pay the bill which ought to be a charge upon the whole public. A real reform can be worked on this great question, a great humane policy can be inaugurated, and ought to be; but for one I enter my solemn protest against the attempt made by this bill to deny justice to a portion of our workingmen in order to confer largess upon others.

At no time, in no country, have people of our blood and race who have exalted individual rights and enthroned personal liberty as yet committed themselves to the monstrous doctrine that a servant ought to be denied full legal redress for whatever wrong his master inflicts upon him so that the master might be better able to make presents to all his servants. And yet that is the bald and unvarnished doctrine upon which this bill rests. Justice before generosity is as firmly embedded in Anglo-Saxon jurisprudence as it is in Holy Writ.

My friend from Arkansas [Mr. FLOYD] has given you the long list of English-speaking countries in which the principle of compensation to injured workmen, irrespective of diligence, has been adopted. It is a noteworthy fact that in every one of them the compensation provided was merely supplementary to existing liability laws and in no case superseded those liability laws. Is this a mere coincidence? Is it not more? Is it not the very spirit and essence of Anglo-Saxon justice throughout the world speaking to us to-night in solemn warning, "Be just before you are generous"?

In my judgment we ought to have a compensation law, but it should be given to the workingman in addition to what he already has and not in lieu of it, and he ought to have the option which he will take.

Able gentlemen who support this bill venture to assert that if we undertake to do that it will be both unjust to the employer and unconstitutional. How unjust to the employer? Is not the public and not the railroad the ultimate paymaster? Even now we all know that every railroad rate, interstate and intrastate, freight and passenger, is based in part on the operating expenses of the railroads, and that "operating expenses" in-

clude the damage claims the railroads pay. Who, then, pays the bill—the railroad or the public?

How unconstitutional? Have not the gentlemen who propose the bill submitted elaborate and, I think, unanswerable briefs to show that under the doctrine laid down by the Supreme Court in the Mondou case—and their briefs go far back of that case—the power of Congress under the interstate-commerce clause of the Constitution is plenary for the complete regulation of all civil relations between the master and servant while engaged in such commerce? Have they not shown us that under that power the rights of the servant can be altered or abridged in any way that seems good to Congress? Have they not shown us, and do they not by pressing this bill assert, that the servant has no inviolable, no constitutional right to sue his master, and that the very doors of the courthouse may be closed in his face—as to the future, at least—by the bald statement that Congress has completely abolished by statute his right to recover from the master for wrongful injury?

Can these gentlemen be heard to contend that the rule will not work both ways; that the power is ample only when directed against the servant? Can they successfully contend that while under the commerce clause Congress may entirely abolish the right of the servant to recover of his master for wrongful injury, yet that the commerce clause does not confer on Congress the right to deprive the master of any or all defenses against the servant?

Does "due process of law" protect capital while impotent to protect labor? Is it all powerful when leveled upon the servant and absolutely powerless when it is leveled upon the master? It seems to me that a simple statement of this remarkable contention carries with it the answer.

We can enact this legislation and make it optional with the employee, and, in my judgment, that is what we ought to do and will do when we come to really pass legislation of this character.

Mr. Speaker, I will not now undertake to dissect this bill section by section and point out what I regard as its most glaring injustices, its most notable inequalities. I have endeavored so far to confine my argument to the great questions of principle that are involved—to the substantial denial of justice to many, to the twisted and warped application of a doctrine that we all favor, to the tremendous assault on the very principles of Anglo-Saxon jurisprudence that are all involved in this most dangerous bill. At a later time, possibly in another Congress, I may endeavor to discuss the details of this bill, but for the present I am content to stand, as I think every other Democrat on this floor ought to be, with our President-elect, Gov. Woodrow Wilson.

On October 10, 1912, while the recent campaign was in progress, Mr. Wilson wrote a letter about this bill to Mr. W. L. Hall, of Chicago, Ill. It was his construction of the Democratic platform on this question, and as such is entitled to both consideration and weight, at least with members of his own party. It was published and widely circulated, and, in my opinion, exerted a potent influence in behalf of Mr. Wilson among the railroad workingmen. The letter is as follows:

> I am sorry I have not had an opportunity to study the pending workingmen's compensation bill, but I gave the whole matter very careful and extended consideration in connection with similar legislation in New Jersey. The New Jersey statute is not compulsory, but optional. It sets up a plan of compensation which has proved very satisfactory, and it also greatly simplified and facilitates recovery in cases where compensation is not adopted. I take the liberty of referring to the New Jersey statute as an embodiment of my views in this important matter. The only part of statute which seems to me to be open to difference of opinion is the scale of compensation, but that must always be a matter of adjustment to be altered according to the equities of the different classes of cases. As I see the matter now, it does not seem to me just that the existing rights of workingmen under the Federal law should in any way be curtailed.

Mr. Speaker, and gentlemen, I beg you note especially the concluding sentence of that letter, for therein lies the crux of this entire matter. Gov. Wilson said: "As I see the matter now, it does not seem to me that the existing rights of the workingmen under the Federal law should in any way be curtailed."

To that I agree most heartily, and therefore I am unalterably opposed to this bill, which not only proposes to curtail but to absolutely destroy every existing right of the workingmen under the Federal law.

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] has 17 minutes.

Mr. BRANTLEY. Mr. Speaker, the report of the Workmen's Compensation Commission was filed February 2 of last year and has been before the Members of this body for 13 months. The report of the Judiciary Committee on this bill was submitted on February 4. The proponents of the pending measure are in no degree responsible for the necessity that has come of passing it at this late hour of the session. I make profert of my friend from Arkansas [Mr. FLOYD], a member of the Judiciary Committee, who held this bill in the Judiciary Committee of the House from last May until February of this year.

I make profert of my friend the distinguished chairman of the Committee on Rules [Mr. HENRY] and of my distinguished colleague from Georgia [Mr. HARDWICK], a member of the Committee on Rules, who for two days have engaged in a filibuster here against the measure being considered, as a reason why we are not considering it under a rule with opportunity for full discussion and amendment. [Applause.]

Mr. Speaker, this is not a railroad bill. My friend from Arkansas [Mr. FLOYD] so described it, and yet in his minority report from the Judiciary Committee he asked the House to make this bill an optional bill, which is the one and only thing the committee of 21 railroad lawyers who appeared before the commission urged the commission to do. [Applause.]

The statement that the bill was framed by railroad claim agents is absolutely untrue. I helped draw every word of it as it came from the commission, and I never heard of a railroad claim agents' meeting until months after the bill had been completed and introduced in the House. [Applause.]

Now, Mr. Speaker, a word about compensation. In one of the reports of the Labor Bureau the statement was made that in the industrial pursuits of this country the death toll runs from 25,000 to 30,000 per year and the injured to more than 2,000,000. On the railroads of this country, according to statistics, one employee is killed every 2 hours and 15 minutes and one is injured every 6 minutes. There are over 4,000 killed and over 100,000 injured during each year.

Mr. W. G. Lee, president of the railroad trainmen's organization for 17 years, informed the commission that of these thousands killed and injured the railroads paid damages in not more than 10 per cent of the cases. Mr. Samuel Gompers informed us, and informed the Judiciary Committee, that of the 10 per cent who recovered damages not more than 35 per cent of what the railroads paid went to their pockets, but the balance went to the damage-suit lawyers and to expenses of litigation. [Applause.]

It has been ascertained that in all industrial pursuits there is a large percentage of accidents that are inherent in the industry, for which fault can not be placed on anyone.

In Germany, where statistics have been carefully kept for more than 30 years, it has been shown that 44 per cent of the accidents that occur are due solely to the inherent risk of the industry for which no one can be held responsible.

In this country the statistics, so far as they have been gathered, show that the percentage of accidents due to the inherent risk of the industry run from 52 to 70 per cent. Under the negligence liability law the burden of this 40 or 50 or 70 per cent of the accidents is carried by the laboring man. The difference between compensation and negligence liability in the cases of railroads and others is this: In negligence liability the railroad carries the burden wherever you can prove negligence against the railroad. But where you can not prove negligence the laboring man carries the burden, and statistics show that in not 50 per cent of the accidents that occur can responsibility be fixed upon the railroad. Consequently for those the entire burden is carried by the laboring man. Likewise the burden is carried by him and by his dependents when he is at fault.

Compensation proceeds upon the theory that for every death or every accident there is an economic loss that must be borne by some one. It proceeds upon the theory of dependency, and upon the theory that a man killed as a result of negligence is just as dead as the man killed who has committed no negligence. It proceeds on the theory that the widow and children of the dead man are just as helpless and dependent when he was with fault as when he was without fault. It proceeds on the theory that it is human to err and that no man is strong enough, either mentally or physically, to be immune from mistakes. Compensation proposes instead of decreasing the rights of labor, instead of saying to railroad employees you can only recover in the few cases where you can prove negligence, you shall recover every time there is an accident. It abolishes the doctrine of negligence. It makes the fact of injury and not the fact of negligence the basis of recovery. It lifts from the back of labor a large part of the great burden of economic loss it now carries and places it upon the industry in whose service the loss was incurred.

Mr. SABATH. Will the gentleman yield?

Mr. BRANTLEY. No; I decline to yield.

My friends in opposition here say they speak for labor. In answer to the appeal of my friend from Arkansas, my friend from Georgia, and my friend from Texas, who say they speak

in the interests of labor, and in reply to them I give them the name of other friends of labor who appeared before the commission and indorsed this bill and who appeared before the Committee on the Judiciary and urged the passage of this bill. I give them the name of Mr. Samuel Gompers, president of the American Federation of Labor.

I give them the name of Mr. Stone, grand chief of the Order of Locomotive Engineers; I give them the name of Mr. Garretson, chief of the Order of Railway Conductors; I give them the name of Mr. Lee, president of the Railroad Trainmen; and the name of Mr. H. E. Wills, the legislative representative of them all; and I ask you whether or not those men would be before the commission and the committee advocating a railroad bill. [Applause.] Mr. Gompers was quoted by my friend from Arkansas [Mr. FLOYD], but he read only a part of what Mr. Gompers said. Mr. Gompers said that he knew that a compensation law was not a thing that was sought by the employers of England nor by those of Germany nor by those of the United States. He further said:

If the railroad companies are agreed with me, I can not help it.

That is the answer that he made to the question of the gentleman from Arkansas [Mr. FLOYD].

Mr. Speaker, a compensation law is a simple thing to understand. All in the world that it does is to say that as a substitute for negligence liability, where recovery is permitted only in a few cases, a recovery shall be permitted in every case of accidental death or injury.

It fixes that amount of recovery, and carries that amount to the widow in her hour of distress and when her need is greatest. It carries the money to the injured man when he is flat on his back, and not at the end of one or two or three years of litigation. [Applause.] And it carries all of it, and not a fourth or a third, as under negligence-liability laws. The Supreme Court of the State of Wisconsin, on November 14, 1911, in upholding the validity of a compensation law in that State, said:

Legislate as we may in the line of stringent requirements for safety devices or the abolition of employers' common-law defenses, the army of the injured will still increase and the price of our manufacturing greatness will still have to be paid in human blood and tears. To speak of the common-law personal-injury action as a remedy for this problem is to jest with serious subjects, to give a stone to one who asks for bread. The terrible economic waste and overwhelming temptation to the commission of perjury and the relatively small proportion of the sums recovered which comes to the injured parties in such actions condemn them as wholly inadequate to meet the difficulty.

Compensation is the remedy proposed for the condition described by the Wisconsin court. It is a remedy that every great civilized nation of the earth save the United States has adopted. Fourteen States of the Union have already adopted it and eight more have named commissions to prepare compensation measures for adoption.

The gentleman from Illinois [Mr. SABATH] can not defend his position of opposition to this bill while declaring in favor of the principle of compensation, for this bill does the vital and all-important thing of establishing the principle of compensation. All else is but matter of detail that can be altered, changed, or modified hereafter as experience may show to be desirable.

Mr. Speaker, we made this law a compulsory law, and we made it an exclusive law. My friend from Arkansas [Mr. FLOYD] says that it ought to be optional. If it were made an optional law, you would allow each railroad of this country to say whether or not that railroad wanted to come under its operation. You would find under such a law that in those States where the railroad thought it more to its interest to come under the law the employee would refuse to come under it, and that in those States where the railroad refused to come under it the employee would want to come under it. The result would be that we would have a regulation of commerce enacted by Congress that no railroad in this country would observe. The theory of the commission was that the regulation proposed by this bill is a regulation of commerce, and that Congress can not delegate its power to regulate commerce to any railroad in this country, and that Congress must declare the rule to be observed and compel obedience to it. Therefore, we made the law compulsory. Otherwise it would not be a regulation of commerce by Congress.

We then made it exclusive. My friend from Georgia [Mr. HARDWICK] talks about the New Jersey law. I beg to inform him that that law is an exclusive law. Under its provisions when a man is injured he has but one remedy. He has the privilege, however, in advance of his injury to declare that if hurt he will not claim compensation, but will claim his right to sue. The employer likewise has the right in advance of the happening of an accident to one of his employees to say that he will not pay compensation.

The law is thus an optional law, but at the same time it is an exclusive law, for when an accident occurs but one remedy can be invoked. The New Jersey law was enacted under the police power of that State. This bill, if enacted into law, must be enacted under the power of the commerce clause of the Constitution. To be a valid exercise of that power it must declare a rule of conduct that shall be observed. To make a national compensation law optional in form would be the same thing as making the safety-appliance law, the boiler-inspection law, the hours of service law, optional in form. It would be to declare a legislative absurdity.

We have made this bill exclusive in form. This of necessity resulted from abolishing the law of negligence. I think there are but few in this advanced age of enlightenment and civilization who would have a compensation law otherwise than exclusive in form. To enact a law under which the railroad would be forced to pay unlimited damages in cases of negligence and fixed damages when free of fault would be the height of injustice. To give the injured employee after his injury the option to sue for damages or to claim compensation accordingly as he had a case for damages or not would be to accomplish no reform. It would be simply to create an injustice. It would preserve all the iniquities, the extravagant waste, and the strife-breeding qualities of negligence liability. There would never be an accident when the fact of negligence would not have to be ascertained. There would never be an accident without a contest between the damage-suit lawyer and the claim agent over the question of whether the injured man should sue for damages or accept compensation.

In addition to these considerations the commission was of the opinion that the law must be exclusive in order to be constitutional. A regulation of commerce in order to be valid must be reasonable, and a regulation giving the employee an election of remedies, giving him the right to sue for damages, or to claim compensation just as he preferred would not be a reasonable regulation. It would be but the arbitrary adding of an additional burden to existing burdens without any compensating advantage. Able lawyers appeared before the commission to urge that a compensation law would be violative of the due process clause of the Constitution. They said that to compel the railroad to pay where it had committed no fault, had been guilty of no negligence, had violated no duty, and had entered into no contract to pay would be the taking of its property without due process of law. Clearly this would be true if that was all compensation did, and equally clear it is that that is all compensation would do if the employee should be given an election of remedies.

The Supreme Court has held that the relations of master and servant engaged in interstate commerce are so related to such commerce as to be within the regulating power of Congress. This bill is but a regulation of these relations. It is a regulation reasonable in form, for as an offset against the arbitrary taking that it authorizes it relieves from unlimited damages and from suits to recover same. It observes the due process clause of the Constitution. It is a scheme of mutuality under which each party both gives and takes, and all for the benefit of each and of the public.

Some gentlemen who have not seriously studied the question while admitting that compensation is a good thing for the man who can not prove negligence, say that the benefits given to this man are given at the expense of the man who has a case for damages. But not so. Compensation is absolutely fair. It treats all alike. Unlike negligence liability, it makes no discriminations. This bill is for the man who has not been injured. If it becomes a law, it can not affect the man who at that time has been injured or who has a case for damages. Railroad employees are engaged in a hazardous occupation. They are liable to be injured or to be killed. They may be injured or killed in a way whereby damages can be obtained or in a way whereby they can not be claimed. No man can foresee in advance the manner in which he will be injured, and, therefore, in advance of any injury compensation says to all, treating all alike, that if anyone is injured, regardless of the question of negligence, he shall be compensated. There could be nothing fairer, nothing more humane, and nothing that ultimately can prove of more benefit to both employer and employee and to the public. The freedom from the irritation and friction of constant litigation between railroad and employee must mean better and more harmonious relations between them resulting in better and safer service of the public.

The penalizing of every accident must reduce the number of accidents. The elimination of any reason for obscuring the cause of accidents must make the ascertainment and removal of such cause easier of attainment. The unclogging of the dockets of the courts by striking therefrom personal-injury litigation will prove a boon to other litigants and to taxpayers.

There is but one class of our people that the passage of this bill will hurt, and that is the class of damage-suit lawyers and their retainers in and out of railroad service. The commission found that the railroads now pay something more than $10,000,000 per year for injuries to and deaths of their employees, and that of this enormous amount full $5,000,000 goes to waste in that it never reaches those for whose benefit it is paid. Lawyer fees and expenses of litigation consume it. No good citizen, it seems to me, can commend a system that in practice results in so much waste.

I want to remind my lawyer friends here and elsewhere that the practice of law is more than a trade. It is a glorious profession in which there is a high duty to government and society as well as to client and pocket. The fact that our Government is one of law and not of men explains why the lawyer has been given more honor and more prominence under it than under any other Government of the world. The lawyer of America has been true to high ideals throughout the past. He must be true to these ideals throughout the future if justice between man and man is to be preserved. He must ever strive for wiser and better laws and for the establishment of exact and equal justice if he would justify the confidence heretofore reposed in the priests of the law.

In my judgment, the lawyer can no more stand in the way of laws that eliminate strife, that destroy litigation, that make justice easier and quicker to be had, because strife and litigation and injustice mean fees to him, than the medical profession can stand in the way of health and sanitation laws because that profession thrives on disease and death. I commend this thought to my lawyer friends who oppose this bill.

[By unanimous consent, leave was granted to the following Members to extend their remarks in the RECORD: Mr. SABATH, Mr. HARDWICK, Mr. LANGLEY, Mr. RAKER, Mr. TAGGART, and Mr. HOWLAND.]

The SPEAKER. The question is on suspending the rules and passing the bill S. 5382, with the amendments as read:

Mr. HARDWICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—ayes 218, nays 81, answered "present" 2, not voting 80, as follows:

YEAS—218.

Adair	Driscoll, M. E.	Kent	Pray
Ainey	Dupré	Knowland	Prouty
Akin, N. Y.	Dwight	Kopp	Ransdell, La.
Allen	Dyer	Lafean	Rauch
Anderson	Ellerbe	La Follette	Rees
Anthony	Esch	Langham	Roberts, Mass.
Ashbrook	Estopinal	Langley	Roberts, Nev.
Austin	Fairchild	Lawrence	Rodenberg
Barchfeld	Farr	Lee, Pa.	Rothermel
Barnhart	Fitzgerald	Lenroot	Rubey
Bartholdt	Flood, Va.	Levy	Rucker, Colo.
Bathrick	Focht	Lewis	Scott
Berger	Fornes	Lindbergh	Scully
Blackmon	Foster	Linthicum	Sharp
Boehne	Fowler	Littlepage	Sherley
Borland	Francis	Longworth	Sherwood
Brantley	French	Loud	Simmons
Broussard	Gardner, Mass.	McCall	Slemp
Browning	Gardner, N. J.	McCoy	Sloan
Bulkley	Gill	McDermott	Smith, Saml. W.
Burke, Pa.	Gillett	McGuire, Okla.	Smith, N. Y.
Burke, S. Dak.	Goeke	McKellar	Sparkman
Burke, Wis.	Goldfogle	McKenzie.	Speer
Burnett	Good	McKinley	Stanley
Butler	Graham	McLaughlin	Steenerson
Calder	Gray	McMorran	Stephens, Cal.
Cannon	Green, Iowa	Maguire, Nebr.	Stephens, Nebr.
Cantrill	Greene, Mass.	Mann	Sterling
Carlin	Gregg, Pa.	Martin, Colo.	Stevens, Minn.
Carter	Griest	Matthews	Stone
Cary	Guernsey	Mays	Switzer
Claypool	Hamill	Miller	Talcott, N. Y.
Clayton	Hamilton, Mich.	Mondell	Taylor, Ala.
Conry	Hamilton, W. Va.	Moore, Pa.	Taylor, Colo.
Cooper	Hammond	Morrison	Taylor, Ohio
Copley	Harrison, N. Y.	Moss, Ind.	Thistlewood
Covington	Hawley	Mott	Thomas
Cox	Hay	Murdock	Tilson
Crago	Hayes	Murray	Towner
Crumpacker	Heald	Needham	Townsend
Cullop	Heflin	Neeley	Turnbull
Curley	Helgesen	Nelson	Tuttle
Dalzell	Hensley	Norris	Underhill
Daugherty	Higgins	Nye	Underwood
Davidson	Hill	Olmsted	Vare
Davis, Minn.	Hinds	O'Shaunessy	Volstead
Davis, W. Va.	Holland	Palmer	Warburton
De Forest	Howland	Patton, Pa.	White
Denver	Humphrey, Wash.	Payne	Willis
Difenderfer	Humphreys, Miss.	Pepper	Wilson, Ill.
Dixon, Ind.	Jackson	Peters	Woods, Iowa
Dodds	James	Pickett	Young, Kans.
Donohoe	Kahn	Plumley	Young, Mich.
Doremus	Kendall	Porter	
Driscoll, D. A.	Kennedy	Post	

NAYS—81.

Adamson	Faison	Jacoway	Rucker, Mo.
Aiken, S. C.	Fergusson	Johnson, Ky.	Russell
Alexander	Fields	Johnson, S. C.	Sabath
Bartlett	Floyd, Ark.	Jones	Sims
Beall, Tex.	Gallagher	Kinkaid, Nebr.	Sisson
Bell, Ga.	Garner	Kitchin	Small
Booher	Garrett	Konop	Smith, Tex.
Burgess	Godwin, N. C.	Lloyd	Stedman
Burleson	Goodwin, Ark.	Lobeck	Stephens, Miss.
Byrnes, S. C.	Gregg, Tex.	Macon	Stephens, Tex.
Byrns, Tenn.	Gudger	Moon, Tenn.	Taggart
Callaway	Hamlin	Morgan, La.	Taylor, Ark.
Campbell	Hardwick	Oldfield	Thayer
Candler	Harrison, Miss.	Padgett	Tribble
Cline	Hayden	Page	Watkins
Collier	Henry, Tex.	Pou	Webb
Cravens	Hobson	Rainey	Witherspoon
Dickinson	Houston	Raker	Young, Tex.
Dies	Howard	Randell, Tex.	
Doughton	Hughes, Ga.	Roddenbery	
Edwards	Hull	Rouse	

ANSWERED "PRESENT"—2.

Clark, Fla.	Shackleford

NOT VOTING—80.

Ames	Fuller	Lee, Ga.	Redfield
Andrus	George	Lever	Reilly
Ansberry	Glass	Lindsay	Reyburn
Ayres	Gould	Littleton	Richardson
Bates	Greene, Vt.	McCreary	Riordan
Bradley	Hardy	McGillicuddy	Saunders
Brown	Harris	McKinney	Sells
Buchanan	Hart	Madden	Slayden
Currier	Hartman	Maher	Smith, J. M. C.
Curry	Haugen	Martin, S. Dak.	Stack
Danforth	Helm	Merritt	Sulloway
Davenport	Henry, Conn.	Moon, Pa.	Sweet
Dent	Howell	Moore, Tex.	Talbott, Md.
Dickson, Miss.	Hughes, W. Va.	Morgan, Okla.	Vreeland
Draper	Kindred	Morse, Wis.	Weeks
Evans	Kinkead, N. J.	Parran	Whitacre
Ferris	Konig	Patten, N. Y.	Wilder
Finley	Korbly	Powers	Wilson, N. Y.
Fordney	Lafferty	Prince	Wilson, Pa.
Foss	Lamb	Pujo	Wood, N. J.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. GLASS (for workmen's compensation bill) with Mr. McCREARY (against).

Mr. MARTIN of South Dakota (for workmen's compensation bill) with Mr. RICHARDSON (against).

Until further notice:

Mr. DENT with Mr. FORDNEY.

Mr. EVANS with Mr. MERRITT.

Mr. GOULD with Mr. HAUGEN.

Mr. HARDY with Mr. HOWELL.

Mr. HELM with Mr. HUGHES of West Virginia.

Mr. KORBLY with Mr. PRINCE.

Mr. LAMB with Mr. WEEKS.

Mr. PATTEN of New York with Mr. WILDER.

Mr. BUCHANAN with Mr. DRAPER.

Mr. DAVENPORT with Mr. SULLOWAY.

Mr. KINKEAD of New Jersey with Mr. WOOD of New Jersey.

Mr. CLARK of Florida. Mr. Speaker, I wish to know how I am recorded.

The SPEAKER. The gentleman is recorded in the negative.

Mr. CLARK of Florida. I have a general pair with the gentleman from New Mexico, Mr. CURRY, and I would like to know if he has voted or not.

The SPEAKER. The gentleman is not recorded.

Mr. CLARK of Florida. I desire to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. CLARK of Florida was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. CLAYTON. Mr. Speaker, there are three typographical errors in the bill which I ask unanimous consent to correct.

The SPEAKER. The gentleman from Alabama asks unanimous consent to correct three typographical errors in the bill. Is there objection?

Mr. SABATH. What are they?

Mr. CLAYTON. I wish to state them. On page 42, line 13, the word "of" was stricken out by the committee, but does not appear in the print, and on page 46——

The SPEAKER. The gentleman will restate his correction.

Mr. CLAYTON. On page 42, line 13, the word "of" should be stricken out. The second amendment is on page 46, line 24, where the word "employer" should be "employee." The third one is——

Mr. RUCKER of Missouri. Mr. Speaker, there are thousands of errors in this bill, and I object.

The SPEAKER. The gentleman from Missouri and the gentleman——

Mr. RUCKER of Missouri. I withhold the objection for a moment.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] objects.

Mr. CLAYTON. I would like to state the other one.

Mr. RUCKER of Missouri. I will withhold my objection for a moment.

Mr. CLAYTON. On page 47, line 8, the word "employer" should be "employee." The context shows that these are typographical errors, without a doubt.

Mr. HENRY of Texas. Reserving the right to object, I want to say that if this bill has been so carefully prepared that it can be put through in 40 minutes, I shall object to any correction.

Mr. SABATH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SABATH. Will it be in order to recommit with instructions?

Mr. HENRY of Texas. Mr. Speaker, I object.

The SPEAKER. The stage to recommit has passed.

Mr. CLAYTON. No particular harm is done. It can be corrected hereafter, if necessary. But I think the text shows they are typographical errors. The committee prepared it right, but it was the fault of the printer.

Mr. RUCKER of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUCKER of Missouri. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER of Missouri. The Speaker never submitted the request of the gentleman from Alabama [Mr. CLAYTON] to the House.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] and the gentleman from Texas [Mr. HENRY] objected.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I offer the following motion which I send to the Clerk's desk, and I desire to inform the Members of the House that the amendment which is a part of the motion has been printed and can be obtained at the Doorkeeper's desk.

The SPEAKER. The Chair will take the liberty of ordering the assistants of the Doorkeeper to distribute the amendment.

Mr. BARTHOLDT. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Texas has not made the motion as yet. The Clerk will report it.

The Clerk read as follows:

Mr. BURLESON moves to suspend the rules and discharge the Committee on Appropriations from further consideration of the bill (H. R. 28499) "making appropriations to provide for the expenses of the government for the District of Columbia" and the amendments of the Senate thereto, and that the House disagree to all of the amendments of the Senate except the amendment numbered 132, that the House agree to the amendment of the Senate numbered 132 with an amendment as follows: "That the House ask for a conference and that the Speaker shall, upon the adoption of this motion, appoint the conferees without intervening motion."

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to dispense with the reading of the amendment.

Mr. MANN. Mr. Speaker, I think the amendment ought to be read.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will read.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following:

EXCISE.

SEC. 9. PARAGRAPH 1. That no person, company, copartnership, association, club, or corporation shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, give away, or otherwise furnish, in the District of Columbia, any intoxicating liquors, except as hereinafter provided. Wherever the term "intoxicating liquors" is used in this section it shall be deemed to include whisky, brandy, gin, wine, cordials, rum, ale, porter, beer, hard or fermented cider, and all other fermented, distilled, spirituous, vinous, and malt liquors, and every mixture of liquors which shall contain more than 2 per cent, by weight, of alcohol, and any mixture of liquor which shall contain less than 2 per cent of alcohol, if the same shall be intoxicating.

PAR. 2. That there shall be, and is hereby, constituted an excise board for the District of Columbia, which shall be composed of three members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall serve for a term of three years, and until their successors are appointed and qualified, except that the members first appointed shall serve for one, two, and three years, respectively, as may be designated by the President, or until their successors are appointed and qualified. The salary of said commissioners shall be at the rate of $2,400 per annum.

Hereafter no license shall be issued to a hotel having less than 50 bedrooms for guests, nor to any hotel the character of which, or the character of the proprietor or manager of which, is shown to be objectionable to said board.

Not more than three saloons or barrooms other than in hotels or clubs shall be permitted on one side of a street between intersecting streets, nor more than four on both sides of a street between intersecting streets.

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums, except upon the unanimous vote of all three members of said excise board.

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed, allowed, or maintained within 600 feet of any public schoolhouse, or a now located and established college, or university, or within 400 feet of any now established house of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and such public schoolhouse, college, or university, or established house of religious worship.

No license shall be granted to sell intoxicating liquors in the waiting room of any station or depot of any steam or electric railroad or other carrier for the transportation of passengers within the District of Columbia.

Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section: *Provided*, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than 50 per cent of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes; nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines: The westerly line of the fire limits as now established from its southerly limits to where the same intersects with the mile limit of the Soldiers' Home; thence westerly and northerly along the said mile limit until the same intersects with Kansas Avenue; thence along Kansas Avenue to its intersection with the northern boundary of the District of Columbia.

Said board shall consider and act upon all applications for license to sell intoxicating liquors, and may require a report thereon by the chief of police, and the action of said board shall be final and conclusive. In the issuing of licenses for barrooms it shall be the duty of the excise board to adopt such a policy as will reduce the number of barrooms, including those in hotels and clubs, to not exceeding 300 by November 1, 1914, but no licensee who shall conduct his business within the law shall be deprived of his license or required to change his location before November 1, 1914. On the granting by said board of a license to sell intoxicating liquors, the assessor shall issue a license to the applicant. Said board shall make such rules and regulations for carrying into effect this section as it may deem requisite and proper. It shall make an annual report to Congress setting forth the number of applications for license, whether favorably or unfavorably acted upon, the number of persons convicted for violation of this statute, and the number and amount of fines collected and uncollected; and said excise board is hereby authorized and empowered to summon any person before it to give testimony, under oath or affirmation, as to any matter affecting the operation of the laws regulating the sale of intoxicating liquors in the District of Columbia; and any member of the board shall have the power to administer oaths or affirmations for all purposes of administering said laws. Such summons may be served by any member of the Metropolitan police force, and the refusal or neglect of a witness to appear before the said board or to testify when required may be punished in the same manner as a refusal to appear before the Commissioners of the District of Columbia, as provided for in the acts of February 20, 1896, entitled "An act to amend an act entitled 'An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes,' approved May 11, 1892," and July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes." Witnesses so summoned shall be entitled to a fee of $1.25 for each day's attendance before the said board, payable out of the contingent fund of the Commissioners of the District of Columbia; and any witness knowingly making a false statement to the said board on any material matter shall be guilty of perjury and punishable accordingly.

PAR. 3. That the said board shall appoint a clerk at a salary of $1,500 per annum and an inspector with police powers at a salary of $1,500 per annum. Said inspector shall make inspections as may be required by this section, under the orders of the board, and make full report of such inspections to the board. He shall wear a badge indicating that he is such inspector of the excise board. The board shall keep a full record of all applications for license, of all recommendations for and remonstrances against the granting of licenses, and the actions taken thereon.

PAR. 4. That every person applying for a license to sell intoxicating liquors in said District shall file with the said board a petition for such license, and such petition shall be considered and acted upon by the board in the order in which such petition is filed and numbered. Said petition shall contain—

First. A statement giving the name and residence of the applicant and the time he has resided in the District of Columbia.

Second. A statement describing the particular place for which a license is desired, designating the same by street and number, if practicable, and if not, by such other apt description as will definitely locate it, and how long said applicant has been engaged in business at said place.

Third. The full name and residence of the owner of the premises upon which the business is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and a bona fide resident of the District of Columbia, and not less than 21 years of age, and whether such applicant has, since March 3, 1893, been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. A statement that he intends to, and if licensed will, carry on such business for himself and not as the agent of any other person, company, copartnership, or corporation.

Sixth. A statement that he intends to superintend in person the management of the business for which he asks a license, and that if licensed he will so superintend the management of the business so licensed.

Said petition must be sworn to by the petitioner before a notary public or other person duly authorized to administer oaths and affirmations. If any false material statement is knowingly made in any part of said petition, the petitioner making said affidavit shall be deemed guilty of perjury, and on conviction thereof shall be subject to the penalty now provided by law for that offense; and in case a license has been issued to said petitioner the same shall be immediately revoked by said board. Notice of the filing of said petition shall be given by the applicant in such manner as may be prescribed by general rules and regulations adopted by the excise board; and if protests against the granting of such license are filed no final action shall be taken by the excise board until the protestants shall have had an opportunity to be heard, under rules and regulations prescribed by said board.

PAR. 5. That the licenses authorized and provided for by this section shall be of two classes, wholesale liquor licenses and barroom licenses. The fee for a wholesale liquor license until November 1, 1914, shall be $500 per annum, and for a barroom license $1,000 per annum until November 1, 1914; and thereafter the fee for a wholesale liquor license shall be $800, and the fee for a barroom license shall be $1,500 per annum. Every applicant for a liquor license shall deposit the amount of the license fee with the collector of taxes of the District of Columbia at the time of filing the application with the excise board. If, upon consideration of the application for license by the board as provided for in this section, the board shall decide to grant the license prayed for it shall notify the assessor, and the applicant shall thereupon receive his license; and only on the granting by said board of a license to any applicant to sell intoxicating liquor shall the assessor issue a license to such applicant. Whenever a license shall be refused by said board, the collector of taxes shall forthwith refund the deposit aforesaid. A barroom license shall be required for every hotel, tavern, barroom, club, or other place in which intoxicating liquors are sold or dispensed at retail. A wholesale liquor license shall authorize the licensee to sell intoxicating liquors in sealed packages only and in quantities not less than 1 quart in the aggregate, except in sealed original or bonded package in quantity not less than approximately a pint, and not to be drunk on the premises where sold; and no wholesale license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquors as merchandise. Every place where intoxicating liquors are sold to be drunk on the premises or in quantities less than one quart, except in sealed original or bonded packages as aforesaid whether drunk on the premises or not, shall be regarded as a barroom; and the possession of intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this section, and the license therefor shall be known as a barroom license. All makers, brewers, and distillers of intoxicating liquors in the District of Columbia shall be required to take out the wholesale license provided for in this section: *Provided*, That when such business is carried on at more than one place a license shall be required for each place. Before the excise board may grant a license to a club it must be satisfactorily shown that such club is duly incorporated; that its membership is bona fide, all being on an equal status with equal privileges and responsibilities; that its purposes are legitimate; and that the sale of liquor intended is no more than an incident, and is not a prime source of revenue. A license to a club may be issued in the name of its president, and in case of violation of the provisions of this section in such club, he and the secretary, the treasurer, and the manager of the club shall be proceeded against collectively or severally in their individual capacities and, if convicted, be subject to the penalties prescribed in paragraph 14 of this section, and the license of said club shall be immediately revoked by the excise board: *Provided further*, That after November 1, 1914, there shall not be granted licenses to more than 25 clubs, including those now licensed.

PAR. 6. That under the license issued in accordance with this section no intoxicating liquors shall be sold, given away, or in any way disposed of to any minor, intoxicated person, or habitual drunkard, and ignorance of the age of any such minor shall not be a defense to any action instituted under this section; and no licensee under this section shall sell, give away, or dispense any intoxicating liquors to any person between the hours of midnight and 7 o'clock in the morning, nor on Sundays or Inauguration Day, and between said hours, and on Sundays and Inauguration Day every barroom and other place where intoxicating liquors are sold shall be kept closed; that no minor under the age of 18 years shall be allowed to enter or be permitted to remain in any place where intoxicating liquors are sold, other than a hotel or club; that the interior of every barroom shall at all times when selling is prohibited be exposed to full view from the street, without obstruction by screens, blinds, curtains, stained glass, bottles, boxes, signs, or other material, except in the case of clubs licensed under this section and hotels having only an interior barroom, which shall be exposed to full view from the corridors or passageways leading to the entrance or entrances to such barroom.

PAR. 7. That any minor who falsely represents his age for the purpose of procuring intoxicating liquors shall be deemed guilty of a misdemeanor, and be fined for each offense not more than $50, and in default in the payment of such fine shall be imprisoned in the reformatory or workhouse of said District not exceeding 30 days.

PAR. 8. That no license under this section shall be issued for a longer period than one year, and the year shall begin on the first day of November and end on the last day of October following; and no license shall be transferred by the licensee to any other person or to any other place, except with the written consent of the excise board upon a regular application therefor in writing and after notice and hearing as in this section provided upon an original application for a license; and the fee to be paid by the party applying for such transfer shall be $2, which shall be paid to the collector of taxes of the District before such transfer is made: *Provided*, That the excise board shall not allow the transfer of the license of any person against whom there are pending in the courts or before the excise board charges of keeping a disorderly house or violating the excise laws or the laws against gambling in the District of Columbia.

PAR. 9. That every person receiving a license to sell liquor under this section shall frame the same under glass and place it in a conspicuous place in his place of business, so that anyone entering such place may easily read such license.

PAR. 10. That all applicants for license and persons holding licenses under this section shall allow any member of the excise board or the duly authorized inspector of the said board full opportunity and every facility to examine, at any time during business hours, the premises where intoxicating liquor is manufactured, sold, or for which a license is asked or has been granted; and the same opportunity and facility shall be afforded, by the licensee or some person acting in his stead, any member of the Metropolitan police force, who has reasonable belief that the law is being violated, to enter and examine at all times such licensed places, and no person or persons shall obstruct, hinder, or in any manner molest such inspector or officer, provided such inspector or officer exhibits a badge showing he is such inspector or officer.

PAR. 11. That regularly licensed druggists or pharmacists shall not be required to obtain license under the provisions of this section, but they shall not sell intoxicating liquors, nor compound, nor mix any composition thereof, nor sell any malt extract, or other proprietary medicines containing more than 2 per cent of alcohol, except such compounds, compositions, malt extracts, or proprietary medicines be so medicated as to be medicinal preparations or compounds unfit for use as beverages, except upon a written and bona fide prescription of a duly licensed and regularly practicing physician in the District of Columbia, whose name shall be signed thereto. Such prescription shall contain a statement that the disease of the patient required such a prescription, shall be numbered in the order of receiving, and shall be canceled by writing on it the word "canceled" and the date on which it was presented and filled, and kept on file in consecutive order, subject to public inspection at all times during business hours. No such prescription shall be filled more than once. Every druggist or pharmacist selling intoxicating liquors as herein provided shall keep a book provided for the purpose, and shall enter therein at the time of every sale a true record of the date of the sale, the name of the purchaser, who shall sign his name in said book as a part of the entry, his residence (giving the street and house number, if there be such), the kind and quantity and price of such liquor, the purpose for which it was sold, and the name of the physician giving the prescription therefor. Such book shall be open to public inspection during business hours, and shall be in form substantially as follows:

Date.	Name of purchaser.	Residence.	Kind and quantity.	Purpose of use.	Price.	Name of physician.	Signature of purchaser.

Said book shall be produced before the excise board or the courts when required: *Provided*, That pure grain alcohol may be sold without a physician's prescription for mechanical, medicinal, and scientific purposes by registered druggists or pharmacists, who shall keep a book for the purpose of registering such sales in a similar manner or form as required for the sale of intoxicating liquors as provided in this section: *Provided further*, That any person who shall make any false statement as to the purpose or use of alcohol purchased under the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not more than $50, and in default of the payment of such fine shall be imprisoned in the workhouse of said District not exceeding 30 days.

Any druggist or pharmacist who shall sell or dispense any intoxicating liquors, except in such manner as provided in this section, or who shall fail or refuse to keep the record herein required, or who shall refill any prescription, or who shall violate any other provisions of this paragraph, shall be guilty of illegal selling, and upon conviction thereof shall be subject to the penalties prescribed in paragraph 12 of this section. Upon a second conviction for said offense, in addition to the penalties prescribed in said paragraph 12, it shall be a part of the judgment of conviction that the license of such druggist or pharmacist to practice pharmacy shall be revoked, and the court before which such person is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice pharmacy in the District of Columbia.

Any physician who shall prescribe any intoxicating liquor except for treatment of disease which, after his own personal diagnosis, he shall deem to require such treatment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $50 nor more than $200, and in default of payment of said fine shall be imprisoned in the District Jail or workhouse for not less than 30 nor more than 90 days, and upon a second conviction for said offense, in addition to the penalty above provided, it shall be a part of the judgment of conviction that the license of such physician to practice medicine be revoked, and the court before which such physician is tried and convicted shall cause a certified copy of such judgment of conviction to be certified to the board having authority to issue licenses to practice medicine in the District of Columbia.

PAR. 12. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, or give away intoxicating liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than $250 nor more than $800, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months; and upon every subsequent conviction for such offense shall, in addition to the penalty named, to wit, a fine of not less than $250 nor more than $800, be imprisoned in the workhouse of the District of Columbia not less than three months nor more than one year.

PAR. 13. That any person, company, copartnership, corporation, or club having obtained a license under this section, who shall violate any of its provisions shall, upon conviction of such violation, be fined not less than $100 nor more than $500, and the excise board may, in its discretion, revoke the license; and upon a second conviction of such violation such licensee shall be fined not less than $200 nor more than $500, and in addition to such fine the excise board shall immediately revoke the license. That upon the conviction of any licensee of keeping a disorderly or disreputable place, it shall be the duty of the excise board to immediately revoke the license of such convicted licensee, and after such revocation no license shall again be granted to him for said place or elsewhere, nor shall a license be granted to anyone else for

said place for a period of three years from the date of said revocation of license.

PAR. 14. That no licensee under this section shall allow any female or any minor or any person convicted of crime, to sell, give, furnish, or distribute any intoxicating liquors, or any admixture thereof, to any person or persons, or except in the case of hotels, restaurants, and clubs shall permit the playing of pool or billiards, or any other games whatever, in the room where such liquors are sold or drunk, or in any adjoining or intercommunicating room; nor shall he, except in the case of hotels, restaurants, and clubs, permit the playing of music or theatricals of any kind, or provide other amusements in his place of business or in connection therewith. Nor shall any barroom licensee establish more than one bar under his license, and the sale or dispensing of liquors, except in case of hotels, restaurants, and clubs, shall be confined to the room in which said bar is located; nor provide or permit to be used more than one entrance to said barroom from the street, which entrance shall be the one mentioned in his application for license, unless the excise board shall especially permit an extra entrance; nor shall any barroom licensee sell, give, furnish, or distribute any intoxicating liquors to any female, nor permit any female to enter or remain in his barroom: *Provided*, That bona fide guests of hotels, restaurants, and clubs having a license to sell intoxicating liquors may be served with liquors at meals in such hotels and clubs during the time liquor may be sold: *Provided further*, That no place shall be deemed a restaurant within the meaning of this paragraph until the same shall have been so declared such by action of the excise board.

PAR. 15. That all applicants who have had a license during the preceding year who so desire shall apply for a renewal of such license on or before the first day of September of each license year: *Provided*, That in the event of the death of a person having a license under this section during a license year there shall be refunded to the personal representative of the deceased such amount of the license fee in proportion to the unexpired part of the license year: *Provided further*, That the minimum portion of said license fee to be retained for any portion of the license year, irrespective of its proportion to the entire year, shall be $200 in the case of barroom licenses and $100 in the case of wholesale licenses: *Provided further*, That the personal representative of any deceased licensee may within 30 days after the death of such licensee transfer said license in accordance with the provisions of this law, touching transfers of licenses.

PAR. 16. That no license, either wholesale or barroom, shall be issued to any person or for any place located within 1,000 feet of the grounds of the marine barracks, the War College, and engineer barracks, or of the navy yard, in the District of Columbia.

PAR. 17. That any person assisting in or aiding and abetting the violation of any of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than $50 nor more than $100 or be imprisoned in the District jail or workhouse for not more than three months for each and every offense: *Provided*, That no witness shall be excused from testifying in any case brought under this section on the ground that his answers may tend to incriminate him in connection with any violation of this section, and such witness so testifying shall not thereafter be prosecuted for violation of any provision of this section concerning which such witness may have testified.

PAR. 18. That prosecutions for violations of the provisions of this section shall be on information filed in the police court by the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, and said corporation counsel or his assistants shall file such information upon the presentation to him or his assistants of sworn information that the law has been violated; and such corporation counsel and his assistants shall have power to administer oaths to such informant or informants, and such others as present themselves, and anyone making a false oath to any material fact shall be deemed guilty of perjury and subject to the same penalties as now provided by law for such offense.

PAR. 19. That if one or more persons who are competent witnesses shall charge on oath or affirmation before the corporation counsel of the District of Columbia or any of his assistants duly authorized to act for him, representing that any person, company, copartnership, association, club, or corporation has or have violated or is violating the provisions of this section, by manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, giving away, or otherwise furnishing intoxicating liquor without license, and shall request said corporation counsel or any of his assistants duly authorized to act for him, to issue a warrant, said attorney or any of his assistants shall issue such warrant in which warrant the room, house, building, or other place in which the violation is alleged to have occurred or is occurring shall be specifically described, and said warrant shall be placed in the hands of the captain or acting captain of the police precinct in which the room, house, building, or other place above referred to is located, commanding him at once to thoroughly search said described room, house, building, or other place and the appurtenances thereof, and if any such shall be found, to take into his possession and safely keep, to be produced as evidence when required, all intoxicating liquors (if the same shall be found in quantities and in condition to suggest that it is kept for sale), and all the means of dispensing same, also all the paraphernalia or part of the paraphernalia of a barroom or other intoxicating-liquor establishment, and any United States internal-revenue tax receipt or certificate for the manufacture or sale of intoxicating liquor effective for the period of time covering the alleged offense, and forthwith report all the facts to the corporation counsel of the District of Columbia, and such intoxicating liquor or the means for dispensing same, or the paraphernalia of a barroom or other intoxicating-liquor establishment, or any United States internal-revenue tax receipt or certificate for the sale of intoxicating liquor effective as aforesaid, shall be prima facie evidence of the violation of the provisions of paragraph 1 of this section as charged or presented. If the accused shall be found guilty, the intoxicating liquor so seized shall, after the trial and time for writ of error, if no writ of error is taken, be destroyed by the police department; if the accused be found not guilty, the whole shall be held as his, its, or their property, or the property of the real owner.

PAR. 20. That it shall not be necessary in order to convict any person, company, association, club, or corporation, his, its, or their agents, officers, clerks, or servants, of manufacturing or selling intoxicating liquors without license, or in any section of the District of Columbia where the manufacture and sale is prohibited, to prove the actual sale, delivery of, or payment for any intoxicating liquors, but the evidence of having or keeping them in hand and offering to sell or barter, exchanging for goods or merchandise, shall be sufficient to convict; nor shall it be necessary in a warrant or in information to specify the particular kind of liquor manufactured, sold, offered for sale, kept for sale, trafficked in, bartered, or exchanged for goods or merchandise, but it shall be sufficient to allege in the warrant or information that the accused manufactured, sold, offered for sale, kept for sale, trafficked in, bartered or exchanged for goods or merchandise, or kept it deposited to sell or barter.

PAR. 21. That every person who shall, within the District of Columbia, directly or indirectly, keep or maintain, by himself or by associating or combining with others, or who shall in any manner aid, abet, or assist in keeping or maintaining any clubroom or other place in which any intoxicating liquors, the sale of which without a license is prohibited by this section, is received or kept for the purpose of use, sale, barter, giving away, or otherwise furnishing, or for distribution or division among the members of any club or association by any means whatever, without first having a license so to do, or in sections of the District wherein the sale of intoxicating liquor is prohibited, and every person who shall use, sell, barter, give away, or otherwise furnish, distribute, or divide any such liquors so received or kept shall be guilty of a misdemeanor and subject to the penalties prescribed in paragraph 12 of this section.

PAR. 22. That any person who shall, in the District of Columbia, in any street or alley, in any public place, or in or upon any street car, or in or upon any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, or public or private road or in any passenger coach, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $100, or by imprisonment for not less than 5 days nor more than 30 days in the workhouse or jail of the District of Columbia, or by both such fine and imprisonment.

PAR. 23. That the issuance of an internal-revenue special-tax receipt or certificate by the United States to any person as a wholesale or retail dealer in distilled liquors or in malt liquors at any place within the District of Columbia shall be prima facie evidence of the sale of intoxicating liquors by such person at such place, or at any other place of business of such person in the District where such special-tax receipt is posted and at the time charged in any prosecution under this section, but such time must be within the life of such receipt or certificate.

PAR. 24. That in the interpretation of this section words of singular number shall be deemed to include their plurals, and words of masculine gender shall be deemed to include the feminine, as the case may be.

PAR. 25. That this section shall be in full force and effect from and after July 1, 1913, and shall be in lieu of and as a substitute for all existing laws and regulations in the District of Columbia in relation to the sale of intoxicating liquors in said District, except such laws as prohibit the sale of intoxicating liquors in certain defined sections or parts of the District and laws of Congress pertaining to persons, premises, and territory over which the Federal Government exercises jurisdiction; and all laws and parts of laws inconsistent with this section, except such laws above referred to, be, and they are hereby, repealed.

Mr. BURLESON. Mr. Speaker, I desire to modify the motion in one particular. There is a typographical error on page 4, line 3. I want the word "six" stricken out at the end of line 3 and the word "four" inserted.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks to modify a word in line 3, page 4.

Mr. BURLESON. To strike out the word "six" and insert the word "four."

The SPEAKER. Without objection, the modification will be made.

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I demand a second.

The SPEAKER. The Chair will recognize the gentleman from Missouri [Mr. BARTHOLDT] in a moment.

Mr. RAKER. Mr. Speaker, will the gentleman permit a question?

Mr. BURLESON. I will.

Mr. RAKER. I want to call the gentleman's attention to line 9, on page 29, and see if he does not intend that to be "act" instead of "section"—"That this section shall be in full force and effect," and so forth?

Mr. BURLESON. No.

Mr. TAYLOR of Ohio. It means section of the bill.

Mr. BARTHOLDT. I demand a second, Mr. Speaker.

The SPEAKER. If the gentleman will wait until the Chair can put the motion, the Chair will recognize him to demand a second. The gentleman from Texas [Mr. BURLESON] moves to suspend the rules and discharge the Committee on Appropriations from further consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the Government of the District of Columbia, and the amendments of the Senate thereto, and that the House disagree to all of the amendments of the Senate except the amendment No. 132; that the House agree to the amendment No. 132 with an amendment; that the House ask for a conference, and that the Speaker shall, on the adoption of this motion, appoint the conferees without an intervening motion. Is a second demanded?

Mr. BARTHOLDT. I demand a second, Mr. Speaker.

Mr. BURLESON. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER of Missouri. I understood the gentleman from Texas [Mr. BURLESON] to couple with his request a suggestion that some language be amended.

Mr. BURLESON. I modified my motion to that extent.

Mr. RUCKER of Missouri. I will ask the gentleman, in this connection, if he will not further modify his motion by striking out the words "waiting room," on line 12 of page 4?

Mr. BURLESON. I would be very glad to do that, but I am afraid that there will be innumerable objections if I do.

Mr. RUCKER of Missouri. Would this law prohibit the sale of whisky in the Union Station?

Mr. BURLESON. This amendment prohibits it.

Mr. RUCKER of Missouri. It does not; I beg the gentleman's pardon. The waiting room is not the whole station. It is not so now, and it will not be so after this law passes. The language is "waiting room."

I want to say, Mr. Speaker, if it is the purpose to permit the sale of whisky in the station, why not say so?

Mr. WEBB. Mr. Speaker, will the gentleman permit an interruption?

SEVERAL MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The regular order is that the gentleman from Texas [Mr. BURLESON] asks that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6062. An act for the preparation of a plan and the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade; to the Committee on the Library.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed the following resolutions:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. HENRY C. LOUDENSLAGER, late a Member of the House of Representatives from the State of New Jersey.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. DAVID J. FOSTER, late a Member of the House of Representatives from the State of Vermont.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. JAMES P. LATTA, late a Member of the House of Representatives from the State of Nebraska.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with deep sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, late a Member of the House of Representatives from the State of Iowa.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. GEORGE S. LEGARE, late a Member of the House of Representatives from the State of South Carolina.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. SYLVESTER CLARK SMITH, late a Member of the House of Representatives from the State of California.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Also:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BORAH, Mr. PENROSE, and Mr. SHIVELY as the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I submit for printing under the rule the conference report and accompanying statement on the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes.

The SPEAKER. The conference report and accompanying statement will be printed in the RECORD under the rule.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT (NO. 1605).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 26874) making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 18, 19, 20, 21, 27, 29, 30, 31, 39, 40, 42, 45, 46, 50, 57, 59, 60, 61, 71, 74, 77, 83, 84, 86, 88, 89, 90, 92, 93, 94, 95, 96, 97, 99, 101, 103, 104, 106, 108, 110, 112, 128, 129.

That the Senate recede from its amendments numbered 6, 7, 13, 14, 22, 24, 25, 26, 28, 33, 35, 36, 37, 38, 41, 44, 47, 52, 53, 56, 58, 62, 63, 64, 65, 66, 69, 70, 76, 78, 79, 82, 85, 87, 100, 107, 111, 113, 114, 116, 119, 120, 121, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$335,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$345,700"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the suppression of the traffic in intoxicating liquors and peyote among Indians, $75,000."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the following: "$480,000, to remain available until expended," and insert in lieu thereof the following: "$400,000: *Provided*, That out of the above amount the following expenditures shall be made, to wit, for the construction of employees' quarters at the Pine Ridge Agency in South Dakota, $10,000, and for repair and improvement of agency buildings at Pine Ridge Agency in South Dakota, $5,000"; and after the word "*Provided*," in line 1 of the Senate amendment, insert the word "*further*"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$400,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the beginning of the amendment strike out the figures "$325,000" and insert in lieu thereof "$300,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$105,000; $20,000 to be immediately available"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: At the end of the amendment proposed, after the word "Interior," strike out the figures "$100,000" and insert in lieu thereof the following: "$50,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, after the word "crops," strike out the figures "$250,000" and insert in lieu thereof the following: "$100,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$146,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 8 of the amendment proposed, after the word "of," strike out the figures "150,000" and insert in lieu thereof the following: "$100,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "Indians," strike out the figures "$100,000" and insert the following: "$15,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 8. For support and education of 325 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $56,275; for general repairs and improvements, including equipment of two lavatories, and for changing and improving heating system, including purchase of new 100 horsepower steam boiler, $15,000; in all, $71,275."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: At the end of line 2 of the amendment, after the word "employees," strike out the figures "$20,000" and insert in lieu thereof the figures "$15,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: After the word "buildings" in the amendment strike out the figures "$25,000" and insert in lieu thereof "$15,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,900"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,500"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate insert a comma and the following: "which said sum shall be reimbursed to the United States by the Navajo Indians, and shall remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the amendment insert the following:

"For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $26,500; for general repairs and improvements, $5,000; for addition to barn, $2,500; for dairy cows, $1,000; in all, $35,000."

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In line 16 of the amendment proposed, after the word "twelve," strike out the colon and insert in lieu thereof a period, and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, after the word "lands," insert the following: "In Oklahoma"; and in line 7 of the amendment proposed, after the word "available," strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: At the end of the amendment proposed, after the word "act," strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That not to exceed $3,000 may be used from funds belonging to the Seminole Tribe for the purpose of defraying the expenses of such payments"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: At the end of the amendment proposed, after the word "court," strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That this shall not apply to contracts with tribal attorneys for said tribes entered into and approved by the President in accordance with existing law"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$162,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105,

and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to pay to the attorneys of record in the case entitled 'Mary Sully and others against the United States and John H. Scriven, allotting agent,' and in the case entitled 'Narcissus Drapeau and others against the United States and John H. Scriven, allotting agent,' in the United States Circuit Court for the District of South Dakota, the sum of $780.70 to reimburse said attorneys for costs paid and disbursements in the above-named cases: *Provided*, That before said amount is paid the said attorneys shall file with the Secretary of the Treasury a receipt in full for the costs so paid and disbursements in said cases and in full of all claims."

And the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, after the word "their," strike out the word "private"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: After the last word in the amendment proposed, to wit, the word "twelve," strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That before said payment is made a recept for said sum and in full of all claims on or against said minor Indian children shall be filed with the Secretary of the Treasury, signed by the party designated in the award hereinbefore mentioned"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For a commission to investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system on the Yakima Indian Reservation to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation and for the use and benefit of the Indians of said reservation, such an amount as may be necessary, to be paid as hereinafter directed: *Provided*, That said commission shall consist of two members of the Senate Committee on Indian Affairs to be appointed by the chairman of said committee and two members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and said commission shall have full power to make the investigation herein provided for and shall have authority to administer oaths, take testimony, incur expenses, and do and perform all acts necessary to determine upon a definite plan for the construction of said proposed irrigation system and shall report to Congress thereon on or before the first Monday in December, 1913: *Provided further*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of this commission, shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission."

And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In line 29 of the proposed amendment, after the word "thirty-five," strike out all the remainder of said amendment; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,670"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "For heating plant, $10,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$63,450"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: At the end of the proposed amendment, after the word "allotments," strike out the period and insert a colon and the following: "*Provided*, That before said per capita distribution is made the Secretary of the Interior shall, and he is hereby authorized and directed to, make a roll of the names of the Indians who are entitled to receive allotments on the Bad River Reservation, Wis., and said per capita payments shall be made in accordance with the roll herein provided for after the same has been approved by the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the purchase of allotments for the individual members of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, $150,000, said sum to be reimbursed to the United States out of the appropriation, when made, of $447,339, the said sum last named being the proportionate share of the said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in House Document No. 830, Sixtieth Congress, first session, and the Secretary of the Interior is hereby authorized to expend the said sum of $150,000 in the purchase of land within the States of Wisconsin and Michigan, the title to such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts, and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other: *Provided*, That the land so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefor shall be issued in accordance with the general allotment laws of the United States: *Provided further*, That the Secretary of the Interior may, in his discretion, withhold allotments from any Indian or Indians belonging to this band who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof, and in lieu of formal allotments to Indians falling within this class, tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural life time."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In line 5 of the amendment proposed, after the word "reappropriated," insert a period and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyo., $1,427, from the amount heretofore collected as rentals of the buildings at said post."

And the Senate agree to the same.

JNO. H. STEPHENS,
CHAS. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

ROBERT J. GAMBLE,
MOSES E. CLAPP,
WM. J. STONE,
Managers on the part of the Senate.

STATEMENT.

The department estimates for the fiscal year ending June 30, 1914, amounted to $11,303,316.53.

The bill as it passed the House carried appropriations as follows:

Gratuity	$6,302,493.28
Reimbursable	931,860.00
Treasury	540,560.00
Trust funds	488,075.07
	8,262,928.35

The bill as it passed the Senate carried appropriations as follows:

Gratuity	$8,810,687.23
Reimbursable	3,637,200.00
Treaty	740,560.00
Trust funds	562,075.07
	13,751,522.30

The bill as agreed on in conference carries appropriations as follows:

Gratuity	$7,098,369.98
Reimbursable	1,547,200.00
Treaty	890,560.00
Trust funds	543,075.07
	10,079,205.05

The Senate conferees have receded on the following amendments: 6, 7, 13, 14, 22, 24, 25, 26, 28, 33, 35, 36, 37, 38, 41, 44, 47, 52, 53, 56, 58, 62, 63, 64, 65, 66, 69, 70, 76, 78, 79, 82, 85, 87, 100, 107, 111, 113, 114, 116, 119, 120, 121.

The House conferees have receded unqualifiedly on the following amendments: 5, 9, 10, 18, 19, 20, 21, 27, 29, 30, 31, 39, 40, 42, 45, 46, 50, 57, 59, 60, 61, 71, 74, 77, 83, 84, 86, 88, 89, 90, 92, 93, 94, 95, 96, 97, 99, 101, 103, 104, 106, 108, 110, 112, 128, 129.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 5: To correct the sanitary defects in Indian homes and relieve infectious diseases.

No. 9: Pay traveling expenses in bringing Indians to industrial schools and aid Indian youths in securing remunerative employment.

No. 10: This amendment merely adds the words "and supplies" in making experiments on agency and school farms.

No. 18: Makes no new appropriation; merely permits the Commissioner of Indian Affairs to receive the difference in salary as commissioner in lieu of that he received before his appointment as commissioner.

No. 19: Adds $500 for much-needed repairs at the Fort Mojave School.

No. 20: Merely changes the total to correspond with the above increase.

No. 21: Provides for an industrial building for girls which is badly needed at this school.

No. 27: Permits the Secretary of War to investigate and determine the reasonability and practicability for the construction of a dam and reservoir at or in the vicinity of Box Canyon on the San Carlos Indian Reservation.

No. 29: Strikes out the interest clause in the item to build a bridge across the Gila River and the San Carlos River in Arizona.

No. 30: Strikes out the principal and interest but leaves the appropriation reimbursable, merely relieving the Indians from paying interest.

No. 31: Is for the construction of a bridge across the Colorado River on the Yuma Reservation, and provides that before the appropriation made is available each of the States of Arizona and California must contribute a like amount, and said States to keep said bridge in repair.

No. 39: Makes specific appropriation for the Fort Bidwell School instead of carrying same in the lump-sum appropriation for day and industrial schools.

No. 40: Makes specific appropriation for the Greenville Indian School instead of caring for same in the lump-sum appropriation for this purpose.

No. 42: To pay Mr. D. C. Tillotson for services and expenses incurred by him in carrying out the provisions of a treaty with the Pottawatomie Indians. Said work performed under contract with Secretary of Interior.

No. 45: Merely makes an unexpended balance of an appropriation heretofore made immediately available.

No. 46: Is to permit the United States district court in Minnesota to appoint a commission of two persons to make a roll of the Chippewa Indians allotted within the White Earth Reservation, also to determine the quantum of Indian blood of said Indians.

No. 50: The purpose of the amendment is to include lands that have been disposed of, as well as those to be disposed of, to come under this irrigation project.

No. 57: Merely reappropriates an unexpended balance heretofore appropriated for Chief Rocky Boy's Band of Chippewa Indians.

No. 59: Provides for the building of a cottage for the superintendent of the Genoa (Nebr.) Indian School, and which is badly needed.

No. 60: Merely changes the total to correspond with above amendment.

No. 61: For repairing the Government bridge across the Niobrara River in Knox County, Nebr.

No. 71: Provides for the building of a girls' dormitory at the Santa Fe (N. Mex.) Indian School. Reports show the building is badly needed.

No. 74: Provides for the purchase of some dairy cows, poultry, and live stock and for some new equipment at the Bismarck Indian School in North Dakota.

No. 77: Provides for an extension of time on some deferred payments due from the sale of certain town lots in Lawton, Okla. The same rate of interest is charged and no title passes until all deferred payments are made.

No. 83: To properly administer the affairs of the Five Civilized Tribes in Oklahoma, and to permit the Secretary of the Interior to employ, in his discretion, attorneys in connection with probate matters, and to prohibit the use of tribal funds, with some exceptions, without specific appropriation of Congress.

No. 84: To prevent increase in salaries of employees.

No. 86: Is to extend the time of appraisement and classification of the coal and asphalt lands in the Choctaw and Chickasaw Nations.

No. 88: Takes from the bill the $300,000 school item for Oklahoma that was left in the bill as it passed the House by mistake, and it should have been left off in reporting same to the Senate.

No. 89: For support and continuance of the Cherokee Orphan Training School at Tahlequah, Okla.

No. 90: Provides that the Secretary of the Interior may expand said appropriation to aid in the common schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma.

No. 92: For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings and limits this cost to not exceed 10 per cent.

No. 93: To authorize the Secretary of the Interior to transfer to the proper party, association, or corporation lands now used and to be used, not exceeding 20 acres, for cemetery purposes.

No. 94: This is a reimbursable appropriation and for the payment of salaries and other expenses of advertisement in connection with the disposition of the unallotted and other tribal property of the Five Tribes.

No. 95: Authorizing the Commissioner of Indian Affairs to withhold annuities of Osage Indian children within the scholastic age for school purposes unless their parents keep them in schools.

No. 96: Authorizing the Secretary of the Interior to pay out of the funds of Creek, Cherokee, Choctaw, Chickasaw, and Seminole Nations now on deposit in the Treasury to pay the proportionate cost of street paving and construction of sidewalks as may be properly chargeable against unsold town lots belonging to said tribes.

No. 97: To remove the restrictions from the lands of R. S. Kariho, an Indian, and who is in very bad health and needs the proceeds from the sale of said property to properly care for him.

No. 99: Authorizing the Secretary to approve if, in his discretion, the assessment, together with maps showing definite right of way and location of proposed draining ditches made under the laws of Oklahoma upon the allotment of restricted Creek Indians in Oklahoma.

No. 101: For improving lavatories and bathing facilities at Carlisle Indian School.

No. 103: For the construction of employees' quarters at the Pierre, S. Dak., Indian School.

No. 104: Change the total to correspond with above amendment.

No. 106: For support and maintenance of day and industrial schools among the Sioux Indians.

No. 108: To authorize the Secretary of the Interior to approve voucher No. 53 for the second quarter of the fiscal year ending June 30, 1911, for the payment of benefits to the Pine Ridge Indians of South Dakota.

No. 110: For the reimbursement of Frank Philbrick for property destroyed by fire while he was guarding a prisoner.

No. 112: For cash payment to the Confederated Band of Ute Indians for their benefit, said amount to be reimbursed out of the appropriation when made to cover the amount of the judgment rendered by the Court of Claims in favor of said Indians.

No. 128: For the construction of roads and bridges on the Red Cliff Reservation in Wisconsin.

No. 129: Is a small but needed increase in the amount for the support and civilization of the Shoshone Indians in Wyoming.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 1: To better enable the department to complete the survey, appraisement, and allotment of Indian lands.

No. 2: For construction, repair, drainage, and maintenance of irrigated lands.

No. 3: To correct total in accordance with above amendment.

No. 4: So as to include peyote in the class of intoxicants, as it is a deleterious herb.

No. 8: A much needed increase for repairs and improvements for school and agency buildings.

No. 11: A much needed increase to conduct experiments on Indian school and agency farms, also to teach Indian women the art of keeping house and to instruct Indians how to farm and become self-supporting.

No. 12: For the purchase of goods, supplies, and inspection of same for the Indian service, also to provide for the wagon transportation from the point of delivery by the last common carrier to the agency, school, or elsewhere.

No. 15: For the pay and traveling expenses of special agents and other employees not otherwise provided for use in the field or elsewhere.

No. 16: To conduct hearings, take testimony to determine the heirs of deceased Indian allottees.

No. 17: This is a decrease in the Senate amendment and for the purpose of encouraging industry among Indians.

No. 23: Is to correct the total in the allowance made for an industrial building at the school at Phoenix, Ariz.

No. 32: This is a decrease from one hundred and fifty to one hundred thousand dollars to be used to carry out the treaty provisions in furnishing schools for the Navajo Indians.

No. 34: This is a decrease from $100,000 to $15,000 for the development of a water supply for the Navajo Indians.

No. 43: This is needed for the improvement of lavatories and improving the heating system at the Indian school at Mount Pleasant, Mich.

No. 48: For the support and civilization at the Flathead Agency, Mont.

No. 49: This is a decrease from $20,000 to $15,000 for support and civilization of the Indians at Blackfeet Agency, Mont.

No. 51: To continue the construction, including the necessary plans, surveys, and estimates to irrigate the allotted and unallotted irrigable lands on the Flathead Reservation in Montana, and which is reimbursable.

No. 54: To continue the construction, including the necessary plans, surveys, and estimate to irrigate the allotted and unallotted lands on the Blackfeet Indian Reservation in Montana, and which is reimbursable.

No. 55: To continue the construction, including the necessary plans, surveys, and estimates to irrigate the allotted lands on the Fort Peck Indian Reservation in Montana, the same being reimbursable.

No. 67: This is a decrease from $25,000 to $15,000 for new buildings at the Indian school at Albuquerque, N. Mex.

No. 68: Is to correct the total to correspond with above amendment.

No. 72: Is to correct the total for the allowance of the dormitory building at the Indian school at Santa Fe, N. Mex.

No. 73: Is to strike out the interest for the money advanced but reimbursable in building the bridge across the San Juan River at Shiprock, N. Mex.

No. 75: This is to allow for some much-needed improvements at the Indian school at Wahpeton, N. Dak.

No. 80: This is to permit the Secretary of the Interior to withdraw from the tribal funds now on deposit in the Treasury to the credit of the Choctaw Indians of Oklahoma, for the use and benefit of the old Goodland Indian Industrial School at Hugo, Okla.

No. 81: This is for the purpose of buying deceased Indian allotments and place thereon the Apache Indians who may have been prisoners of war at Fort Sill, Okla., so that they may be released as prisoners and be started to become self-supporting.

No. 91: This is to make a per capita payment out of the funds to their credit on deposit in the Treasury to the Seminole Indians in Oklahoma.

No. 98: This is to make void any and all contracts entered into by Indian tribes or any member or members thereof without the approval of the Secretary of the Interior and Congress except their regular attorneys, who are employed with the consent and approval of the President.

No. 102: Is to correct the total for the allowance made for lavatories and bathing facilities at the Carlisle Indian School.

No. 105: For the payment of the attorney of record in the case of Mary Sully and others against the United States and John H. Scriven, allotting agent.

No. 109: For the reimbursement of certain Indian farmers for repairs on their automobiles while used on public business pertaining to the Rosebud Indian Reservation during the years 1909, 1910, 1911, and 1912.

No. 115: To pay an award of $1,900 made by the Secretary of the Interior, under date of December 31, 1912, pursuant to the authority contained in the act approved July 6, 1912 (Private, No. 49), and to be reimbursable out of the first money collected from the leasing or sale of the lands of these minor Indian children.

No. 117: This amendment asked for an appropriation (reimbursable) of $1,800,000 for irrigation work on the Yakima Reservation in Washington. This amendment provides that two Members of each House shall visit said reservation and look over the matter and report to the next Congress.

No. 118: Directs and authorizes the Secretary of the Interior to allot, in accordance with the provisions of the act of July 4, 1884 (23 Stat. L., p. 79), of not more than 200 acres of land within the diminished Colville Indian Reservation, in the State of Washington, to the heirs of Que-lock-us-soma.

No. 122: This is for some much-needed general repairs and improvements at the Indian school at Hayward, Wis.

No. 123: To correct the totals in accordance with above amendment.

No. 124: This is a reduction from twenty to ten thousand dollars for a heating plant at the Indian school at Tomah, Wis.

No. 125: Is to correct the total in accordance with the above amendment.

No. 126: This is to permit the Secretary of the Interior to sell the merchantable timber on the unallotted lands within the Bad River Reservation, Wis., and after he makes a complete and approves a roll of said Indians to make a per capita payment of said proceeds.

No. 127: For the purchase of allotments for the individual members of that portion of the Wisconsin Band of Pottawatomie Indians, said amount to be reimbursed to the United States out of the appropriation when made, of $447,339, the last-named sum being the proportionate share of the said Indians in annuities and moneys of the Pottawatomies in which they have not shared and as set forth in House Document 830, Sixtieth Congress, first session.

No. 130: Making an unexpended balance heretofore appropriated available for the construction of a road and bridge on the Shoshone Indian Reservation in Wyoming.

No. 131: Appropriating $1,427 collected as rents and placed in the Treasury for repairs on the abandoned military post at Fort Washakie, Wyo.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] has 20 minutes, and the gentleman from Missouri [Mr. BARTHOLDT] 20 minutes.

Mr. BURLESON. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, the members of the Appropriations Committee have put in a good deal of time over this measure, in order to work out a result which would satisfy reasonable men, whether they might belong to the wet, or dry persuasion. I think the proposed amendment is one that will stand any reasonable test to which it may be subjected. The Members of this body who believe in the Jones-Works bill will be astonished to find that this amendment has not departed in any material degree from the essential features of that measure. It preserves the strong regulative features of that bill, and at the same time has eliminated certain features of hardship of the same, provisions that would operate to do injustice, and mechanically force out certain reputable licensees now operating and doing business within the District of Columbia. As a result of the provisions that have been retained in this bill relating to the distances of saloons from established schools and churches, coupled with certain other provisions relating to the number of saloons that may be maintained upon the streets, the necessary effect of this bill will diminish the number of saloons in the city of Washington, without at the same time excluding the reputable people now engaged in that business, or leaving so inadequate a supply of saloons that those who are of a thirsty habit will not be able to quench their thirst within the city of Washington.

I would very much prefer, if possible, to use whatever time I have in answering questions that may be directed to the items of the proposed amendment.

Mr. COOPER. Will the gentleman give us his idea as to how many saloons will be put out of business?

Mr. SAUNDERS. It would be impossible to form any idea in that respect. The commissioners are clothed with large powers

with respect to the establishment of saloons. In addition the bill provides that saloons can not be established within 400 feet of established churches, and public schools.

Mr. COOPER. Does the gentleman understand that there are about 586 saloons in the District of Columbia now?

Mr. SAUNDERS. Yes.

Mr. COOPER. Does the gentleman think it is true, or approximately true, that the number will be diminished to 300?

Mr. SAUNDERS. I think that is altogether likely.

Mr. BURLESON. The maximum number is actually fixed at 300.

Mr. RUCKER of Missouri. Does the gentleman think the language of this proposed amendment would take the saloon out of the Union Station?

Mr. SAUNDERS. I do.

Mr. RUCKER of Missouri. Will the gentleman kindly turn to the pages on which that provision appears? I call the gentleman's attention to page 4, line 12, to see if that is the language he refers to.

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. Let me read:

No license shall be granted to sell intoxicating liquors in the waiting room of any station or depot of any steam or electric railroad or other carrier for the transportation of passengers within the District of Columbia.

Is it not the purpose to prohibit the sale of intoxicating drinks in the depot?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. Why not strike out the words:

The waiting room of—

So that it will cover the entire depot?

Mr. SAUNDERS. I will say to the gentleman from Missouri that I would be perfectly willing to accept that amendment.

Mr. RUCKER of Missouri. Who is opposed to it?

Mr. SAUNDERS. I do not know that anybody is opposed to it.

Mr. RUCKER of Missouri. I think we are all in favor of it.

The SPEAKER. The time of the gentleman has expired.

Mr. SAUNDERS. Permit me to conclude my sentence.

Mr. BURLESON. I yield to the gentleman two minutes in which to conclude.

Mr. SAUNDERS. Not only will that language reasonably construed be sufficient to eliminate the sale of liquor from the depot, but later in the bill it is provided that it shall be unlawful to take a drink in or about the Union Station. Consider the two provisions in connection, and it will be apparent, that there will be no sale of liquor in the station of the Terminal Co.

Mr. RUCKER of Missouri. I do not think it is clear at all. The trouble is, you will be prosecuting the wrong man all the time.

Mr. SAUNDERS. Speaking for myself I am perfectly willing to accept the amendment suggested by the gentleman. But who will be willing to take out a license for that place when the goods that he will sell can not be drunk either in or about the Union Station?

Mr. RUCKER of Missouri. To strike out the words "the waiting room of."

Mr. SAUNDERS. I am agreeable to that amendment.

Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER of Missouri. Is it in order now to move an amendment?

The SPEAKER. It can only be done by unanimous consent.

Mr. BURLESON. I now yield five minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, the bill as agreed upon by the Appropriations Committee I shall support, because it is the Jones-Works bill in all of its substantial, virile features. There are a few amendments which have been conceded, which in fairness and justice should have been conceded. The first is the prohibition of 150 feet between barrooms. Instead of that four barrooms are allowed between two blocks if they face each other, or three on one side and one on the other, or two on each side in two immediately opposite blocks.

Another is, we strike out the "private school," because we saw how easy it might be for the private school, by establishing one near a barroom, to put that barroom out of business. Congress ought to put barrooms out of business and not let it be done by indirection or by any means that might smack of unfairness.

Another, we required more than 50 per cent of the frontage of a block to determine what is a business block instead of 50 per cent of the buildings. We struck out the provision that the chief of police shall obstruct a license, because it might lead to graft or private revenge.

We extend the time for the reduction of the number of saloons to 300 to November, 1914. That gives the present barkeepers 18 months to sell out and close up business.

The next is that after November 1, 1914, there shall be no more than 25 clubs licensed under this bill. At the present time there are 17, and at no time can there be more than 25. We struck out "11 o'clock" as the closing hour and put in 12 o'clock, in fairness to those who sell whisky and to those who want to drink it. It was thought that they ought to have until 12 o'clock in which to drink it if they wished. We struck out paragraph 7, which we thought might result in a good deal of vexatious litigation and unjust harassment of the barkeepers who had furnished certain persons with whisky.

We struck out the provision which prohibits giving free food. Some Members of Congress said they liked the free-food feature and wanted onions and meat now and then, and we thought in deference to them we would strike that out, though I do not like the free-food practice in barrooms.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. WEBB. Yes; although I have but a minute.

Mr. RUCKER of Missouri. Who does the gentleman mean by "we"?

Mr. WEBB. I mean that a number of us got together with the Appropriations Committee this afternoon and went over the bill with the hope that we could reach a compromise on the amendments.

Mr. RUCKER of Missouri. I just wanted to find out who was responsible for these late hours.

Mr. WEBB. I think those who want to drink whisky, when the sale is authorized by law, ought to have a reasonable time in which to do so and allow those who want a nightcap to take it.

Mr. RUCKER of Missouri. They might go home and get their nightcap.

Mr. WEBB. The slums and alleys are taken care of in that no saloon shall be established within the slums or near alleys except upon the unanimous consent of the excise board. The bill as it stands protects minors and women, and it does not go into effect until July 1, 1913. With these amendments we think we have got as good a bill as it is possible to get under the present circumstances. I therefore hope you will all vote for the pending measure.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. BARTHOLDT. Mr. Speaker, this bill is distinctly a rich man's bill, and in its operation will be a hardship on the middle and laboring classes of the city of Washington. In order to establish absolute justice and equality between all classes and to test the sincerity of the House, I propose to offer an amendment, if I can get unanimous consent, providing that the sale, possession, and use of intoxicating liquor in the District of Columbia shall be prohibited. [Applause.] That would be the honest way, instead of the roundabout and hypocritical way, to accomplish one and the same purpose. In other words, it will not make so very much difference whether my amendment is adopted or this bill is passed. The bill provides that there shall be no saloon within 400 feet of a church or schoolhouse. The effect of this provision will be to wipe out more than 200 retail stores and to deprive the same number of citizens and their families of their means of subsistence. It is nothing more or less than confiscation of property, and there is nothing contained in the bill providing for compensation of the losses.

Mr. Speaker, a few years ago, when the Government of Switzerland decided to prohibit the sale of absinthe, a commission was established for the purposes of ascertaining the losses and assessing the damages. That commission went to work and reported to the legislature the amount of the losses resulting from the prohibition of that drink, and every dollar thus ascertained was paid by the Government before prohibition went into effect. That, gentlemen, is the civilized way of doing that kind of business, while here we propose to unceremoniously confiscate property legally acquired. You prohibitionists may laugh, but to the 250 men who have their all invested in a little place of business, and who built up a legitimate trade under the laws of this country, such a loss, I assure you, is a very serious matter.

The distance fixed in this bill to be maintained between retail stores and schools really covers an area of 240,000 square feet in each case, and this practically means prohibition everywhere except in one or two of the business streets of the city. The result is that the business of dispensing beverages will be practically monopolized by the large hotels and the aristocratic clubs. As far as the plain people are concerned you might as well make the Capital City altogether dry, and in order to

carry your real purpose to a logical conclusion I am offering the amendment above mentioned.

Mr. Speaker, I also find that the hotels and the clubs here can do what they please under this bill. They can keep their doors open and sell liquor all day and all night, and no police and no excise commissioner will disturb them. But the poor man, the laboring man, who has been in the shop and the factory all day, when he tries to secure for himself a glass of beer, will be compelled to travel 2 miles to reach the business section of the city in order to obtain it. You must remember that the saloon is the poor man's club, but instead of shaping your laws to make it respectable, you rob it of its redeeming features. Hotels and clubs are allowed, under this bill, to keep pool and billiard tables, their patrons can enjoy music or a game of cards, but all these things are expressly prohibited in the ordinary saloon. Why? Are hotel guests and club members better than the other people? Is this the new American theory? If I had my way, Mr. Speaker, I would make a saloon so respectable that no man need hesitate to take his wife and daughter into it. That is the way it is in Germany, why can not we do it? Are we not as capable of regulating and controlling the traffic as the Germans are? If not, why not? I am afraid, Mr. Speaker, we have never seriously attempted it.

Mr. Speaker, I also find that when a physician writes a prescription in which whisky is an ingredient, the prescription can be filled but once by the druggist. There is not a physician in the city of Washington or in the country who will not tell you that prescriptions are very frequently repeated, but under this bill it can not be done. The patient will have to pay for a second or a third prescription, and if he happens to be a poor man you can appreciate what a hardship this legislation entails on him. There are some other provisions in the section relating to drug stores which I commend to the careful perusal of Members.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. ADAIR. Does not the gentleman think that the patient would get well sooner if he could get the prescription filled only once?

Mr. BARTHOLDT. That may be the gentleman's idea. I leave this to his imagination.

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to his colleague?

Mr. BARTHOLDT. In a moment. Mr. Speaker, I also find in the section relating to clubs that 12 o'clock is the closing hour. We have in this city a Press Club, to which all the members of the press gallery belong. [Laughter.] It is well known that these gentlemen do not finish their business until about midnight, and then is the time when they need the accommodations of the club. [Laughter and applause.] The gentlemen who are applauding evidently know for what purpose. [Laughter.] A strict enforcement of this provision would of course cause a very great inconvenience to that club, and I do believe it would wipe it out of existence.

As to the suggestion made by my colleague from Missouri [Mr. RUCKER] about the Union Station, I will say that even if the whole city of Washington were placed under the ban of prohibition there should be left one place where liquid refreshments should be permitted to be sold, and that is Union Station. I would leave one barroom at the main station of the city, because there is where a traveler needs such accommodations most. That is where all of the strangers and the foreigners arrive, and if a foreigner arriving from England or France or Germany were told that in the Capital of the United States he could not obtain a glass of wine or beer with his meal he probably would not believe it possible, or if he did he would surely herald it abroad, and in a very short time we would be the laughingstock of the world.

Mr. RUCKER of Missouri. Mr. Speaker, when is the gentleman going to yield?

The SPEAKER. Does the gentleman yield?

Mr. BARTHOLDT. Yes.

Mr. RUCKER of Missouri. Mr. Speaker, did I understand the gentleman to say that he was going to ask unanimous consent to offer an amendment prohibiting the sale of liquor in this town?

Mr. BARTHOLDT. Yes. I want to test your sincerity.

Mr. RUCKER of Missouri. Well, there is no objection to it.

Mr. BARTHOLDT. How does the gentleman know? Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to thank my kind friend, the gentleman from Missouri, Dr. BARTHOLDT, for yielding me this time. Some people may think it strange that the doctor would yield me this time, for about four years ago, I believe it was, at the request of nearly all of the churches in this city and all of the temperance organizations, I introduced a prohibition bill. But, Mr. Speaker, I never dreamed at that time that Dr. BARTHOLDT, without request, wholly upon his own motion, would ever try to pass a prohibition bill for the District of Columbia or any other place. Verily, Mr. Speaker, the world does move. I thank him for his kindness, and I am sorry that there will be men here who are cruel enough to deprive him of the opportunity and the great pleasure of offering his amendment providing for absolute prohibition in this District.

Mr. Speaker, I think that the gentlemen connected with this measure—Mr. BURLESON, who has had the direct management on the part of the Committee on Appropriations, and Mr. WEBB and Mr. WILLIS and Mr. GARRETT, and many other gentlemen—ought to be congratulated on bringing about a happy solution of a difficult situation. We have obtained legislation that we ought to have, and I do not believe these gentlemen would agree to any joker legislation. Like my friend from Missouri [Mr. BARTHOLDT], I think if we want a prohibition bill passed that we should call it such. I believe this measure is regulation and reduction and restriction, and here on Sunday morning, at 25 minutes after 12 o'clock, following the speech of my distinguished and beloved friend, Dr. BARTHOLDT, I hope everybody will vote for this measure and end our trouble.

Mr. Speaker, something has been said in the press as to this legislation being opposed by labor organizations and leaders of such organizations. As shedding light on the attitude of such organizations, I beg to read the following letter I received a few days ago:

3924 EIGHTH STREET,
Petworth, D. C., February 27, 1913.

Hon. T. W. SIMS,
House of Representatives.

DEAR SIR: Referring to the full-page advertisement inserted in all the city papers of the 25th instant by the Mercantile (liquor dealers') Association of Washington, I desire to call your attention to the following paragraph in said advertisement:

"The Central Labor Union, representing 22,000 workingmen, passed a resolution against any change in the present laws."

The Central Labor Union is composed of five delegates from each of the trades-unions, large and small, of the District, and Columbia Typographical Union, No. 101, composed of about 1,750 men and 50 women, has only the same number of delegates in the central body as organizations having not one-tenth as many members.

There is no doubt that the Central Labor Union passed a resolution protesting against any change whatever in the present excise laws, but I most emphatically deny that said resolution represents the honest sentiments of a majority of the 22,000 members of the local unions, to whom that question has never been submitted for a referendum vote.

On March 17, 1912, at the first meeting of Columbia Typographical Union after the hearings on the Jones-Works bill before the Senate Committee on the District of Columbia, the inclosed resolutions, repudiating the action of the Central Labor Union, were adopted with but two dissenting votes. The Machinists' Union, about 1,400 strong, and the Carpenters' Union, about as strong numerically, adopted similar resolutions.

I do not wish to be understood as saying that a majority of the members of the local trades-unions are in favor of prohibition in the District of Columbia or in favor of all the provisions of the Jones-Works bill as it passed the Senate, but I know that a considerable number of them are in favor of prohibiting the liquor traffic entirely, that a larger number of them are in favor of the Jones-Works bill, and I firmly believe that a large majority of them are in favor of much more stringent regulations than now exist for the control of the liquor traffic in the District.

Of this I am absolutely certain: That the trades-unionists of the District of Columbia do not intend that a whisky bottle and a beer keg shall be made the emblems of organized labor by the saloon-keepers of Washington, by the Central Labor Union, or by anybody else.

I take pleasure in referring you to statements made by prominent members of organized labor, as printed in the Senate hearings on the Jones-Works bill, pages 30–32, 211, and 388–392, as more nearly representing the true sentiments of the workingmen and women of Washington in regard to the alcoholic liquor traffic than the action taken by the Central Labor Union on this question in connection with the Jones-Works bill.

I have been a member in good standing of Columbia Typographical Union, No. 101, of this city, for more than 40 years, and have taken a very active and somewhat prominent part in movements for the good and welfare of the workingmen and women of the District of Columbia and of the United States. (See inclosed pamphlet which fully corroborates this statement.)

I was president of the Federation of Labor Unions of the District of Columbia for four years, and later was chairman of its committee on legislation for three years.

Among the measures advocated by that body and adopted by Congress while I served in it as a delegate are the following:

Bill to prohibit the importation of Chinese coolies.
Bill to prohibit the importation of European labor under contract.
Bill for the establishment of a labor bureau.
Bill for a mechanics' lien law for the District.
Bill to prohibit the employment of convicts in competition with free labor on public work.
Bill to make eight hours a legal day's work for mechanics and laborers employed by the Government.
Bill making the first Monday in September of each year a legal holiday to be known as Labor Day.
Free textbooks for all children in the public schools of the District.

In view of the fact that thousands of organized workingmen have been placed in a false position before the people of the District of Columbia and of the country by the Liquor Dealers Association, I respectfully request that the inclosed account of a mass meeting held in Toronto, Canada, under the auspices of the Presbyterian department

of church and labor, in November, 1909, while the American Federation of Labor was in session in that city, be printed in the CONGRESSIONAL RECORD as an appendix to this letter.

Very respectfully, E. W. OYSTER.

Mr. SPEAKER, I read also the following extracts from the hearings before the Senate committee when considering the Jones-Works bill, bearing on the attitude of labor leaders on temperance legislation:

LABOR UNIONS AND LABOR LEADERS OPPOSE THE SALOON.

NEW YORK CITY, *December 8, 1909.*

The Very Rev. JAMES E CASSIDY,
Fall River, Mass.

DEAR AND REVEREND SIR: I have read with great interest the report of the sermon delivered by you on the subject "The saloon against the labor union." I have no hesitation in saying that you have correctly interpreted the relative positions of the saloon and the labor unions, and to all you have said on the subject I subscribe most heartily.

In various ways and on many occasions the evil influence of the saloon has been recognized and pointed out by the labor unions of the United States. While the liquor interests have sought to convey the impression that there was some common interest between trades-unionism and the manufacture and sale of intoxicants, this suggestion is repelled on every occasion when the matter is presented to the labor men in its true light and when the malign purpose of the liquor interests is exposed to view.

I have no sympathy with the statement, so often made, that the manufacture and sale of liquor has contributed to the industrial development of the Nation. On the contrary, I believe that liquor has contributed more to the moral, intellectual, and material deterioration of the people and has brought more misery to defenseless women and children than has any other agency in the history of mankind.

I wish to congratulate you for the magnificent presentation you have made of this question, and I thank you for your defense and advocacy of the true principles of trade-unionism.

I am, with respect,

Yours, very truly, JOHN MITCHELL.

LABOR NO ALLY OF THE SALOON, SAYS MORRISON—BARROOMS FORCED INTO WAGE-EARNERS' QUARTERS.

The impression that the saloon and the labor element are in close alliance is erroneous and largely caused by the attitude of the wealthy toward the saloon was an argument advanced yesterday by Frank Morrison, secretary of the American Federation of Labor, who addressed a large audience at the Young Men's Christian Association men's meeting on "Labor's interpretation."

FORCE SALOON ON WORKERS.

"In great cities like New York, Chicago, and Pittsburgh, where people of great wealth reside," said Mr. Morrison, "they do not permit the saloon among their residences, but force it back into the quarters where the wage earners live, thus creating the impression that the laboring man and the saloon keeper are working hand in hand.

"Nothing is further from the truth," exclaimed Mr. Morrison, "for there never was a more powerful and effective medium to fight intemperance than organized labor, whose effort it is to secure for its members and their children a decent wage and workday."

In closing, the speaker said:

"Organized labor has done much for the cause of temperance among workingmen. There probably is no purely philanthropic organization which has done more in this direction. In many instances there is a prohibition clause in the contract with the employer. The rules of the union declare that an injured man will not receive the weekly sick benefit if the injury was suffered while he was intoxicated. More and more labor-union meetings are being held in halls which are free from saloons."

Mr. BURLESON. I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, there is no subject that comes before a legislative body concerning which it is as difficult to get calm and unprejudiced judgment as that relating to the regulation or sale of intoxicating liquors. This bill came to the Committee on Appropriations by virtue of having been tacked on an appropriation bill, and it ought not to have been on an appropriation bill.

Mr. MOORE of Pennsylvania. That is right.

Mr. SHERLEY. It ought to have come here in such form as to enable the House to consider it in detail, but it did not. I for one was unwilling that that great committee should rest under any sort of suspicion of trying to prevent action upon this subject and with my colleagues on the committee labored five hours going over this bill section by section in order that we might report something for the action of this House. The bill is a much more drastic bill than I as an individual drawing an original bill would have drawn, but it is, in my judgment, a vast improvement in its equities over the bill that it supersedes. It gives 18 months to men now in the saloon business to accommodate themselves to the new conditions. It does regulate by eventually reducing the number of saloons to 300, and included in that number are the clubs, which are limited to 25; and in answer to the gentleman from Missouri [Mr. BARTHOLDT] I desire to say that there is not a single privilege given to a club that is not given to a saloon, and there ought not to be. [Applause.] I believe that the poor man is entitled to just as many rights in the saloon as the rich man is in the club, and I for one have seen to it that this bill applies in its closing hours in its restrictions to the clubs the same as it does to the saloons. The hour of closing has been changed from 11 to midnight because in my judgment midnight is a very much more reasonable hour for a great metropolitan city than 11 o'clock. Midnight here is no later than 10 o'clock in many cities of smaller size.

There was also a change made in the distance from schools and from churches. The original provision might have permitted an unfair advantage being taken under the law by the establishment of nominal places of worship or private schools for the purpose of interfering with saloons. In other words, while we have undertaken to restrict within proper bounds the traffic in alcoholic liquors, we have undertaken to strip the bill of all its hypocrisy and cant by dealing in the open and on the level with the public and with the licensed saloon keeper. [Applause.] I believe when you act on these matters you should act in candor. Men differ as to whether there should be sale of alcoholic liquor or not. Men differ as to the number of saloons there should be, but no honest man ought to differ as to the desirability of making the law plain, so it can not be evaded either by the licensee or by those who are undertaking to deprive him of the rights which the law presumably has given him, and the labor of the committee was expended to accomplish that end. That the law will meet with the entire approval of every extreme prohibitionist or extreme liquor man I do not for a moment believe. I have had protests brought to me by the dozen from both classes here within the last few hours, when it was known this matter was to come up, but I think that the Congress or the United States is big enough and intelligent enough to determine what ought to be done touching the sale of liquor in the Capital of the Nation without receiving the volunteer advice of either the extreme prohibitionist or the extreme saloon man. Of them we may well say, with Mecutio, "A plague on both your houses."

Mr. Speaker, as representing what I believe to be the intelligent judgment of the Committee on Appropriations, which endeavored to deal conscientiously in the short time given it with an intricate subject, I ask of this House its approval of this measure. [Applause.] [Cries of "Vote!"]

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] has two minutes.

Mr. BARTHOLDT. Only two minutes.

The SPEAKER. Only two, and the gentleman from Texas [Mr. BURLESON] has two.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to offer this amendment——

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and that ends it.

Mr. BARTHOLDT. I want the amendment read, if you please.

The SPEAKER. But the gentleman objects.

Mr. MANN. Can not he have it read in his own time?

The SPEAKER. The gentleman can have it read in his own time, if he wants it.

Mr. BARTHOLDT. I want it read in my time. That is my proposition.

The SPEAKER. The gentleman sent it up here for amendment. The Clerk will report the amendment.

The Clerk read as follows:

The sale, possession, and use of intoxicating liquors in the District of Columbia is hereby prohibited.

Mr. BURLESON. Mr. Speaker, just one minute. The Committee on Appropriations has endeavored to make the Jones-Works excise bill mean just what it pretended on its face. By the substitute amendment we limit the number of saloons to 300, and at the same time make it possible to establish 300 saloons within certain prescribed limits in the District of Columbia. The substitute strips the Jones-Works excise bill of all its evasive, misleading, and unreasonable provisions and makes it impossible for those who might endeavor to prevent the establishment of the number of saloons the bill pretends to allow being conducted within the District.

The amendment embodied in the motion that I offered yesterday in some particulars was much more drastic than the amendment now offered that you are going to vote on. It contained every essential provision of a sane, regulatory character that is embodied in the pending amendment. In some particulars I think it would prove much more beneficial to the people of the District than the Jones-Works excise bill. It provided that a saloon could not be established less than 500 feet from a school, while under this amendment 400 feet is fixed as the limit; under the amendment I offered yesterday a saloon could not be located within 600 feet of a church; under this the distance is fixed at 400 feet. There is this essential difference between this amendment and the Jones-Works excise bill: This amendment as we now offer it can be easily understood. It is not a deception, a delusion, and a snare. It is not hypocritical. It is not a prohibition bill in disguise. I am gratified that the extreme

prohibition element upon this floor have accepted this amendment in the spirit in which it is offered. I will not say it is satisfactory to me, but it is better than existing conditions; it is infinitely better than the Jones-Works bill, and I believe that it will prove a wholesome measure for the District. In order to get the bill to conference, I hope it will be adopted.

Mr. Speaker, I ask unanimous consent, on page 22, line 8, to insert the word "restaurants" after the word "hotels." It was left out by mistake. It corresponds with what has gone before.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 8, after the word "hotels" insert the word "restaurants."

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to modify his motion in the manner reported by the Clerk. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Texas [Mr. BURLESON] moves to suspend the rules and discharge the Committee on Appropriations from further consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia, and the amendments of the Senate thereto, and that the House disagree to all the amendments of the Senate except amendment No. 132, and that the House agree to the amendment of the Senate No. 132 with an amendment; that the House ask for a conference, and that the Speaker shall, upon the adoption of this motion, appoint the conferees without intervening motion. The question is on the motion of the gentleman from Texas [Mr. BURLESON].

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended and the motion was agreed to.

The SPEAKER appointed the following conferees: Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio.

EXTENSION OF NEW HAMPSHIRE AVENUE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move to suspend the rules and take up the bill S. 2504 and pass the same. It is a bill relating to the extension of New Hampshire Avenue.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes.

The SPEAKER. Is a second demanded? [After a pause.] The Chair hears no demand for a second. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2504) to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes.

Be it enacted, etc., That within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, sitting as a district court, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, a proceeding in rem to condemn the land that may be necessary for the extension of New Hampshire Avenue on a straight extension of the lines thereof as now established in the city of Washington from its present terminus north of Buchanan Street to the District line, with a uniform width of 120 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceedings as damages, for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceedings hereunder.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia are hereby directed to change the plans for a permanent system of highways outside the city of Washington so as to abandon the extension of New Hampshire Avenue from Buchanan Street northward to the District line, as at present laid down on said plans.

The SPEAKER. The question is on suspending the rules and passing Senate bill 2504.

Mr. SABATH. Mr. Speaker, will it be proper for me to inquire of the gentleman who has charge of this bill as to who is to bear the cost, and whether the property that is to be benefited is to pay part of the cost of this extension?

Mr. SCHACKLEFORD. It is to pay all of it.

Mr. CAMPBELL. I assure the gentleman that it is all right.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended, and the bill was passed.

AMENDMENT TO FOOD AND DRUGS ACT.

Mr. COVINGTON. Mr. Speaker, I call up the conference report and accompanying statement on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Without objection, the Clerk will read the statement in lieu of the report.

There was no objection.

The statement was read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1606).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the insertions made by said amendment insert the following:

"That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section 3 of this act."

And the Senate agree to the same.

W. C. ADAMSON,
J. HARRY COVINGTON,
F. C. STEVENS,
Managers on the part of the House.

GEORGE T. OLIVER,
R. M. LA FOLLETTE,
E. H. SMITH,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

FOOTBRIDGE ACROSS THE OKANOGAN RIVER, WASH.

The SPEAKER. The Chair lays before the House the Senate bill 8575, which the Clerk will report, a similar House bill being on the calendar.

The Clerk read as follows:

A bill (S. 8575) to authorize the town of Okanogan, Wash., to construct and maintain a footbridge across the Okanogan River.

Be it enacted, etc., That the town of Okanogan, a municipal corporation of the State of Washington, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a footbridge, with approaches thereto, across the Okanogan River, from the lower or easterly end of Pine Street, in said town, to a point directly opposite on the Colville Indian Reservation.

SEC. 2. That the bridge authorized by this act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LA FOLLETTE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PUBLICITY IN TAKING EVIDENCE.

Mr. NORRIS. Mr. Speaker, I move to suspend the rules and pass Senate bill 8000, providing for publicity in taking evidence under the act of July 2, 1890.

The SPEAKER. In a parliamentary sense, where is that bill?

Mr. NORRIS. It is No. 359 on the House Calendar. It has been reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8000) providing for publicity in taking evidence under act of July 2, 1890.

Be it enacted, etc., That in the taking of depositions of witnesses for use in any suit in equity brought by the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable.

The SPEAKER. Is a second demanded?

Mr. KAHN. Mr. Speaker, I demand a second.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield to an inquiry?

Mr. NORRIS. I will.

Mr. BURKE of Pennsylvania. Is that the bill that was up the other day?

Mr. NORRIS. That was the same bill that was on the Unanimous Consent Calendar and was objected to.

Mr. BURKE of Pennsylvania. Mr. Speaker, I make the point of order that there is no quorum present.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 2.30 p. m. to-day.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes a. m.) the House stood in recess until 2.30 o'clock this afternoon, March 2, 1913.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting a report from the Superintendent of the Capitol Building and Grounds of the apparatus, appliances, equipment, etc., transferred by him to a branch of the government of the District of Columbia (S. Doc. No. 1125); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Commerce and Labor, transmitting a report relating to the recent increases in the prices of anthracite coal following the wage agreement of May 20, 1912, between the coal operators and the mine owners, in compliance with a resolution of the House of Representatives passed July 29, 1912 (H. Doc. No. 1442); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McCOY, from the Committee on Expenditures in the Post Office Department, submitted a report (No. 1600) on canceling machines, etc., which report was referred to the House Calendar.

Mr. ASHBROOK, from the Committee on Expenditures in the Post Office Department, submitted a report (No. 1601) on the Lewis Publishing Co. and various Lewis enterprises, which was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 8540) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1595), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1596), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (S. 8541) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1597), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 8576) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1598), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 8400) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1599), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of West Virginia: A bill (H. R. 28868) to authorize the building of dams across the South Branch of the Potomac River; to the Committee on Interstate and Foreign Commerce.

By Mr. PUJO: Resolution (H. Res. 874) to print additional copies of the report of the Money Trust investigation; to the Committee on Printing.

By Mr. BYRNES of South Carolina: Joint resolution (H. J. Res. 408) extending the provisions of paragraph 1 of chapter 355 of the Statutes at Large, in so far as they relate to the reorganization of the customs service, for a period of two years; to the Committee on Ways and Means.

By Mr. LAFFERTY: Memorial of the Legislature of the State of Oregon, favoring House bill 2981, to create Saddle Mountain National Park; to the Committee on the Public Lands.

Also, a memorial of the Legislature of the State of Oregon, favoring the passage of the Asiatic-exclusion act; to the Committee on Immigration and Naturalization.

Also, a memorial of the Legislature of the State of Oregon, favoring revision of patent and copyright laws; to the Committee on Patents.

By Mr. NELSON: Joint resolution of the Legislature of Wisconsin, urging the protection of game and migratory birds; to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of business men of Spring Grove, Minn., favoring the passage of legislation to compel concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of C. E. Raymond and 70 other citizens of Tuscarawas County, Ohio, asking for an investigation of the alleged persecution of the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. AYRES: Petition of the General Executive Committee of the Railway Business Association, favoring the passage of an act to establish a national budget as a method of regulating the receipts and expenditures of the Government; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of H. Lippert, St. Louis, Mo., protesting against the passage of House bill 28579, to provide uniform regulations for boats engaged in the towing service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Machine Tool Co., St. Louis, Mo., protesting against the passage of the legislation to extend the parcel post to include third-class mail; to the Committee on the Post Office and Post Roads.

Also, petition of William Huke Rattan and Willow Ware Manufacturing Co., St. Louis, Mo., protesting against the passage of any legislation changing the present tariff on willow ware; to the Committee on Ways and Means.

By Mr. CARY: Petition of the Indian Rights Association, Philadelphia, Pa., favoring the passage of the amendment to the Indian appropriation bill providing for the irrigation of the allotted lands of the Yakima Indians, Washington; to the Committee on Indian Affairs.

By Mr. DYER: Petition of International Typographical Union, Cleveland, Ohio, favoring the passage of legislation to make it unlawful to circulate any malicious statement, printed or oral, for cash consideration or for gain, that can not be substantiated; to the Committee on Labor.

Also, petition of the United Commercial Travelers of America, Carthage, Mo., favoring the passage of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Railway Business Association, New York, N. Y., favoring the passage of legislation to establish a national budget as a method of regulating the receipts and expenditures of the Government; to the Committee on Ways and Means.

Also, petition of the Million Population Club, St. Louis, Mo., favoring the passage of legislation extending the pneumatic-tube service to the subpostal station of St. Louis; to the Committee on the Post Office and Post Roads.

Also, petition of the Washington Club, St. Louis, Mo., protesting against the passage of the Root bill to repeal the free-tolls portion of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southwestern Interstate Coal Operators' Association, Kansas City, Mo., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. ESCH: Petition of the general executive committee of the Railway Business Association, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. FORNES: Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of legislation to make investigations to prevent unnecessary losses to the fruit growers; to the Committee on Agriculture.

Also, petition of the Railway Business Association, of New York, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Railway Business Association, of New York, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. LEWIS: Petition of Henry R. Anderson and 82 voters of Brunswick, Md., favoring the passage of legislation for an investigation to be made of the prosecution of the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. LINDSAY: Petition of the general executive committee of the Railway Business Association, New York, favoring the passage of legislation for the adoption of the national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

Also, petition of the Abraham Lincoln Branch of the American Continental League, Brooklyn, N. Y., protesting against the passage of the Root bill, to repeal the free-tolls part of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Petition of the Associated Chambers of Commerce of the Pacific Coast, favoring the passage of legislation to make investigations for preventing unnecessary losses to the fruit growers; to the Committee on Agriculture.

Also, petition of the joint session of the boards of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, Knoxville, Tenn., all protesting against the passage of any legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

SENATE.

SUNDAY, *March 2, 1913.*

(Legislative day of Saturday, March 1, 1913.)

AFTER THE RECESS.

The Senate reassembled at 2 o'clock p. m., Sunday, March 2, 1913, on the expiration of the recess.

The PRESIDENT pro tempore (Mr. GALLINGER). The Secretary will read the unanimous-consent agreement formerly agreed to.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 a. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180, the rivers and harbors bill; and, further, that at not later than 8 o'clock p. m., on said day, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, and amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called—through the regular parliamentary stages—to its final disposition; the time for debate to be divided equally between the proponents and opponents of the bill.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Curtis	Martine, N. J.	Sheppard
Bristow	Dixon	Nelson	Simmons
Bryan	du Pont	O'Gorman	Smoot
Burton	Fall	Oliver	Stephenson
Catron	Gallinger	Overman	Sutherland
Chamberlain	Gronna	Owen	Swanson
Chilton	Hitchcock	Page	Thomas
Clarke, Ark.	Johnson, Me.	Percy	Townsend
Crawford	Johnston, Ala.	Perkins	Wetmore
Culberson	Jones	Pittman	Works
Cummins	Kenyon	Root	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of absent Senators and Mr. ASHURST, Mr. GARDNER, Mr. PAYNTER, and Mr. PENROSE answered to their names when called.

Mr. TILLMAN, Mr. WARREN, Mr. SMITH of Michigan, Mr. LODGE, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes; and

S. 8575. An act to authorize the town of Okanogan to construct and maintain a bridge across the Okanogan River.

The message also announced that the House had passed the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The message also announced that the House had agreed to the amendment of the Senate No. 132 to the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, with an amendment, in which it requests the concurrence of the Senate, disagrees to the residue of the amendments of the Senate to the said bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio managers at the conference on the part of the House.

SEAMEN IN AMERICAN MERCHANT MARINE.

Mr. BURTON. I take it House bill 23673 comes before the Senate without any formal motion.

The PRESIDENT pro tempore. It is before the Senate.

Mr. BURTON. I ask that the proposed substitute recommended by the Senate committee be read for the information of the Senate. Then I will proceed, after the reading, to explain the differences between the Senate substitute and the House bill and the differences between it and the existing law.

Mr. SUTHERLAND. Will the Senator yield to me to have a message from the House laid before the Senate?

Mr. BURTON. If it is merely laying a message before the Senate, I do not object; but if any time is to be taken, I must object, because otherwise we will have no time for a sufficient consideration of this bill.

Mr. SUTHERLAND. If it takes time, I will withdraw it, of course.

Mr. BURTON. I yield, then, for a moment, with the understanding that if any time is required——

Mr. SUTHERLAND. I ask that the action of the House with reference to Senate bill 5382 be laid before the Senate.

LIABILITY OF COMMON CARRIERS TO EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes; and the amendments were read, in part, by the Secretary.

Mr. SUTHERLAND. Has the Secretary read all the amendments?

Mr. CULBERSON. I understand from the public prints that there are more amendments than have been read by the Secretary.

The PRESIDENT pro tempore. The Secretary will read the amendments in full.

The Secretary read the amendments, which were, on page 1, line 3, after ", carrier," insert "including express companies."

Page 2, line 6, after "carrier," insert ", including express companies."

Page 2, line 17, strike out "fourteen" and insert "five."

Page 2, line 23, strike out "fourteen" and insert "five."

Page 3, line 1, strike out "fourteen" and insert "five."

Page 3, in lines 5, 6, and 7, strike out ", unless such employee elects to furnish his own physician or surgeon or care for himself" and insert ": *Provided*, That if the employee elects to furnish his own physician or surgeon or to care for himself he shall receive from his employer such expenses incurred therefor by him as are reasonable and just, not to exceed $200."

Page 3, line 10, after "compensation," insert "or benefits."

Page 3, line 14, after "duty," insert ": *Provided*, That this clause as to intoxication shall not apply if the employer knew or in the exercise of ordinary care might have known that the employee was intoxicated or that he was in the habit of becoming intoxicated."

Page 3, line 17, strike out "thirty" and insert "ninety."

Page 3, line 20, strike out "thirty" and insert "ninety."

Page 3, line 22, after the word "time," strike out the comma and insert "and."

Page 3, lines 22 and 23, strike out ", and particulars."

Page 4, line 5, strike out "some."

Page 4, line 5, strike out "equally."

Page 4, line 6, strike out "thirty" and insert "ninety."

Page 4, line 7, strike out "90 days" and insert "six months."

Page 4, line 11, after "unless," strike out all down to and including "death" in line 13.

Page 4, lines 13 and 14, strike out "within such period of 30 days."

Page 4, line 14, strike out "actual."

Page 4, line 14, after "knowledge," insert "or information."

Page 4, line 16, strike out "immediately or."

Page 4, line 16, strike out "twenty-four" and insert "forty-eight."

Page 5, line 1, strike out "the."

Page 5, line 1, strike out "Railroad Company."

Page 5, line 3, after "on," insert "or about."

Page 5, in lines 8 and 9, strike out "under the provisions of the Federal accident compensation act of 1912."

Page 5, line 20, after "State," insert "or Territory."

Page 5, line 24, after "employer," insert ", or to any such agent aforesaid."

Page 7, line 3, strike out "the."

Page 7, line 3, strike out "Railroad (or Railway) Company."

Page 7, line 4, strike out "The."

Page 7, line 4, strike out "Railroad (or Railway) Company."

Page 7, line 5, strike out "company" and insert "——."

Page 7, line 6, strike out "its" and insert "——."

Page 7, line 8, strike out "company" and insert "——."

Page 7, line 10, strike out "of 1912."

Page 7, line 13, strike out "company" and insert "——."

Page 7, line 21, strike out ""Of."

Page 7, line 21, strike out "Railroad (or Railway) Company."

Page 10, line 5, after "made," strike out all down to and including "accident" in line 7.

Page 10, line 9, strike out "one or more times" and insert "at least once."

Page 10, line 11, after "employer," insert ", and the employee shall have the right to have a duly qualified physician or physicians, chosen by himself, present at such examination."

Page 10, line 11, after "employer," strike out all down to and including line 7 on page 11.

Page 11, line 15, strike out "from time to time."

Page 12, line 2, after "findings," insert ": *Provided*, That not more than one review shall be had upon the application of any one party."

Page 12, line 23, strike out "shall" and insert "may."

Page 14, line 10, strike out "master in chancery, referee in bankruptcy."

Page 14, line 11, after "public," insert "or who has been in the employment of any railroad as claim agent or attorney within a period of 12 months prior to his appointment."

Page 14, line 19, after "court," insert "or by the President on the recommendation of the Attorney General of the United States."

Page 14, in lines 20 and 21, strike out ", subject to reinstatement by the circuit court of appeals having jurisdiction."

Page 17, in lines 6 and 7, strike out "while so absent, not exceeding for subsistence the sum of $5 per day" and insert "actually incurred while so absent, not exceeding $5 per day."

Page 19, line 17, after "require," strike out all down to and including "unjustifiable," in line 4, page 20.

Page 20, line 10, after "Columbia," insert ", or by the President on the recommendation of the Attorney General of the United States."

Page 21, line 6, strike out "six months" and insert "one year."

Page 22, line 5, strike out "six months" and insert "one year."

Page 22, line 11, strike out "one year" and insert "two years."

Page 24, in lines 2 and 3, strike out ", together with any jury fee paid as hereinafter provided."

Page 24, in lines 6 and 7, strike out ", as well as any jury fee paid."

Page 24, line 23, strike out ", upon a written demand filed with the clerk."

Page 24, line 25, after "law," strike out all down to and including "jury," in line 9, page 25, and insert "But a jury trial may be waived by consent of the parties, and the court shall thereupon hear and determine the case without a jury."

Page 25, line 13, strike out "shall" and insert "may."

Page 25, line 21, strike out "to be valid."

Page 26, line 5, after "rendered," insert ", which shall not be greater than the sum agreed upon."

Page 29, strike out all after line 21 down to and including the word "payments," in line 8, page 30, and insert "the rights of such employee or dependents to the extent of his liability under the provisions of this act and may maintain an action therefor, but such action by such employer shall be no bar to an action by such employee or his dependents for damages against such other person in excess of the amount of compensation paid or to be paid under this act."

Page 31, line 4, after "hundred," insert "and twenty."

Page 36, line 3, after "arms," insert "or an arm and a leg."

Page 36, line 3, strike out "to the skull."

Page 38, line 2, after "work," insert "at the same or better wages than he was receiving at the time of the injury."

Page 38, line 8, after "employer," insert "at the same or better wages than he was receiving at the time of the injury."

Page 38, line 9, after "refusal," strike out the remainder of line 9 and lines 10, 11, and 12.

Page 38, strike out lines 13 to 24, inclusive, and lines 1 and 2 on page 39.

Page 39, strike out lines 3, 4, and 5.

Page 39, line 6, strike out "23" and insert "22."

Page 40, line 2, strike out "or under section 22."

Page 40, line 15, strike out ", or under section 22."

Page 40, line 16, strike out "24" and insert "23."

Page 41, line 6, strike out "only."
Page 41, line 7, strike out "partial" and insert "total."
Page 41, in lines 7 and 8, strike out ", so far as the subsequent injury is concerned" and insert "only."
Page 41, line 9, strike out "25" and insert "24."
Page 41, line 12, after "act," insert "each of such employers shall be jointly and severally liable for the payment of such compensation, but as between each other."
Page 41, line 14, strike out "several" and insert "respective."
Page 41, line 17, strike out "that proportion."
Page 41, in lines 18 and 19, strike out "which their proportionate wage liability bears to the entire wages of the employee."
Page 41, line 22, after "compensation," insert "*And provided further*, That proceedings for the purpose of obtaining an award and payments under an award shall not in any event be delayed because of liability to contribution as between employers."
Page 41, line 23, strike out "26" and insert "25."
Page 42, line 10, strike out "27" and insert "26."
Page 42, line 18, strike out all after "apprentice" down to and including the word "business" in line 20.
Page 43, line 23, strike out "28" and insert "27."
Page 44, line 5, after "service" insert "contracted for or reasonably volunteered or rendered for the protection of his employer's interests."
Page 44, line 15, strike out "29" and insert "28."
Page 44, line 16, after "party" insert "provided said party is a citizen of the United States."
Page 45, line 15, strike out "30" and insert "29."
Page 45, after line 18, insert:

"SEC. 30. If either the employee or the employer shall file exceptions to the report of the adjuster, as provided in this act, he may on motion in writing have the cause removed from the district court of the United States to any State court of competent jurisdiction, in the county where the cause of action arose or where the employer resides or is doing business at the time of such removal, by filing in such State court, within 30 days from the filing of said exceptions, a certified copy of the report of the adjuster and his exceptions thereto, and thereupon the case shall proceed and trial shall be had in said State court in the same manner as is provided in this act for trial in the district court of the United States: *Provided*, That if the employer removes said cause, such removal shall be to the county where the cause of action arose or where the employer resides. If both the employee and the employer shall file motions for removal, as above provided, the motion first filed shall prevail. When a case is removed to a State court it shall not thereafter be removed to a court of the United States. Appeal from and writ of error to such State court shall lie as in other cases. The provisions of this section shall be applicable and become effective in any State whenever and only whenever that State by appropriate legislation shall authorize the proceedings and practice in the courts of that State provided in this act for the trial of such causes in the district court of the United States."

Page 45, after line 25, insert:

"SEC. 32. No employee nor dependent, who shall have lost his right to compensation hereunder by reason of the invalidity of this act or any part of it, in case the act or any part of it shall be held to be invalid, shall be deprived of any right of action to which he would otherwise have been entitled if this act had not been passed, and such right in such event is hereby preserved and may be enforced within two years from and after the adjudication of such invalidity."

Page 46, line 1, strike out "32" and insert "33."
Page 46, line 2, strike out "12" and insert "13."
Page 46, line 4, strike out "12" and insert "13."

Mr. SUTHERLAND. All these amendments are in the direction of increasing the compensation of the employees and liberalizing the bill in their interest.

Mr. CULBERSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CULBERSON. The point of order is that the presentation or consideration of the amendments from the House of Representatives is in violation of the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair will have the unanimous-consent agreement again read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 p. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180, the rivers and harbors bill; and further, that at not later than 8 o'clock p. m. on said day the Senate will proceed to vote, without further debate, upon any amendment that may be pending and amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called—through the regular parliamentary stages—to its final disposition; the time for debate to be divided equally between the proponents and opponents of the bill.

Mr. SUTHERLAND. I move that the Senate concur in the House amendments.

Mr. CULBERSON. Mr. President, the question is on the point of order.

The PRESIDENT pro tempore. The Chair fails to find in the unanimous-consent agreement any time stated for——

Mr. CULBERSON. I suggest to the Chair——

The PRESIDENT pro tempore. Allow the Chair to give the matter a little consideration.

Mr. CULBERSON. I should like to make an observation, however, before the Chair decides the point of order.

The PRESIDENT pro tempore. The Senator may do so.

Mr. CULBERSON. My suggestion is that it is implied in the agreement that the whole of the time is to be occupied in debate, and that it shall be divided equally between the two parties.

The PRESIDENT pro tempore. What was troubling the mind of the Chair was as to whether this is a continuing unanimous-consent agreement or not. The Chair thinks it is, and the Chair feels constrained to sustain the point of order.

Mr. BRYAN. Will the amendments of the House be printed?

The PRESIDENT pro tempore. They will be printed.

Mr. SUTHERLAND. I move that the bill be printed with the House amendments numbered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BRYAN. I wish to say, so that there will be no misunderstanding about it, that the bill will lead to considerable discussion, and for one I am unwilling to allow a bill of such importance to be passed without an opportunity to see what the amendments are.

Mr. BURTON. I renew my request that the Senate substitute be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the substitute reported by the Senate Committee on Commerce.

The SECRETARY. The committee report to strike out all after the enacting clause and insert——

Mr. SUTHERLAND. Mr. President, I made a motion to concur, and I rise now to a parliamentary inquiry. The inquiry is whether or not the motion which I made to concur in the House amendments will be pending?

The PRESIDENT pro tempore. That motion will be pending, or it can be renewed.

Mr. SUTHERLAND. Very well.

SEAMEN IN AMERICAN MERCHANT MARINE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, which had been reported from the Committee on Commerce with an amendment.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the amendment of the committee.

The Secretary read the amendment reported from the Committee on Commerce, which was to strike out all after the enacting clause and to insert:

That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

SEC. 2. In all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life and property aboard other vessels in jeopardy. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named legal holidays: New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, and Christmas, but this provision shall not prevent the doing of work necessary to the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. At all other times while the vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seaman shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, yachts, vessels of less than 300 gross tons or ves-

sels whose regular schedule between terminal ports does not exceed 24 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in cases of emergency as hereinbefore provided. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

SEC. 3. That section 4529 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within 2 days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and, in case of vessels making foreign voyages, within 24 hours after the cargo has been discharged, or within 4 days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to 2 days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-half part of the wages which he shall have earned at said port, and all stipulations of contract to the contrary shall be null and void: *Provided*, That wages earned during the first 5 days of service shall not be due or subject to demand prior to the completion of the voyage or expiration of contract. When the voyage is ended, every seaman shall be entitled to the remainder of the wages which shall then be due to him as provided in section 4529 of the Revised Statutes. This section shall not apply to fishing or whaling vessels or yachts: *Provided further*, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or holding companies when such vessels are in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

SEC. 5. That the second paragraph of section 4552 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4552. Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement: *Provided*, That any court having competent jurisdiction may, upon good cause shown, set aside such release and take such action as justice may require."

SEC. 6. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon in any of these or like cases the consular or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

SEC. 7. That places appropriated and used upon all merchant vessels of the United States as a lodging for crews shall be properly lighted, drained, heated, and ventilated, properly protected from sea and weather, and, as far as practicable, properly shut off and protected from the effluvium of the cargo or bilge water; and every such crew space shall be kept free from goods or stores not being the personal property of any of the crew occupying said place during the voyage; that on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of any class of less than 200 tons register, every place appropriated to the crew of the vessel for lodgings shall have a space of not less than 120 cubic feet and not less than 18 square feet, measured on the floor or deck, for each seaman or apprentice lodged therein; *Provided*, That these space allotments may be reduced not more than 20 per cent in case a separate space is provided for mess-room purposes.

That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen constituting her crew, provided that not more than six bunks shall be required in any case.

The spaces for the crew shall have wooden flooring, or be covered with some substance impervious to water and a nonconductor of heat and which may be easily cleaned. The sides and ceilings shall be painted in a light oil color, and iron ceilings or walls, if used, must be provided with a covering which will prevent dripping. Each seaman or apprentice shall be allowed a berth, at least 2 feet in width and 6 feet in length, for his sole use, and the distance between the floor and the bottom of the lower berth shall be at least 10 inches, and not more than 2 berths shall be in a tier.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

Every merchant vessel of the United States, the construction of which shall be begun after the passage of this act, having, exclusive of licensed officers, a deck crew of 20 or more men (except fishing vessels, yachts, pilot boats, and vessels of less than 200 gross tons) shall have for the use of the sailors at least one light, clean, and properly ventilated wash room, which shall be provided with not less than one washbasin for each two men of a watch, except those for whom individual washing accommodations are provided elsewhere. A special wash room shall be provided for the firemen, provided that their number is not less than 10, exclusive of licensed officers, so situated that the men can reach it on the way from the engine rooms, boiler rooms, or coal bunkers before entering their quarters, and of such size that at least half the watch can wash at the same time. It shall be provided with at least one shower bath for each four men of the watch, and with at least one washbasin for each two men of the watch, except those for whom individual washing and bathing accommodations are provided elsewhere. The sides and ceilings of all wash rooms shall be painted in light oil color. The wash rooms shall be supplied with sufficient quantities of soap and running water, both hot and cold wherever practicable, and in the case of firemen at least two gallons of fresh water shall be available for the use of each man at the end of his watch. Wash rooms shall be cleaned at least once each day.

The equipment hereinbefore provided for shall be certified to by the local inspectors at each annual inspection.

Any failure to comply with this section shall subject the owner or owners of such vessels to a penalty of not less than $50 or more than $500.

SEC. 8. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman or apprentice lawfully engaged on any merchant vessel of the United States commits any of the following offenses he shall be punished as follows:

"First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two day's pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave after her arrival at the port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than 3 months, at the discretion of the court.

"Sixth. For assaulting any master or other licensed officer by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months.

"Ninth. For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned: *Provided*, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service. The provisions of this section shall apply to all merchant vessels of the United States."

SEC. 9. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 10. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer.

SEC. 11. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily re-

quirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

SEC. 12. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"SEC. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"'SEC. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to give any order, note, or other evidence of indebtedness of any kind whatsoever, or for any purpose, conditioned directly or indirectly on the deduction of the amount specified from the wages of a seaman, except as hereinafter provided.

"'Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $25 nor more than $100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.

"'(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"'(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"'(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding $500 or imprisonment not exceeding six months, at the discretion of the court.

"'(e) That this section shall apply as well to seamen engaged in ports of the United States for service on foreign vessels as to seamen employed on vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

"'The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States, or a certified copy of the same, at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this paragraph have been complied with.

"'(f) That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section.'"

SEC. 13. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children."

SEC. 14. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew in each department shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical tests to the satisfaction of the master that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce and Labor, who shall, through collectors of customs, local inspectors, and other officers of the Government, enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of lifeboat hands.

This section shall take effect on and after the following dates, respectively, in the case of vessels navigating the ocean or sounds and bay connected therewith or the Great Lakes and connecting waters, and authorized by certificate of inspection to carry the following number of passengers:

On July 1, 1913, 500 passengers or over.

On August 1, 1913, 200 passengers and less than 500.

On October 1, 1913, less than 200.

Any violation of any provision of this section shall subject the master or owner of such vessel to a fine of not less than $100 nor more than $500.

SEC. 15. A seaman shall not be entitled to the rating of A. B.—that is to say, of an able-bodied seaman—unless he is at least 18 years of age, possesses a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties, and has served on deck at sea for at least three years. The service herein prescribed may be proved by certificates of discharge by a master before a shipping commissioner or by other proof satisfactory to officers designated by the Secretary of Commerce and Labor, who shall issue certificates to able-bodied seamen in a form to be prescribed by him, and in the case of seamen shipped abroad on vessels of the United States, such service may be proved by certificates of discharge by a master before consuls of the United States.

No vessel carrying passengers for hire, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelsmen or quartermasters and lookout men of not less rating than that of able seamen: *Provided*, That if upon examination, under rules prescribed by the Department of Commerce and Labor, as to eyesight, hearing, and physical strength and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men than those so qualified shall be employed at the wheel or as lookout. And while at sea the wheelsmen or quartermasters and lookout men shall be divided into at least three watches, which shall be kept on duty successively; but this requirement shall not apply to yachts, vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in case of emergency. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Any failure to comply with this provision shall subject the master or owner of such vessel to a fine of not less than $100 and not more than $500.

SEC. 16. That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13, of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce and Labor, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

SEC. 17. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 18. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon so much of sections 4,081 and 5,280 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be and is hereby repealed.

SEC. 19. That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice, and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

Section 5,280, Revised Statutes, repealed.

Mr. BURTON. Mr. President, the two main objects of this bill are the amelioration of the condition of seamen and greater safety of life at sea. One main feature of it is a provision for the abrogation of treaties with foreign countries under which deserters from their ships can be arrested in our ports. Unfortunately, bitter antagonism has arisen between the advocates and the opponents of this bill, each expressing very radical views. The Committee on Commerce of the Senate has given a hearing to all who were interested. It has given greater consideration to this bill than to any other measure before it at this session, and has reported this substitute, which, it is thought, will secure a very great advance in the condition of the seamen. While it imposes very severe restrictions and duties upon the shipowners, the amount of hardship involved is not greater than that which they should willingly accept.

The committee has also considered the question of our relations with foreign countries. This bill interferes with existing

treaties with some 18 or 20 nations; but in that we have sought in every way to express the intention of Congress with decorum and proper diplomatic spirit, and we think the modifications required in our treaties are not more than should be accepted by the shipping interests of foreign countries.

In no field of legislation has there been greater advance in recent years than in laws relating to the welfare of American workmen. Numerous laws have beeen passed, both by State legislatures and by Congress, intended to protect the life, limb, and health of men and women employed in all occupations, but especially in those regarded as hazardous. Children have been excluded from many occupations, and their employment radically limited in others; hours of labor have been reduced, and working conditions have been very generally improved in practically all of our leading industries.

It is one of the important purposes of this bill to carry the spirit of that legislation into the laws and regulations affecting American seamen engaged in the merchant marine of the United States.

Many of the worst evils incident to sea life have already disappeared in the normal development of water transportation. Many have been abolished by legislative enactment or departmental regulations. It will be admitted, however, by all who are familiar with existing conditions that there still exist certain conditions that ought to be remedied. While arrest and imprisonment as a penalty for desertion have been almost wholly discarded in actual practice, the statutory authority and treaty obligation to enforce such arrest and imprisonment still remain. One of the important purposes of this bill is to secure the abrogation of all treaty provisions relating to arrest and imprisonment of seamen, and, contingent thereon, to repeal the sections of our Statutes at Large which carry these provisions into effect in the United States.

In considering the House bill and framing its amendment the Senate committee has constantly had in mind the paramount purpose of promoting safety at sea, so far as it can be accomplished by requirements relating to the number, efficiency, discipline, and training of the crew. In this connection special attention is called to section 14, which provides:

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

And it provides a method of testing the efficiency of such boat hands.

In support of the provisions of the section just mentioned, the ninth paragraph of section 8 provides a penalty for refusal on the part of seamen to engage in boat practice or drill. The rules and regulations promulgated by the Bureau of Inspection of the Department of Commerce and Labor, which by statute have been given the force and effect of law, provide that the license of an officer of any vessel may be revoked in the event of his refusal to require fire and boat drills at such intervals and in such manner as are laid down in these rules and regulations.

It is believed, therefore, that the provisions of this bill, taken in connection with existing rules and regulations, will establish a high standard of lifeboat efficiency in the merchant marine of the United States—probably a higher standard than exists in any other nation of the world.

I now ask the attention of the Senate to a recapitulation of the provisions of the bill as recommended by the Senate committee. I shall endeavor to compare the paragraphs or sections, as recommended by the committee, both with the existing law and with the provisions of the House bill.

Section 1 of the amendment, found on page 19, is a mere redrawing of section 4516 of the Revised Statutes, and is in the exact language of the House bill. It provides:

In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

The two preceding sections relate to the engagement of seamen. Not only is this section in the exact language of the House bill, but it does not differ from existing law save in slight changes of phraseology. On this section there was absolute agreement on the part of everyone.

A part, however, of section 1 as set forth in the House bill is incorporated in section 2 of the committee substitute. That is done because there is little relation between the two portions of section 1 as it came from the House.

Section 2 reads:

In all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

This is an important addition here, Mr. President, to the present law. The present law does not provide for the division of seamen into watches. The only existing restriction upon requirements as to hours of labor is contained in laws and regulations which provide that the supervising inspector and the local inspector must see that a vessel is properly manned—that it has sufficient seamen—and in performing that duty they incidentally look after the welfare of the men with a view to providing against excessive hours of labor. There have been, however, very many complaints that in some instances the men have been required to work 20 hours consecutively, or even more. This bill divides the hours of labor of seamen into watches, and thereby limits the hours of those on deck to 12 and of firemen to 8.

The strongest opposition was made by certain vessel owners to the provision for three watches for the firemen. The committee, however, were unanimous in the opinion that to subject a man to 12 hours' labor in a fire hold is excessive; and notwithstanding it may require the services of an additional man or number of men on a considerable number of boats we think that should be carried into positive law.

Following the language I have just read occurs this:

But this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel.

On this clause there was a considerable difference of opinion between the seamen and vessel owners. The form in which the sailors desired to have it enacted was this:

But this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel.

That is, all recognized that emergencies might occur when men, whether on watch or not, would necessarily be called out. The seamen favored limiting this emergency to occasions in which the calling out of the whole crew was required. The vessel men, on the other hand, insisted that the language should be:

When in the judgment of the master or other officer more than one watch or the whole crew shall be required.

This is an amendment which, at first sight, seems very plausible. That is, if the emergency is not of the gravest nature, and one or two or three men more are required, but not the whole crew, why not call them out?

To that the seamen objected, and, I think, justly and properly, saying that it would afford a constant excuse for evading the law by calling out one, two, or three men when no real emergency existed, and thereby nullifying entirely the purpose of the watch and watch system. The committee, however, did make a change in the bill as it came from the House. Instead of limiting the emergency to one in which the whole crew is required, they provided:

When, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed.

That is, an emergency might occur in the fire hold; as, for example, a pipe might burst and there would be no occasion whatever to call out the men on the deck. On the other hand, an emergency might occur requiring all hands on deck and there would be no call for extra men in the fire hold. We modified the House provision to that extent, but rejected the provision under which one or more men of a watch could be called out.

The next provision is one in which we practically followed the House bill, except that the holidays are specified.

While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named legal holidays.

The language of the House bill was:

No unnecessary work on Sundays or legal holidays.

The committee, on considering that provision, found that there were no holidays specified by United States statutes, and it chose to set forth in this section specific holidays generally recognized by the several States, which are New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, and Christmas—eight in all.

But this provision shall not prevent the doing of work necessary to the dispatch of a vessel on regular schedule or when ready to proceed on her voyage.

That is the same as in the House bill. Then follows:

At all other times while the vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the sea-

man shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, yachts, vessels of less than 300 gross tons or vessels whose regular schedule between terminal ports does not exceed 24 hours.

In that regard there is a change from the House bill. I wish to say, Mr. President and Senators, that one of the greatest difficulties in framing this bill has been to fix general regulations for the shipping of the United States. With all the varied sizes of the boats, with the different speeds of different vessels, the different lengths of the runs which they make, the difficulty of fixing uniform regulations is perfectly obvious. One regulation might be a very proper one where a boat runs only 12 hours and entirely an inadequate provision where a boat runs a week, and vice versa. On a long voyage regulations might be enforced which would be extremely burdensome on a short run. On short runs much of the time of the men is spent in port; they have opportunities for rest and recuperation which would not belong to the sailors on a long voyage. For instance, if a voyage was only 10 hours and a general provision that firemen shall work only 8 hours were in force, it would require two shifts of firemen. On the other hand, it must be said that at the close of 10 hours the firemen would have a period of rest, varying according to the itinerary of the voyage.

So the Senate committee inserted this provision, that the rules should not apply where the vessel is "less than 300 gross tons or vessels whose regular schedule between terminal ports does not exceed 24 hours." To guard against hardship and oppression, however, the Senate committee adds this provision:

That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in cases of emergency as hereinbefore provided. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Section 3 does not differ materially from the existing law. There is a slight difference from the House bill which, I think I may confidently assert, is an improvement. This section has relation to the payment of wages to seamen. It provides that—

The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped.

The regulation in the case of foreign shipping authorizes a slightly longer interval. Under the existing laws vessels sailing from a port on the Atlantic to a port of the Pacific or vice versa are subject to the same regulations as foreign vessels, and a somewhat longer interval is allowed before the payment may be made. The committee thought it best to put voyages between the Atlantic and the Pacific on the same footing with other domestic shipping. The reason for this is accentuated by the opening of the Panama Canal. In any event we think it a just regulation to require that the wages be paid on such a voyage as promptly as on any other domestic trip.

Section 4 of the bill makes a very vital change in the existing law. It provides that—

Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-half part of the wages which he shall have earned at said port.

The vital change is this:

And all stipulations of contract to the contrary shall be null and void.

Under the existing law a payment may be made in port, but the sailor can contract away his right to demand it. This provision provides that no stipulation of contract shall prevent him from demanding a share of the wages due.

There is this further proviso for the protection of the vessel not contained in the House bill:

That wages earned during the first five days of service shall not be due or subject to demand prior to the completion of the voyage or expiration of contract.

That is, on a voyage of 30 days the seaman could not claim half the wages for 30 but only for 25 days, omitting the first 5 days.

Then follows this language:

When the voyage is ended every seaman shall be entitled to the remainder of the wages which shall then be due to him. This section shall not apply to fishing or whaling vessels or yachts.

That is existing law.

There is a change made in the bill, however, by omission. The House bill contained a provision making this section applicable to foreign ships. The Senate committee struck that out, as we do not believe that we have any right to interfere with the management of foreign ships on articles signed abroad. But we did make it applicable as follows:

Provided further, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or holding companies when such vessels are in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

That provision is one about which there may be a variety of opinion, but the committee voted to put it in.

Section 5 is severed from the paragraph in which it appeared in the House bill, as it is thought that it should be made to amend the section to which it applies. The present statute provides, in effect, that any release, signed and attested by a sailor, "shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement." Then follows this proviso, which is in both the House bill and the Senate amendment, and is a modification of the existing law:

Provided, That any court having competent jurisdiction may, upon good cause shown, set aside such release and take such action as justice may require.

The committees of both Houses, I take it, thought that this was a fair provision to relieve the seaman from the effect of having signed a release when he did it ignorantly or without a proper understanding of what he was doing.

Section 6 contains a somewhat material provision incorporated in both Senate and House bills. Under the existing law the master or second officer and a majority of the crew may, while a boat is in a foreign port, complain that she "is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome." Then the question is put up to a consul to have a survey made. The House provision and the Senate provision as reported are the same. It gives the authority to a majority of the crew to make complaint, so that the clause would read "the first or second officer or a majority of the crew" may make this complaint and cause the survey.

This, Mr. President, it seems, is a somewhat severe requirement; a boat may be tied up in this way; but it squares with the law of Great Britain and, I believe, several other maritime countries. While it seems severe, it does not, on the other hand, seem fair that the crew of a boat should be compelled to go to sea when a majority of them think her to be leaky or unseaworthy, or that there are not sufficient supplies upon her.

Section 7 has been very carefully drawn by the Senate committee. We have given much time to it and examined the laws of other countries, especially Norway and Germany. It has two classes of provisions, one relating to boats already built and the other to boats hereafter to be constructed. The Senate committee increases the cubic space and the floor space which the House bill provided. The House bill provided 16 feet of floor space, which the Senate bill enlarges to 18. The House bill provided 100 feet of cubic space; the Senate bill under this amendment provides 120.

The bill as recommended by the Senate committee also provides for a separate hospital section and for proper care and sanitation. I think it is hardly desirable for me to go into this at length. The provision as contained in the bill now before the Senate is, it seems to me, a very material improvement on the House bill. It not only gives greater space, a separate compartment for a hospital, but goes more into detail as to the provision for cleanliness. The section, I may say, provides adequately for suitable washing facilities, and especially for the firemen, to be arranged in such a manner as not to expose them when overheated from work in the furnace room.

Section 8 is a definition of the offenses committed by seamen. This is for the most part existing law. There are two changes. One of them is of quite an important nature. I will go over this hurriedly:

Whenever any seaman or apprentice lawfully engaged on any merchant vessel of the United States commits any of the following offenses he shall be punished as follows:

The punishment is—

by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

That is the existing law.

There is one change from the existing law running through this section contained both in the House and the Senate bill. The boats engaged in the domestic trade are put on the same footing as boats in the foreign trade. As the law now is there are some slight, not very material, differences between the punishment inflicted in the two cases, the idea being, perhaps, that desertion and other offenses in a foreign port is a more serious matter.

Mr. CRAWFORD. Will the Senator permit me to ask him a question?

Mr. BURTON. Certainly.

Mr. CRAWFORD. In the first subdivision of this section the provision for imprisonment has been omitted, or do I understand that at some previous Congress it was stricken out?

Mr. BURTON. No.

Mr. CRAWFORD. It is stricken out.

Mr. BURTON. I will explain that. I am very much obliged to the Senator for calling my attention to it.

Mr. CRAWFORD. It is an omission here.

Mr. BURTON. If he deserts, as the law now is, when in a foreign port, he not only forfeits his clothes and the effects he leaves on board and all or any part of the wages earned, but may also, at the discretion of the court, be punished by imprisonment of not more than one month. That is stricken out.

The second paragraph contains a rather material change from the existing law:

For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port.

If that offense occurs in a foreign port, he is now punishable at the discretion of the court by imprisonment of not more than one month. The imprisonment is stricken ont.

The third offense is that of quitting the vessel without leave. Under the existing law the punishment is the same, whether in a foreign or domestic port. There is no change except a verbal one to strike out the enumeration of the two.

In the fourth, "willful disobedience to any lawful command at sea," the punishment is severe; "by being at the option of the master placed in irons until such disobedience shall cease." All parties who appeared before us agreed that this punishment, severe as it may seem, is necessary for the maintenance of discipline on board a vessel at sea.

Fifth, "for continued willful disobedience to lawful command." There is no change in the existing law except it recognizes the fact that the difference is abolished between domestic and foreign trade.

In the sixth subdivision there is, I believe, no change from the existing law except striking out the words "in whatever trade engaged," to make it square with the rest of the section. The Senate committee, however, decided to report a modification here. As the law now is and as the bill passed the House this was the provision:

For assaulting any master or mate, by imprisonment for not more than two years.

Mr. CRAWFORD. Will the Senator permit me to interrupt him again?

Mr. BURTON. Certainly.

Mr. CRAWFORD. I want to get this right. I call attention to section 4596, the first subdivision, which contains this provision:

For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

That is in the Revised Statutes of 1878. The Senator is so much more familiar with these provisions than I that I wanted to be sure that this is the existing law.

Mr. BURTON. That is the existing law.

Mr. CRAWFORD. The Senator had spoken of one month's imprisonment, as if it was a matter left to the discretion of the court; but this would appear to be three months' imprisonment, and a forfeiture of clothing and a forfeiture of wages.

Mr. BURTON. I do not know but that I misunderstood the Senator from South Dakota in regard to that. I did not follow with the utmost care the reading. So far as the penalty is concerned, it is changed. The existing law is also at the discretion of the court by imprisonment for not more than one month.

Mr. CRAWFORD. Then there has been a change?

Mr. BURTON. There has been a modification of the statute, if the Senator is reading from the statute of 1878, or one prior to that date.

Mr. CRAWFORD. It is; and that is the point I wanted to make an issue of, because I knew the Senator to be familiar with these changes.

Mr. BURTON. The Senate committee thought best to change the language "master or mate" to "master or other licensed officer." This seems to us a much better provision. The offense might be as serious if the seaman assaulted the chief engineer as if he assaulted the first mate. I do not think any special objection was made to that change.

The seventh provision includes punishment "for willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo." No material change is made from the present law, except that it includes the amendments already made clear that there is to be no distinction between the foreign and the domestic trade. I may say, that I may make myself entirely clear, that trade with Canada, Mexico, and the West Indies was put on the same footing with domestic trade under the old statute.

The eighth paragraph provides punishment for any act of smuggling which is certainly no more severe than the present law, and I think everyone is satisfied with it.

The ninth subdivision awakened some little opposition. It was not in the bill as passed by the House, but the Senate committee thought, in view of the supreme importance of skill in the handling of lifeboats, there should be a provision for frequent lifeboat drills, and that if a seaman refused to take part in those drills he should be punished. So we framed this provision.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. CUMMINS. The Senator has just said that subdivision 9 of section 8 is not in the House bill. In order that we may fully understand it, may I ask him whether it is in the present law?

Mr. BURTON. It is not in the present law.

Mr. CUMMINS. So it is an entirely new provision.

Mr. BURTON. Yes.

Mr. CUMMINS. I shall have occasion after the Senator has finished to comment upon that particular provision.

Mr. BURTON. The new provision is:

For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned.

Mr. President, I repeat that we thought lifeboat drills and fire drills were of such importance that a severe penalty ought to be imposed if the seaman refused to engage in them.

We have heard a great deal about the loss of life on the *Titanic* and on the *Rio* and other boats. We must recognize that in a case of emergency efficient boat hands are necessary to promptly handle the lifeboats, and in order to obtain the necessary skill, to meet emergencies or danger, these frequent drills should be had. We do not think it unwarranted to visit a severe penalty upon a seaman who refuses; otherwise we would have felt that all our agitation in regard to lifeboats, all the interest that this has excited since the frightful loss of the *Titanic*, was more or less lacking in practicability, to say the least.

Mr. CUMMINS. Just one more suggestion in order that everybody may understand the bill as the Senator proceeds. The subdivision applies when the vessel is in a safe port as well as when the vessel is at sea. I am right about that?

Mr. BURTON. Certainly. Many of the lifeboat drills would necessarily be held while the boat is in the harbor. The objection was made by the seamen that this provision could be used as an instrument of oppression; that just as a man was about to leave his boat the master might order a lifeboat drill and prevent him from exercising the liberty which he otherwise would have to leave. To meet the situation the Senate committee put in this proviso:

Provided, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service.

I do not think that really assumes any very great practical importance, but in order to make assurance doubly sure it was inserted.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. What protection would the seaman have as against the inner consciousness or purpose of the man who was calling the drill?

Mr. BURTON. He could say, "I intend to leave, and you shall not order me to do this at this time"; and, again, if the object of the master was clearly to prevent men from leaving, he could not enforce the order.

Mr. BORAH. How could anybody except the man who was giving the order know what the intent was?

Mr. BURTON. It is more sweeping than that. A man can go if he wants to go. He can say, as I have just related, "I desire to leave the ship; I will not obey your order to engage in this fire drill"; and in that case he is relieved from the penalty herein provided. So, whether it is for a legitimate purpose, a bona fide fire drill, or to prevent him from leaving, in either case the seaman has his remedy in the way of leaving.

Mr. BORAH. By quitting the service?

Mr. BURTON. By quitting the service.

Mr. CUMMINS. But suppose when the boat reaches port the master should issue an order that there will be a boat drill or a fire drill every day during the stay of the boat in port, at 3 o'clock or any other hour, under the terms of this provision it would absolutely prevent any seaman from leaving the boat or quitting the service without incurring the penalty. It will afford no barrier to his leaving the ship at any time he pleases.

Mr. BURTON. I would say that, in drawing a statute of this kind, I do not think it is desirable to take into account the possibilities of an intent that was probably criminal. I do not really believe there is any necessity for this proviso here, but it is put in merely to make it secure.

Mr. CLAPP. I am not as familiar with the bill as I should like to be, but I wish to ask, Does the Senator from Ohio mean that the seamen can avoid the penalty flowing from the order and its refusal by merely declaring their intention to leave and accompanying the declaration with the fact of leaving?

Mr. BURTON. Certainly.

Mr. CLAPP. That is not my understanding of the language.

Mr. JONES. Would not the mutiny provision of the law meet this situation sufficiently?

Mr. BURTON. I think there is some doubt in regard to that. It seemed best to sever this out and make a separate provision. If the Members of the Senate think that this is too strong a provision, and that we can waive the necessity of fire-boat drills, the Senate committee has no special desire to keep in this provision. We think, however, as we have been making such loud protestations that we desire there should be skillful boatmen on these vessels, that we should provide that skill by compelling drills and compelling the men to take part in them.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. I did not hear the question asked by the Senator from Washington [Mr. JONES].

Mr. BURTON. It was whether this would be covered by the mutiny law.

Mr. BORAH. Then, what I was going to ask was, whether there was any other provision of law which would cover the situation when the ship was at sea?

Mr. BURTON. I think when the ship is at sea there would be no doubt that this would be mutiny; whether it would when the ship was in port I question.

Mr. BORAH. If at sea, it would be covered by another provision of law?

Mr. BURTON. I am inclined to think so.

Mr. JONES. I want to say that, of course, I want to see these fire drills kept up; I think they ought to be required; but out of this agitation that we have had, I do not want to see us go to an extreme in our treatment of the sailor himself. It seems to me that the provision with reference to mutiny, punishment for disobedience of orders, and so forth, would furnish a reasonable precaution against refusals of this character.

Mr. CRAWFORD. Is not the question there as to whether those provisions apply to a boat when she is lying in port and the crew may be off the ship part of the time and on the ship part of the time? That seems to be a place where it is necessary in order to have efficient boat drills to have a great many of such boat drills, and if the law as to mutiny at sea can not reach the case of a vessel in port, it would seem that some other provision is required.

Mr. CUMMINS. But, Mr. President, may I suggest to the Senator from South Dakota [Mr. CRAWFORD] that it is to be assumed, when the vessel is in port, if one seaman leaves the ship his place can be supplied and the boat drills can proceed. I think if a man wanted to leave the ship or wanted to incur the penalty of dismissal for a refusal to obey orders of this sort, the only penalty ought to be dismissal from the service. I think that in that way efficiency of a higher order could be secured than by an attempt to imprison a man who would rather leave the service than engage in boat drills.

Mr. BURTON. While there is much in what the Senator from Iowa says, I think he hardly gives sufficient emphasis to the difficulty in many cases of obtaining substitutes for members of crews who desert. No master of a boat desires that he have a changing crew. Crews work together; there is a kind of teamwork among them. Oftentimes it is necessary to substitute persons who are untried. They may have certificates of service which give them a very good standing, but on drill they will prove to be inferior seamen.

There is nothing in section 9 that really requires attention.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. NELSON. I want to call the attention of the Senator from Ohio to the fact that the penalty in reference to the boat drill provision is less than the penalty in the case of mutiny at sea.

Mr. BURTON. It is very much less.

Mr. NELSON. The punishment is a great deal less, and it is made so purposely.

Mr. BURTON. Section 9 of the Senate bill, on page 30, as I have said, does not require attention. There is a vital change of existing law, and the provision is the same in the Senate substitute as in the House bill. In both the words of the existing law "reclaim deserters" are stricken out. That is made necessary by other provisions of the bill.

Section 10 of the Senate bill, on page 31, modifies existing law. Some years ago flogging and all other forms of corporal punishment were abolished and penalties prescribed for those who commit offenses of this sort. This act contains a provision which might seem to some severe, making the vessel itself liable for damages in case a subordinate officer is guilty of the flogging and the master allows him to escape. Perhaps it would be better to read that whole provision as it appears here:

SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable.

That also is existing law. In case the master fails to surrender the minor officer or to apprehend him and deliver him when required, and the failure results in his escape, the master is liable in damages. Just what the measure of damages would be in such a case it is hard to tell. I suppose, however, the master could be sued for the suffering inflicted on the seaman. The House bill goes further than the present law, and provides that in case the master fails to surrender the subordinate not only will he be liable for damages, but that the vessel will be liable. The Senate committee thought best to leave that provision in, but modified the House provision in some degree by adding after the words "as soon as practicable" the words:

Provided he—

That is, the master—

has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port.

I do not see that that weakens the House provision. It does, however, limit the liability of the master and the boat to one of two cases; that is, the master must either have actual knowledge of the flogging or complaint must be made within three days after reaching port. If complaint is not made within three days, but he has actual knowledge, the liability continues after the expiration of that period. If he did not have actual knowledge and complaint is made within the three days, the liability arises. It did not seem to us fair to hang over the master and the vessel unlimited liability, provided the master had no knowledge of the offense, and when, as might very probably be the case, the act was committed by some brutal mate or other subordinate without the concurrence or the knowledge of the master himself.

The next section—section 11—is one about which there is no disagreement whatever; that is as to the rations:

As regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

The shipowners maintain that they already furnish a much larger supply of provisions than is required by statute, but it seemed to the committee that the mere fact that such was the custom was no reason why it should not be written down in the form of substantive law. There was no disagreement about that.

Section 12 makes a very material change in the existing law and, to an extent, affects our relations with other countries. I may say, Mr. President, that this section caused as much trouble as any part of the bill. It is now the law that it shall be "unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same or to pay such advance wages to any other person."

The reason for such a law is that the seaman is, in many particulars, peculiarly dependent. He may incur liability for board or lodging just before he receives employment, and he may, under existing law, give an order on the master of the vessel, providing that wages he shall thereafter earn, or a por-

tion of them, shall be paid to his boarding-house keeper, or to the person to whom he is indebted. But there has been found, Mr. President, to be a serious evil resulting from this practice. A class of men, acting as employment agents, some of whom are known under the name of "crimps," take advantage of the sailor, so that when he sails from port the wages that he will earn have been assigned, in many instances, for no adequate consideration. The present law provides that it shall be unlawful to pay wages in advance of the time when they are actually earned, or to pay such advance wages to any other person.

It is contemplated by present law that, if the wages were paid to the seaman himself, he might pay them over to some one else. That is guarded against in the House provision. The Senate amendment adds to the House provision a prohibition against the making of a note or any other evidence of indebtedness conditioned upon deducting the amount from a seaman's wages.

It also prohibits paying any person for the shipment of seamen when the payment is to be deducted from the seamen's wages; that is, an employment agent can not go to the steamship company and say, "That seaman owes me such and such an amount for obtaining a job for him, and I ask you to pay this amount from the wages which he will earn." The whole system of advance payment of wages, of notes, and of allotments is wiped out, save under one exception, which exists under the present law—that the seaman may make an allotment to certain relatives. I will come to that in a moment. The section further provides:

Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court.

Then follows this provision:

The payment of such advance wages or allotment shall in no case, except as herein provided, absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages.

Not only is it made a penal offense to make these advances or notes or allotments, but the fact of having paid them does not prevent the seaman from demanding his wages and receiving payment, notwithstanding the transaction which has preceded.

There is also a provision, which I have already read, which does away with the employment agent, the "crimp," and renders it impossible for the master, without incurring a serious penalty, to pay any amount from the seamen's wages to anyone who has acted as a shipping agent and obtained employment for the seamen. Formerly, in certain specified cases, these allotments could be made without incurring a penalty; that is, they were lawful in the case of any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or on a vessel engaged in foreign trade; but there were certain exceptions as to seamen on vessels plying between ports of the United States or on vessels plying between the United States and Canada, Mexico, Cuba, and the West Indies. That is all wiped out, and this prohibition is broad and of general application. The only exception is the making of allotments of any portion of the wages the seaman may earn to his grandparents, parents, wife, sister, or child. The statute very carefully provides, however, that no allotment shall be valid unless it is in writing and signed by and approved by the shipping commissioner.

Mr. President, the original provision in the House bill made this provision applicable to foreign vessels; but when the attention of the seamen was called to this fact they conceded that they could not control the arrangements made abroad, and they waived their request for the provision which is contained in the House bill, namely:

That this section shall apply as well to foreign vessels as to vessels of the United States.

In fact, when the agent of the seamen read this paragraph again, he stated that it was not originally intended to apply to allotments made on foreign vessels, say, at Hamburg, at Liverpool, or at some other foreign port. The Senate substitute, however, retains this provision in a modified form:

(e) That this section shall apply as well to seamen engaged in ports of the United States for service on foreign vessels as to seamen employed on vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

That is, if a foreign vessel, of the North German Lloyd, the Hamburg-American, or the Cunard Lines, whether a passenger steamer or a tramp boat, comes to the United States and engages, in any port of the United States, seamen for service, the law against advance payments of wages and allotments is applicable.

Mr. President, I think we have provided an unduly severe penalty for violation of this section. I think the law should apply to the engagement of seamen by foreign vessels in the United States quite as much as to the engagement of seamen in ports of the United States by domestic vessels, and that a penalty should be imposed:

The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States, or a certified copy of the same, at the office of clearance——

That is all right thus far, but the language following is of serious import to shipping—

and no clearance shall be granted any such vessel unless the provisions of this paragraph have been complied with.

Mr. President, I shall at the proper time propose an amendment as follows:

The collector of customs may require the master, owner, consignee, or agent of any vessel to file a bond in the sum of not less than $500 nor more than $1,000 to secure the penalty of any payment imposed by this section, and clearance may be refused if such bond is not filed.

Mr. NELSON. Will the Senator yield to me?

The PRESIDING OFFICER (Mr. GAMBLE in the chair). Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. Yes.

Mr. NELSON. That would entirely vitiate the provision. Sailors, as we all know, are of a roving nature. They drift about from country to country and from ship to ship. Take the case of a sailor who has shipped on a foreign vessel in our country—we will say at the port of New York. That sailor is enlisted or employed on a foreign vessel, and this allotment law is violated. The "crimp," the man through whom the sailor is enlisted, succeeds in getting an allotment of his wages for two or three months. That sailor leaves and goes abroad. What is the good of a bond for him, and who is going to enforce it?

Mr. BURTON. Look, however, at the other side.

Mr. NELSON. The point is this: All the shipowner has to do is to file a copy of the shipping articles, so far as they relate to the enlistment of these men. That is a provision that can easily be complied with, and they ought to comply with it.

Mr. BURTON. This, however, is a question which might be litigated. A claim might be made that the boat has made one of these allotments when in fact she has not, and in that case——

Mr. NELSON. That is not the question here. If a copy of the shipping articles—that is, the enlistment papers—so far as they relate to these foreign seamen, is filed, that exonerates the ship and it is permitted to clear.

Mr. BURTON. Suppose the claim is made that there is some fraud in those articles; some one comes forward and says that they are not correct. That is not a question that you can in every case decide out of hand. I may say that a protest has come from the British Government against that paragraph.

Mr. NELSON. We are not legislating here for the British Government.

Mr. BURTON. Well, they use an argument which, I think, if the Senator from Minnesota will bear with me, is entitled to a very great deal of respect, which is that they are liable to be penalized in thousands of dollars if their boats do not leave on time, and to hold back a boat for the litigation or the settlement of a claim of this kind, whether or not they have made such a violation as this, is a penalty that is unduly severe. I state that for what it is worth.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. Certainly.

Mr. FLETCHER. Will the Senator from Ohio indicate where the amendment he proposes would be inserted in the section?

Mr. BURTON. I will read it. Strike out the last two words of line 14 and all of lines 15 and 16, on page 35, and insert in lieu thereof the following:

The collector of customs may require the master, owner, consignee, or agent of any vessel to file a bond in the sum of not less than $500 nor more than $1,000 to secure the penalty of any payment imposed by this section, and clearance may be refused if such bond is not filed.

I may say in this connection that I am informed by the seamen that they do not feel that there would be any serious trouble in the case of the liners, but that a tramp boat might come into some port, as Norfolk or Charleston or New York, and violate this law, and that, if it obtained clearance, no penalty could be enforced, as its next trip might be to Australia or South America, and it might not return, at least for a long period, to a port of the United States. For that reason this

very drastic penalty was suggested. If the Senator from Florida will examine the law, he will see that it is out of keeping with other penalties throughout the whole of this section. There is a further provision in this section:

That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make the regulations to carry out this section.

Section 13 is one which does not materially differ from the existing law. It protects the wages due or owing seamen or apprentices. A change in its phraseology is made necessary by the provisions of the preceding section, which enlarge the prohibitions against payment from the wages which a seaman is to earn; that is, instead of "advance securities," the language contained in the present law, the word "allotments" is employed.

Both the House and the Senate bills make this section applicable to fishermen employed on fishing vessels. In this section there is no difference between the House and the Senate provisions.

I come now to a very important section of the bill, section 14. In this section the provision as it came from the House would absolutely exclude the American merchant marine from the foreign trade on the Pacific coast. It would require all crews there sailing from Hongkong to San Francisco or Seattle to understand not only the orders of the masters, but also the English language, practically to pass an examination in the English language. The committee have the very decided opinion that this provision is too drastic and severe. However much we would like to see these boats manned by American citizens or by Caucasians, there is a condition which we can not ignore. Boats of all other countries run either with Chinese or Japanese crews, and, in addition to that, many of those boats receive large subsidies from their Governments. We can, of course, by one fell swoop take our flag off the Pacific, except in coastwise trade, but we do not think it best to do so. We, on the other hand, seek to provide in every possible way for the safety of human life, and we have inserted provisions which secure that end. They are as follows:

SEC. 14. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew in each department shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

That is, if she has 10 or 15 or 20 lifeboats there must be at least one for each lifeboat who can communicate the orders between the two.

Mr. POMERENE rose.

Mr. BURTON. Mr. President, I have occupied altogether more time than I had anticipated I would, and I know there are others who desire to speak, so I shall hasten on.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to his colleague?

Mr. BURTON. Certainly.

Mr. POMERENE. May I ask whether the amended bill represents the unanimous views of the committee?

Mr. BURTON. In this particular I think so, with possibly one exception. I should say to my colleague, in frankness, that not all the members were present at all times, but we sought to keep in touch with all of them.

Mr. POMERENE. Are there any objections to the bill so far as concerns those provisions which relate to the comfort and convenience of seamen?

Mr. BURTON. Not at all; certainly not.

Mr. POMERENE. The opposition was largely to the——

Mr. BURTON. It was largely to the section about which I am now speaking.

The Senate committee has inserted a provision here not contained in the House bill, and has struck out that which was in the House bill. The House bill, immediately after the provision which I have read, provides that 40 per cent in the first year after the passage of the bill, 45 per cent in the second year, 50 per cent in the third, 55 per cent in the fourth, and thereafter 65 per cent of the deck crew of the vessel, exclusive of licensed officers, shall be of a rating not less than able seaman, and that no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

This is a provision that it is utterly impracticable to carry out. It would require that there should be two able seamen for every lifeboat. There are lifeboats to the number of 40 on some ships where the crew does not number more than 20, and it would require on each trip the carrying of 60 men in addition to those now carried. It would be impossible, from the list of seamen available, to recruit a sufficient number to comply with this requirement. But, more than that, the committee did not regard this test as one which will insure safety on board ship. The experience of those who took part in the *Titanic* investigation was that some of the very stupidest men who appeared as witnesses were seamen who had served not only three but four and five years.

We are not ready to recommend to Congress a bill which makes the test of skill in handling a boat and in saving human life the number of years that a man has served on a boat. Instead of that requirement, while wishing to recognize that class and to encourage men to become veterans on board ship, we have provided here in the next section or paragraph on page 37:

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

That makes it necessary to have at least two for every lifeboat; but we do not say, because a man has been three years on board a boat, when those years may have been years during which his capability has not increased, that he can man one of them. They must be competent boatmen, and they may be supplied from any branch of the service.

I wish to say that everyone who appeared before the committee who took a dispassionate view of this question, who took neither the side of boat owner nor that of seaman, joined in that opinion—that the test of three years' service was neither practicable nor desirable. Much as I should like to see the number of our sailors increase, I do not think this is a practicable way to accomplish it. They are a shifting class; crews change, not only from month to month, but from week to week, and from trip to trip. If the manning of vessels were restricted to this class of seamen, many boats would be tied up much of the year.

Again, it was the unanimous opinion of the masters who appeared before us—and I do not believe they were so governed by prejudice that they would not tell the truth—that many of the brightest men and the best sailors were those who lived around on the shores of bays and of rivers or who came off of farms—healthy, strong, and ambitious young men, who in a few months showed a capability for usefulness on board ship that was oftentimes lacking in those who had served for years.

The House bill defines the regulations, and requires specific tests. Of course this provision would embroil us with practically every country with which we have any trade. It would be saying to them: "We will determine the class of men you shall have to man your boats," and there would have to be a revocation of the treaties, not only in regard to desertion, but in these other respects.

Section 15 of the bill defines a seaman, and says that he may be rated as an able-bodied seaman, which I take it the Members of the Senate know is one who has served three years at sea.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. BURTON. Yes.

Mr. CRAWFORD. Right there, would not a deck hand on a sailing vessel who had learned to splice ropes and rig sails and do that sort of work for three years be entitled to certification as an able seaman?

Mr. BURTON. I take it he would.

Mr. CRAWFORD. There is no distinction here with reference to whether his service was on a modern steamship, run by machinery, or whether it was on an old-fashioned sailing vessel, as to his being an able-bodied seaman.

Mr. BURTON. No.

On page 39 there is contained the provision which applies to wheelsmen, or quartermasters, and lookout men. Quartermasters are synonymous with wheelsmen. It is provided that they shall be of not less rating than that of an able seaman; but we do not restrict it to three years' service. We put in a provision that a man who has served one year might take an examination, and if he was found fit on that examination he should serve as wheelsman or lookout man. I may suggest to the Senate that at the proper time I shall move to transfer page 39 to page 37, following line 20, because I think it more properly belongs there than in its present position.

Mr. NELSON. To what page?

Mr. BURTON. Page 37, after line 20, so as to bring together there all the provisions in regard to safety, and provide one penalty at the end.

Mr. President, section 16 is one with which I am frank to say I am not altogether satisfied. It seems to me the barge, such as many which are used, is a very dangerous craft in which to go to sea. The House provided that not more than one barge should be towed by any tug unless it was provided with sails or motive power. There was much discussion on this section. It appears that a very large business has grown up in which comparatively small wooden barges are used, drawing when light not more than two and a half or three feet, loading from 400, say, to 1,000 tons. They go from the waters of North Carolina sometimes through Chesapeake Bay and the Chesapeake & Delaware Canal and the Delaware River to Philadelphia. Sometimes they go out on the sea.

I am frank to say that there was no provision in the whole bill as it came from the House that appealed to me more strongly than section 14 of that bill—section 16 of the Senate bill. But it is alleged, on the other hand, that this business has been continued for many years, and that scarcely a life has been lost. Under these representations the committee made a change and inserted this provision:

That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13, of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce and Labor, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

Provision is made for investigation and report upon it, and goes no further. While I am not altogether satisfied with the form in which it appears in the Senate amendment, such representations were made to the committee that it seemed best to adopt it in this form.

Section 17 is one of the vital portions of this bill. As it is now, if a seaman deserts from a foreign ship in any port of the United States we are obligated by treaties to aid in his arrest and return to the vessel from which he deserted. That has been a feature of treaties and conventions with foreign countries from the very earliest days of this Government. But, Mr. President, I submit that the spectacle of taking a man who desires to leave employment on a merchant vessel and restoring him to that ship and compelling him to engage in a service which he desires to leave is alien to the spirit of our institutions. I do not think we are guilty of any discourtesy toward foreign nations when we say to them that we wish these treaties to be abrogated in so far as they require arrest for desertion—that we do not approve of returning to involuntary service any man who deserts from a merchant ship.

This feature alone in this bill would make it desirable that we should pass it, because it is not only a declaration of our principles but it affords these men relief from what they regard as an invasion of their natural rights. I fully recognize the force of the argument on the other side, namely, that a ship goes from port to port, often touches in a foreign land, and that to desert her is like deserting an army or a warship in time of battle. But in private employment I can not bring myself to believe that this country ought to sanction in any form, or lend its agency, by magistrates or police, to reclaiming those deserters.

We also, of course, abandon the right which we have by treaty for the arrest of seamen deserting from vessels of the United States in foreign countries.

I will read the section, briefly:

That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, ought to be terminated.

Then it provides the method for terminating these treaty provisions, which, of course, must be done diplomatically; but this is an express direction of Congress, a law declaring that we intend to bring to an end this practice of arrest for desertion.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. Certainly.

Mr. TOWNSEND. Will the Senator inform me as to whether there are many desertions now, under existing law, from vessels landing in ports of the United States?

Mr. BURTON. I am told that there is no very great number, but that this is regarded by foreign countries as a preventive. It has awakened protest. There is no doubt about that.

Mr. TOWNSEND. Is it a regulation or a law that exists generally throughout the nations of the world?

Mr. BURTON. It does, although there are some exceptions to that; but it is the general rule that there may be arrest for desertion. I may say to the Senator from Michigan that as regards our domestic trade we abolished arrest and imprisonment for desertion in 1898.

Mr. TOWNSEND. I know that.

Mr. BURTON. That was an explicit declaration of our policy on the subject.

Mr. ROOT. Mr. President, I have just said to the Senator from Ohio, in an aside, that I understood him to reply to the Senator from Michigan that the amendment of section 4596 of the Revised Statutes still provides for one month's imprisonment.

Mr. BURTON. Only in case the offense is in a foreign port; not in case it is in a domestic port.

Mr. ROOT. So that now we have no arrest or imprisonment for desertion in a domestic port.

Mr. BURTON. We now have no arrest or imprisonment for desertion in a domestic port. If the desertion is in a foreign port, there may be a penalty imposed, at the discretion of the court, of imprisonment for not more than one month.

Mr. ROOT. Does the Senator understand section 4596 of the Revised Statutes to apply only to foreign ports?

Mr. BURTON. That is the law as it now is. The law as it is contained in the Revised Statutes has been modified. I have before me a print of the law as it now is, and I will read it. It prescribes the following penalty for desertion:

If the offense occur at a port of the United States or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned, and also, at the discretion of the court, by imprisonment for not more than one month.

Mr. ROOT. That is the present law?

Mr. BURTON. Yes.

Mr. ROOT. May I ask a question of the Senator?

Mr. BURTON. Certainly.

Mr. ROOT. The change was made in 1898, I understand?

Mr. BURTON. I think so. I am not sure as to the time when we abolished the punishment of imprisonment for desertion when the offense was committed in a domestic port. I think it was in 1898.

Mr. ROOT. That would give time enough for some experience to take place. Did the committee get any light on the subject as to whether taking away the right of arrest and imprisonment in case of desertion of seamen in our home ports has increased desertion or has interfered materially with commerce?

Mr. BURTON. Certainly no one who appeared before the committee argued in favor of the restoration of imprisonment for desertion in the domestic trade.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BURTON. I do.

Mr. LA FOLLETTE. Not to take the time of the Senator from Ohio, but to answer briefly the Senator from New York, I will say that while the desertions prior to the enactment of the law of 1898 were something over 5 per cent, since that time they have been less than 1 per cent.

Mr. BURTON. It was stated by some who appeared before the committee that there had been a considerable number of instances in which the boat had been deserted by her crew, and they had demanded additional wages before they were willing to return.

There is one other paragraph to which I wish to call attention, and that is the one relating to the punishment that is imposed for endeavoring, by force or threat, to prevent a seaman from obeying the order of his captain, and also for endeavoring, by force or threat, to prevent his employment. That is a provision inserted by the Senate committee. It was thought to be fair in view of the peculiar nature of the employment of seamen, the necessity for departing on schedule time, and

the very great interests involved in securing promptness in the dispatch of vessels.

Mr. President, the subcommittee submits this bill satisfied, as I said yesterday, that it is a greater advance than any bill and all bills which have been passed for the improvement of the condition of the seaman during the past 30 years. Even if some of these other reforms seem to us salutary it is desirable that in any movement of this kind we shall proceed with a reasonable degree of conservatism, because even if abuses do exist, we can not reform them all at one time without unduly disturbing this great business, which in many localities is now in a languishing state.

I trust that some opponent of the bill will now take the floor.

I will ask the Chair how much time I have occupied.

The PRESIDENT pro tempore. One hour and forty-six minutes.

Mr. WILLIAMS. Mr. President, it seems to me that some of the lessons that were thought to have been taught by the loss of the *Titanic* have been forgotten already. If there was one thing which more than another impressed itself upon our minds at that time it was the fact that the loss of life had been due so largely to the inefficiency of the crew and to the fact that there were so few able seamen aboard. In several cases the crew did not even know how to row a boat. So it seemed that while we were making legislation concerning the safety of construction of the ship itself the great thing to be done in the future was to require a sufficient number of able seamen to be able to take care of the ship properly in time of catastrophe.

Immediately after the loss of the *Titanic* a statement was issued by a number of the survivors, and from it I quote this:

> The insufficiency of lifeboats, rafts, etc.
> The lack of trained seamen to man the same.
> Stokers, etc., are not efficient boat handlers.
> Not enough officers to carry out emergency orders on the bridge, to superintend the launching and control of lifeboats.

Mr. President, in addition to that—although it was not the case on the *Titanic*—it has been the case in several instances that the crew would not understand the language in which the orders of the officers were issued.

There has been prepared a list of notable marine calamities, to which I will refer.

For example, in the case of the steamship *City of Rio de Janeiro*, 128 lives were lost. She struck a reef and foundered at the entrance to San Francisco Harbor on February 22, 1901. She had a raw Chinese crew, who devoted their energies to saving themselves, and only three of the one hundred and odd passengers were taken into lifeboats.

There is the case of the steamship *Clallam*, where 50 lives were lost. She foundered in the Straits of Juan de Fuca January 8, 1904.

There is the case of the steamship *Slocum*, where 955 lives were lost. With that case we are all well acquainted. It occurred in the harbor of New York in 1904.

There was the case of the *Père Marquette*, where 27 lives were lost. The vessel foundered in Lake Michigan. Up to within five days of the time she foundered this vessel had been running excursions out of Chicago, carrying 1,500 to 2,000 people daily. Fortunately on the day she foundered she had only three or four passengers on board. Then there is the *Titanic* that we know all about.

The lesson that impresses itself in all these cases is the absolute inefficiency of the crew, the fact that there was not a sufficient percentage of able seamen to take care of the ship at the proper time. In one of the cases the crew, totally untrained, and Chinamen at that, took possession of all the boats and scuttled the ship and left some 200 and odd passengers, I believe it was, to perish.

Before this bill was amended by the committee it made ample protection and created safeguards and prescribed that there should be a sufficient proportion of able, trained seamen; that there should be at least two able seamen capable of rowing a lifeboat, and various other provisions which have been stricken out by the Senate committee.

I hold in my hand a short analysis of the most objectionable and dangerous clauses of the bill as reported from the Committee on Commerce.

In the first place, subsection 9 of section 8, on page 30 of the bill, provides one year's imprisonment for refusal or willful neglect to engage in boat or fire practice or drill, to efficiently assist in launching the ship's lifeboats. This is unnecessary because the fifth subsection of the same section 8, page 29, provides three months' imprisonment for willful neglect of duty as applied to the individual, and section 5359 of the Revised Statutes, the so-called mutiny section, provides imprisonment up to five years if done collectively.

In port this section would, at the discretion of the master or other ship's officer, interfere with proper rest or with the seamen's right to quit a vessel while in a safe harbor, thus restoring involuntary servitude in the coastwise trade when we have abolished it.

The proviso that no boat or fire drill shall be called for the purpose of preventing men from quitting the service is of no value, because the master or other officer's purpose is something personal to him and known only to him, and the burden of proof would be on the seamen that such was the intent of the master or the officer. This section ought to go out, because it restores just what the bill purports to abolish.

A seaman while at sea can not be replaced, and the common hazard in which every one upon the ship shares demands a prompt obedience of orders, but while in a safe harbor he can be replaced. The proper penalty, therefore, is dismissal, with or without money earned, as provided by the present law.

The committee ought not, as in this case, to go back and restore a part of the involuntary servitude which has been abolished. The loss of the promised job, the necessity for work, and his desire to get work seem to me a sufficient penalty, whether it be so regarded in all other vocations and pursuits or not; and there is no reason why a different rule should be applied when the seaman is in harbor.

Then, in section 12, page 33 of the bill, line 20, the following clause occurs:

> or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel, on which he has shipped, and so forth.

Why make a Federal statute of that? The laws of the States prevail within the port. It seems to me that that is unnecessary.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. WILLIAMS. I yield.

Mr. BURTON. If the Senator from Mississippi will yield to me for a moment, I would say that the precedent for that statute is found in a law punishing the masters passed quite recently:

> Whoever, with intent that any person shall perform service or labor of any kind on board any vessel engaged in trade—
>
> And so forth—
>
> shall procure or attempt to procure or induce another by force or threats—
>
> And so forth.

So that the vessel masters and the owners, notwithstanding that act is on land, are punished under a statute which contains exactly those same words; and it seemed to the committee——

Mr. WILLIAMS. What are the master and owner punished for?

Mr. BURTON. "Whoever by force or threats endeavors to induce anyone to go on board"——

Mr. WILLIAMS. That is a different thing.

Mr. BURTON. I do not see that it is.

Mr. WILLIAMS. That is to stop kidnaping. It is to stop involuntary servitude.

Mr. BURTON. Oh, no.

Mr. WILLIAMS. It is to stop the old press-gang work that had been abused in England and here for very many years.

Mr. BURTON. Oh, no. The Senator will notice what follows:

> Induce or attempt to procure another by force or threats, or by representation which he knows or believes to be untrue—
>
> And so forth—
>
> to go on board any such vessel or sign or in anywise enter into any agreement to go on board any such vessel to perform service or labor thereon.

The offense is merely inducing a person to enlist, to go on board the vessel. The punishment is quite as severe, and it is under the same circumstances.

Mr. WILLIAMS. Mr. President, no one is a seaman at all unless he has shipped on a vessel. This provision of the bill as it comes from the committee would substitute the jurisdiction of the United States court for the jurisdiction of the State court over misdemeanors committed within the State jurisdiction by men not seamen or upon men not seamen. The man is not a seaman until he has gone on board, until he has become a part of the ship's crew. You are attempting in this bill to substitute a Federal jurisdiction and authority upon men who have not yet become a part of the merchant marine, for whatsoever disgraceful or criminal thing it may be, it is a thing still punishable by the laws of the State, and which ought to be left to be punished, if at all, by the laws of the State.

In the second place, neither threats nor force as here used are defined. The force may be purely mental and the threat only in the mind of the one who claims to have been threatened. That opens a great door for the espionage class, for detectives and that sort of folk. Nobody would dare to assist a seaman in leaving either a foreign or a domestic vessel because of possible blackmail. Substantially similar laws were on the statute books of several States, and they have been repealed in the States of Massachusetts, California, and Washington. Whether it be wise to repeal them or not, whether it would be wise to reenact them where repealed or not, the fact still remains that it ought to be left to the jurisdiction of the State courts.

It would seem that this would destroy the system of equalization of operating expenses in foreign and American vessels taking cargoes or passengers from American ports.

Before freedom was given to the seamen in the coastwise trade by the act of December 21, 1898, I am informed that more than 5 per cent shipped either failed to join or later deserted the service, and since 1898, when we gave freedom to the sailors in the coastwise trade, the failures to join and the desertions have been reduced to about 1 per cent. The condition of the seamen has improved, and the shipowners are getting better service and the entire merchant marine is more satisfactorily working and more harmoniously working.

Now, Mr. President, section 14, on page 36, destroys the standard of skill in the crew set by the Court of Appeals of the Ninth Judicial District in the case of the Pacific Mail Steamship Co., volume 64, page 410, where the court held that the company had forfeited any right of limited liability. Why? Because the crew in that particular case could not understand and execute the orders made necessary as issued by the officers. It has been held well, in consequence of that, to provide that a certain percentage of the crew must be able to understand the language in which the orders are issued.

Section 14 of this bill is reactionary upon that subject. The crew legalized in this committee amendment is exactly the kind of a crew referred to in that case and on board of the steamship *City of Rio de Janeiro* at the time of its disaster. The provision would not improve safety at sea; it would decrease safety at sea.

Section 15, pages 38, 39, and 40, provides a standard of efficiency by defining able-bodied seamen, but excludes from its operation all freight vessels and all passenger vessels below 300 tons gross and "vessels whose regular schedule between terminal ports does not exceed 12 hours."

In other words, they erect a standard of safety and efficiency, and then turn around and exclude from the operation of the standard all freight vessels and all passenger vessels below 300 tons gross, and, what seems to be peculiarly shortsighted, all vessels whose regular schedule between terminal ports does not exceed 12 hours.

The *Slocum*, that went down in New York Harbor, and the ship to which I referred, that went down off Chicago, were ships whose trip did not exceed 12 hours; and so the ship that just happened to go down on a day when it did not have more than three or four passengers, but was in the habit of carrying from a thousand to fifteen hundred passengers every day, was on a route shorter than 12 hours. By what sort of legerdemain, of ratiocination anybody's mind can arrive at the conclusion that a man or a ship making a trip of only 12 hours ought not to have the same protection and safeguard thrown around him as if he were going to take a trip of five weeks, I can not understand.

Mr. CRAWFORD. That clause applies to the three-watch system, where a fireman or a wheelman or a lookout can only be employed on three successive watches during the 24 hours, but if the vessel is running only 12 hours it would be impossible to distribute three watches. That is the exception.

Mr. WILLIAMS. Section 15 provides a standard of efficiency by defining what shall be held to be able-bodied seamen. It exempts from the definition of what shall be held to be able-bodied seamen those on the character of vessels to which I have referred, making that sort of trips.

Mr. CRAWFORD. Will the Senator permit me? I am sure the Senator from Mississippi wishes to quote this correctly.

In line 14 it speaks of the requirement, but this requirement shall not apply to "vessels of less than 300 gross ton, or vessels whose regular schedule between terminal ports does not exceed 12 hours." Now, what is this requirement? It is not the part which goes ahead defining what is an ablebodied seaman, but it is the requirement that, while at sea, wheelmen and quartermasters and lookout men shall be divided into at least three watches.

I wish to say to the Senator from Mississippi that as this bill passed the House it did not require three watches for wheelmen nor for lookout men, but only for firemen. The committee bill is better than the bill as passed by the House because it gives the three watches to the wheelmen and to the quartermasters and the lookout men, except that this requirement is not in force where the vessel is only out 12 hours. Am I not correct?

Mr. BURTON. It applies only to passenger vessels.

Mr. CRAWFORD. Only to passenger vessels.

Mr. WILLIAMS. I am inclined to think that the Senator is right. I think I made a mistake about that.

Mr. CRAWFORD. I simply wish to remark that if the Senator from Mississippi will study the bill carefully he will find that some of his criticisms upon the committee and upon the provisions of the committee's bill are not well taken.

Mr. WILLIAMS. Well, now, that is a matter of opinion. Wherever the Senator makes me see an error I will correct it, and if he has not the capacity or the knowledge to make me see it then I shall not correct it, and I shall not correct it because I do not think I ought to correct it. With regard to this particular matter I am inclined to think the Senator is right and that I was mistaken. I thought it referred to the beginning of the section, which says that a seaman shall not be entitled to the rating of A. B., that is to say, of an ablebodied seaman, unless he is at least 18 years of age, possesses a sufficient knowledge of the English language, and so forth.

But I see now that it is reasonable at any rate and probably true that a right construction of it is that it is a limitation only upon the three-watch system. If that is the case, what I said was erroneous.

Now, do not let the Senator criticize me wildly simply because he thinks I may sometimes criticize the bill wildly. This 12-hour provision refers to able seamen. I think it is pretty clear the Senator is right about that and I was wrong.

Mr. BURTON. If the Senator from Mississippi will allow me a moment——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. WILLIAMS. Yes.

Mr. BURTON. On page 39, the Senate committee bill goes still further in providing for the wheelmen, quartermasters, and lookout men. There is also a provision as follows:

> That if upon examination, under rules prescribed by the Department of Commerce and Labor, as to eyesight, hearing, and physical strength and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men—

That is, whether they have served three years or six years or any time—

> than those so qualified shall be employed at the wheel or as lookout.

That is a very decided improvement on the House bill.

Mr. WILLIAMS. Now, Mr. President, that expresses, in the main, my objection to the changes made by the committee in this bill. In one sentence it is this, that instead of going forward in the direction in which we face by the act of 1898 they are going backward from it.

I have never had anything revolt me more than the old system of involuntary servitude exerted upon men merely because they chose a seafaring life. When a vessel is at sea it is absolutely necessary that the captain should have arbitrary control of the vessel to the point of having power of life and death at times in order to preserve the safety of the crew and passengers and to put down mutiny and revolt. But the minute the ship gets to land, the minute she gets into the harbor where there is no more common hazard going to the lives of all, where the act of any may destroy all, that moment the involuntary servitude ought to cease and it ought not to be resumed until that man makes himself again a member of the merchant marine by shipping upon a ship.

That is the theory which is in my mind, and it is a theory from which I see no reason to vary in any instance. I do not think it ought ever to be varied from at all. Sometimes the question has been argued from the case of a ship that goes over and lands at a port abroad, and some of the crew desert, and the ship is left without sufficient men to bring the ship home upon schedule time. It is true, every word of it, a hardship. Yes; but it is an equal hardship upon me if I am planting cotton, and in the middle of the season in the crop year a little band of darkies take up and leave and go to work on a railroad or at a sawmill because they can not make any money out of the crop. They leave me in the lurch; it is very true it is a great hardship, but that is no reason why I should hold them in involuntary servitude and make them labor at what they do not want to labor. It seems to me the same principle ought to prevail in connection with this question.

Mr. ROOT. Mr. President, I send to the desk a paper transmitted to me by the Chamber of Commerce of the State of New York containing the report of the committee on the harbor and shipping of that body. This is an expression from the chamber of commerce of the chief commercial city of the United States. I will ask to have it read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

Report from the committee on the harbor and shipping of the Chamber of Commerce of the State of New York in regard to Wilson Seamen's bill (H. R. 23673).

To the Chamber of Commerce:

House of Representatives bill No. 23673, known as the Wilson bill, which has passed the House and is now pending in the United States Senate, is entitled "An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, and the involuntary servitude imposed upon the seamen of foreign countries while in the ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen."

Your committee has given serious consideration to this measure, and respectfully reports:

"The well-being of American seamen has always been an object of the chamber's solicitude. Its influence has, from the earliest years, been exerted for their protection and uplift. As early as 1796 it advocated strongly the passage of a law for the protection of sailors, and its records show how often since that time it has exerted all its power to secure for seamen adequate defense against abuses at sea and on land, and provision for care in sickness and old age. By law it elects one of the commissioners entrusted with the duty of licensing and regulating sailors' boarding houses; and one of the most laborious duties imposed upon the chamber's president is that of acting as trustee of Sailors' Snug Harbor. The chamber has always stood for the better protection of life and property at sea, for the more skillful manning of vessels, and for the better training of boys for the trade of seamen.

"It is therefore with no prejudice against the interests of American seamen that your committee on the harbor and shipping has taken up for consideration and report this Wilson bill. On the contrary, so far as the proposed enactment undertakes to justly improve the conditions of seamen, your committee believes it is entitled to support. The bill as drawn, however, would subject owners and masters of American and foreign ships to an 'involuntary servitude' quite as bad as that which it was formerly alleged existed in the case of seamen.

"It is one thing to protect seamen against the tyranny and injustice of an employer. It is quite another thing to give seamen the power to work injustice to their employers, and, if so disposed, actually to tie up the shipping of the world. In the recent report of the arbitrators in the controversy between the railways and the engineers the board, after stating that the balance of power in the control of wages had passed to organized labor, proceeded to show what a calamity would follow a general railroad strike. Your committee believes that an infinitely worse condition would be produced by a change of the balance of power from the shipmaster to the seamen's union. So exposed is the position of a ship at sea and in a foreign port, it is absolutely essential that control should remain with the owner and his agent, the master, and no laws should be enacted that would put him absolutely at the mercy of his crew.

"The commerce of the world would be heavily burdened by such a condition, the costs of conducting business would be greatly increased, and it would impose threatening and onerous conditions which would seriously retard the hope of the revival of an American merchant marine.

"The bill as it passed the House of Representatives would give seamen the right to desert at will, irrespective of the articles they signed on taking service. It can easily be imagined what would happen if a crew deserted in a port where other seamen were not obtainable. Section 12 of the bill provides that no vessel shall depart, etc., unless she shall have specific percentages of able seamen. This would appear reasonable, but the section further provides that in no event shall there be less than two able seamen in the deck department for each lifeboat carried. If it is to be compulsory to employ that number, then many vessels would be compelled to carry many more men designated as able seamen than there would be any reasonable employment for. Seamen of a foreign ship entering the port of New York, whatever the conditions of the articles they have signed, could desert here without penalty.

"This bill not only legalizes desertion but makes it mandatory for masters of ships to pay seamen one-half their wages when they desert, irrespective of any advances that may have been made to the men or their families before sailing from the foreign port. The enactment of this provision would require the abrogation of many treaties which we have made with foreign governments on this subject.

"The bill specifies the qualification of able seamen to be three years' experience at sea or on the Great Lakes, and it provides for the issue of certificates of qualification by local inspectors on the mere affidavits of the applicants, without requiring any investigation or other proof. A great deal will depend upon the character and affiliation of those appointed as inspectors what value and reliability may attach to such certificates. Deserters and men of almost any class may easily, by these means, obtain certificates as able seamen. There is danger that the certificates may get into the hands of sailors' boarding-house keepers for sale, or even be rented for the temporary purpose of obtaining berths. No proper provision is provided for identification, so that substitution and false impersonation could be rife and unchecked.

"It seems to be clear that the intention of these provisions is to create conditions that will make it possible not only for the seamen's union to raise the wages of both American and foreign seamen but also to put the shipowner at the mercy of his own employees in a trade in which discipline is the first essential for the safety of passengers and the regularity of commerce. In fact, the whole bill puts a premium upon desertion and makes articles of agreement not worth the paper upon which they are written.

"Of course, such an enactment would inevitably advance freight rates to cover the higher costs and risks. Consumers the world over would have to pay the bill. But a still greater danger and more threatening commercial condition are involved. The United States in its export trade, particularly in manufactured products, must compete in many markets of the world with the productions of other countries. Shipping engaged in carrying merchandise from United States ports, to cover the hazards and expenses implied in this bill, would have to demand higher rates of freight than shipping performing an equal service in carrying the products of other competing countries direct from their ports to the same consuming markets. There would thus be placed a serious menace and handicap upon the entire export commerce of this country.

"Your committee believes that the bill should be amended so as to preserve what is proper for the protection of seamen, whether organized or not, and at the same time protect our commerce from this additional burden and shipping from this assault upon the well-defined principles which experience has proved necessary for the maintenance of safety and law and order on the seas.

"We therefore offer the following resolutions for adoption:

"'*Resolved*, That the Chamber of Commerce of the State of New York protests against all those provisions in House bill 23673 which would deprive shipowners and shipmasters of adequate power to protect life and property and to navigate the seas without being subject to the perils and losses caused by the domination or desertion of crews and the inability to administer proper discipline; and be it further

"'*Resolved*, That copies of this report and these resolutions be sent to every Member of the Senate in the hope that final action of that body on this important subject may promote the true interests of American shipping and that the respective rights of both capital and labor may be justly and adequately safeguarded.'"

E. H. OUTERBRIDGE,
ROBERT A. C. SMITH,
HERBERT BARBER,
CHESTER B. LAWRENCE,
ERNEST C. BLISS,
CHARLES SOOYSMITH,
McDOUGALL HAWKES,
Committee on the Harbor and Shipping.

Attest:

SERENO S. PRATT, *Secretary.*

NEW YORK, *February 27, 1913.*

Mr. ROOT. Mr. President, I have asked that this report of the committee on shipping of the Chamber of Commerce of New York be read, because it expresses the views of gentlemen of great experience at the chief shipping point in the United States, and of gentlemen who have, as they say in the report, long been greatly concerned for the protection and welfare of the sailor.

Many years ago I was myself engaged as district attorney in New York in the enforcement of the laws which we enacted about 40 years ago to protect sailors, and became somewhat familiar with the development of the practice, the procedure, and the decisions by means of which the shipping commissioner was enabled to mitigate the abuses and indeed the horrors of the sailor's life. I wish to say about this bill, with that background of familiarity with the early enforcement of the statutes of this description and of interest in the subject, that I find it full of most valuable provisions. I think I agree with the Senator from Ohio [Mr. BURTON] that it will be a great step in advance. There are, however, two or three observations regarding the provisions of the bill which I think I ought to make.

In the first place, I find that the substitute reported by the Senate committee obviates some of the objections made by the committee of the chamber of commerce, which has been read.

In the second place, I want to call attention to the fact that the provision relating to the termination of obligations in our treaties for the arrest and imprisonment of deserters, coupled with the repeal of the provision for arrest, really ought to be guarded if we are not to open the door to serious abuses in the way of immigration without the restriction afforded by the supervision and the administration of the immigration laws.

The desertion of seamen has already been the means, in many instances, to a very considerable degree of evading the limitations imposed by our immigration laws; and I regret to see all the treaties and statutes under which we now prevent a stream of immigrants coming in who do not comply with the requirements of our immigration act wiped out, without some substitute. I do not know what is to stand in the way of a general Asiatic immigration on the Pacific coast, unless we create some machinery to take the place of the machinery of the immigration bureau for ordinary immigration.

Of course, if it appears that ships can come across the seas with large crews, who are at liberty to desert and are not subject to any inspection or practical restriction, such as they would be subject to if they came in the steerage of a passenger ship, the news will soon spread in China, and the Senator from California [Mr. WORKS] will find questions asked him as to why he consented to a statute that left his coast without protection from that kind of immigration.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from California?

Mr. ROOT. I do.

Mr. WORKS. I do not know why the Senator from New York should single out the Senator from California, in order to influence his vote by what may happen to him if he votes in a certain way upon this bill. I am trying to be informed as to what my duty is, and how I should vote upon this question, and when I have done so, if I ever do, I shall certainly vote my sentiments without respect to any criticism that may come from any source.

Mr. ROOT. The Senator from New York wishes to suggest now to the Senator from California the question that will be asked him hereafter. As I think, it is a question we ought to answer now. Opportunities of this kind create abuses. It may be that there is but little evasion of the laws now, but if we open the door wider, and the news spreads abroad that there is the opportunity to come in, I think we may look for very serious evasion of the immigration laws.

Mr. NELSON. Will the Senator from New York yield to me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. The case of the open door to which the Senator from New York refers was covered and fully met by the immigration bill which the President vetoed. Provision was therein made covering the case of deserting sailors. If that bill had become a law, it would have covered exactly what the Senator from New York refers to, and the question of the treaty would not have been involved in it.

Mr. ROOT. If such a provision could be put into this bill, it would meet precisely the observations that I am making.

Mr. BURTON. Mr. President, I want to ask the Senator from New York whether the Chinese-exclusion law would not be sufficient to cover most of this class of immigration so far as the Chinese are concerned? I concede that there is a certain amount of danger so far as the immigration of the nonexcluded class is concerned.

Mr. ROOT. Probably, Mr. President, by way of prohibition, yes; but by way of administration, no. A prohibition is of no use unless you have machinery to make it effective. If you destroy your machinery, your prohibition becomes practically a dead letter.

I am not antagonizing this provision, Mr. President. I do not contend that we should apply a different rule to sailors coming in on foreign ships with regard to the enforcement of their contracts from the rule we apply to our own sailors; and as we have abandoned the remedy that long existed for the enforcement of the contracts of sailors upon American ships, I see no reason why we should maintain it as to sailors on foreign ships.

So, I am not combating this provision; but I think we ought to have it guarded, so that there will be some machinery to prevent it being made an evasion of the immigration laws. As the Senator from Minnesota has suggested that there was a clause in the immigration bill which passed the Senate and House, but which failed to become a law, it might be advisable, it seems to me, to put that provision into this bill.

There is one other suggestion I desire to make, and that is as to the amendment of section 4530 of the Revised Statutes. Section 4530 now provides:

SEC. 4530. Every seaman shall be entitled to receive from the master of the vessel to which he belongs one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract.

It is proposed to amend that so that it will read:

SEC. 4530. Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-half part of the wages which he shall have earned at said port—

Thus changing it from a third to a half—

and all stipulations of contract to the contrary shall be null and void.

Thus cutting out the power of the shipowner to make any different contract with the seaman; so that, instead of the shipowner being obliged to pay the seaman one-third of the wages earned up to the port entered in the course of a voyage, unless otherwise provided by the contract of shipment, the law will be that the shipowner must pay one-half of the wages earned up to the time of entering the intermediate port, and any provision of contract to the contrary is declared to be void.

Sir, it seems to me that that would put us in the position, when taken together with this other legislation, of confusing two entirely different theories of legislation. The old theory regarding seamen was that they were to be regarded in some sense as wards of the Government, entitled to protection and deemed to be under special obligations for the conduct of the voyage for which they shipped. We visited heavy penalties upon those dealing with them, and we imposed upon them under penalty of arrest and imprisonment the obligation to perform their part of the contract. We did not treat them as being altogether sui juris; we protected them against unconscionable contracts, and we required them to perform their part of reasonable contracts. We are now departing from that old view, and we are treating the sailor just as any other person making a contract is treated. We are relieving him from the burden of being required to carry out his contract; of being arrested and taken back to his ship and made to carry it out.

We are treating him just like any independent man in the possession of his senses and of his liberty. That being so, we ought to be consistent and give to the person contracting with him the benefit of the same theory. While we take away from the seaman the pressure of threatened arrest and compulsion to continue his voyage, we ought not at the same time to take away from his employer the right of contract with the seaman, so as to make the ordinary motives that operate upon men in their business transactions induce the sailor to keep his contract.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. What the Senator states is not wholly true, and I say that guardedly.

Mr. ROOT. Yes; the Senator is very mild.

Mr. NELSON. I say it guardedly. Ordinarily, a laboring man has a right to allot his wages in advance. You and I have such a right; we can allot our wages; and so can any laboring man; but in this proposed legislation for the sailors and in the legislation enacted some years ago, in order to eliminate the "crimps," the men who shanghai sailors, we utterly forbade allotments. A sailor now is forbidden to make any allotment except to his wife, his mother, his sister, or his other relatives. Now, we go a step further in this bill. We not only apply it to American ships, as it has been applied heretofore, but we apply it to foreign ships, to the extent that if a foreign ship needs a crew in New York Harbor or in Boston Harbor and that crew is enlisted in this country, then that ship is subject to the same restrictions in reference to allotments as are American ships, because we are unwilling that foreign ships shall have the authority to make use of "crimps" and to shanghai our men on board of foreign vessels.

Mr. ROOT. I agree with the Senator that that ought not to be permitted.

Mr. NELSON. Let me go a step further and point out to the Senator that it often happens that a poor sailor is shipped on a vessel where the mate and the captain are perfect brutes, where the food is poor and the sailors are beaten with belaying pins, and in every other way ill treated, and when the poor devil, if I may use that rather emphatic expression, gets to a foreign port, and, in order to get out of that hell on shipboard, takes his leave, why should he not have that privilege? What can the poor fellow do if he steps ashore in a foreign country and has not a penny in his pocket?

Mr. ROOT. On the other hand, Mr. President, suppose the sailor has not been maltreated, but simply takes it into his head to leave and break his contract? In the case supposed by the Senator from Minnesota the contract has been broken by the master of the ship, and we impose heavy penalties for the conduct which the Senator has described; but suppose, on the other hand, the contract has not been broken by the master; suppose the sailor has been well treated, but simply takes it into his head to break his contract and go off, leaving the ship without the help that is necessary to navigate it to its home port?

Mr. NELSON. The Senator knows that in that case the sailor loses half his pay. That is a stimulus and an inducement for him to remain. A sailor is not going to throw away his right to half of his pay. If he goes on a ship to a foreign port, he is not going to desert his ship and lose half of his pay merely for the fun of the thing. If he deserts at all, it will be because he has been accorded brutal and harsh treatment on board the ship.

Mr. ROOT. It may be because he thinks he can do better for himself than to go on under the contract.

But, Mr. President, I will not take up any more time, because I am advised that the Senator from South Dakota [Mr. CRAWFORD] is to make some remarks, and I do not wish to abbreviate what he has to say.

I do not think, sir, that at the same time when we are reducing the power of the master of the vessel to keep his men to the contract we should take away the right of the employer to make an entire contract with his men and to keep the inducement of that entire contract in order to retain them in the service.

Mr. CRAWFORD. Just upon that point, Mr. President, I wish to say to the Senator from New York [Mr. ROOT] that the people interested were before the committee and were frequently heard on various phases of the bill, but I do not remember a single objection being raised to that particular provision by those representing our coastwise shipping——

Mr. ROOT. Mr. President, the Senator heard, I presume, the paper which was read at the desk from the Chamber of Commerce of New York.

Mr. CRAWFORD. Except as I heard it from the paper of the New York Chamber of Commerce, which has been read. Gentlemen representing directly the shipping interests appeared before the committee—and we have held hearings almost constantly since last December—and that communication from the Chamber of Commerce of New York is the first I have heard directly of any opposition to that particular phase of the bill.

Mr. WORKS. Mr. President, will the Senator from South Dakota pardon me for just a moment?

Mr. CRAWFORD. Yes.

Mr. WORKS. Mr. President, I had no intention of taking up any time in the discussion of this bill or of taking any part in the debate. I am not sufficiently familiar with the subject matter of the bill to undertake to discuss it upon its merits. I would not say a word now except for what has been said by the Senator from New York [Mr. ROOT] relating particularly to my own State.

It has been intimated by the Senator from New York that if I should take a certain course with respect to this bill I might be called upon to answer embarrassing questions put to me by the people of California. I have never allowed myself to be intimidated from doing what seemed to me to be my duty by what anybody may say or do in the future, and I hope I will not do so now.

With respect to the coming of Chinese into California——

Mr. CRAWFORD. Mr. President, did I have the floor or not? Time is very important in this discussion, if I am going to discuss the bill at all. I thought I had the floor.

Mr. WORKS. I am only to going to say a few words, if the Senator will allow me; and I desire to do so now in this direct connection.

Mr. CRAWFORD. The Senator knows that the time has been divided, and I think the half belonging to the proponents of the bill is practically exhausted now. I do not know whether the Senator is for or against the bill, but if we are to have a further word to say, we have got to have it now or probably not at all.

The PRESIDENT pro tempore. The Senator from South Dakota has the floor.

Mr. WORKS. If the Senator objects to giving me a few moments, I will not proceed further.

Mr. CRAWFORD. I am only stating the situation to the Senator; that is all.

Mr. WORKS. I will say that after I hear the Senator from South Dakota, if he is so anxious to talk about it, I may be convinced to vote his way.

Mr. CRAWFORD. I think the Senator from California misunderstands me. The proponents of the bill and the subcommittee who have had it in charge were allowed one-half of the time. I should like to inquire of the Chair whether that half of the time has been consumed. If it has been, I certainly will yield the floor.

Mr. BURTON. Mr. Chairman, I think in counting the time the remarks of the Senator from New York can hardly be regarded as in favor of the bill. He criticized its provisions. He seems to be an opponent of the bill.

The PRESIDENT pro tempore. The Chair has been given a very difficult task. The time was divided equally between the two sides, and yet there was no means provided whereby the Chair could decide which side a Senator might be on, unless he was pronounced in his views. If the time that the Senator from New York has taken should be not charged to either side, then it would be necessary to make a new calculation. It is difficult for the Chair to do that.

Mr. FLETCHER. Mr. Chairman, I suggest that the time consumed by the Senator from New York might be divided equally, partly for the bill and partly against it.

The PRESIDENT pro tempore. The Chair has thought of that solution, but it has not yet been proposed. Perhaps that would solve the problem.

Mr. FLETCHER. I make that suggestion, then.

Mr. CUMMINS. I desire to make a parliamentary inquiry. I will apply it to my own case, for instance. Generally, I am for the bill. There are parts of it that I think should not prevail. There are certain amendments that will be offered, which I hope will be adopted. When I offer an amendment, which I intend to do, and speak for it, am I to be reckoned for the bill or against it?

The PRESIDENT pro tempore. The Chair is unable to decide that matter with any degree of definiteness at this time. The Chair anticipated the very trouble that has arisen, and at the beginning of the debate was inclined to raise the question, but was advised not to do it, and the discussion has drifted as it has. If the Chair may take the liberty of suggesting it, the time need not be counted out of either side.

Mr. CUMMINS. It is bound to be counted on one side or the other, because we must vote at 8 o'clock.

The PRESIDENT pro tempore. It can be divided.

Mr. CRAWFORD. We are obliged to vote at 8.

The PRESIDENT pro tempore. Yes. The Chair had in mind to propound this inquiry to the Senate:

The closing words of the agreement are:

> The time for debate to be divided equally between the proponents and the opponents of the bill.

The Chair does not recall any former instance when a provision of that kind was inserted in a unanimous-consent agreement in the Senate. In the other House it is a common practice to agree to an equal division of time, and those who are to control the time are named. No such provision is inserted in the present agreement. The Chair thinks it desirable that that should be done before the debate proceeds.

Can the Senator from Ohio inform the Chair on the point raised? It will be seen that it is an extremely difficult matter for the Chair to determine whether a Senator is on one side or the other, when perhaps he is in favor of some provisions of the House bill and is opposed to other provisions of it.

Mr. WORKS. Mr. President, I was not present when the unanimous-consent agreement was entered into. I should like to inquire whether it included the agreement that certain individual Senators were to consume the time?

The PRESIDENT pro tempore. It did not.

Mr. CRAWFORD. Mr. President, with reference to the Senator from California, I would not under any circumstances knowingly be guilty of a discourtesy to him. I thought I had the floor in my own right, and that the time was limited. I think the Senator feels as though it was hardly fair to him; and rather than have my good friend feel that way, I will certainly yield the floor.

Mr. WORKS. Oh, no; I do not feel for a moment that the Senator from South Dakota intended to be discourteous to me, and I shall not take up any of his time under the circumstances.

Mr. CRAWFORD. Just for a moment, Mr. President, I should like to give a little statement of what has been done in an attempt to shape up the claims for legislation that were presented to the Subcommittee of the Committee on Commerce.

This matter, it is true, as was said here last evening, came up on the arrival of the bill from the House at the last session. In December the subcommittee began giving hearings upon the bill, and continued almost daily during the entire session up to the time it was reported the other day.

As is generally the case with legislation of this kind, here were the two opposing interests, the representatives of the seamen on the one side and the owners of the great shipping interests on the other. It is practically impossible for men who want to act as legislators to give, in all cases, to each of the parties whose interests conflict somewhat, all they ask and everything they think they ought to have.

I knew very little, I admit, about this subject, and I do not claim to know very much about it yet. But after all of the hearings, the testimony, and the claims I am bound to say that I think in the main this bill as it is before the Senate to-day expresses fairly and justly the general attitude which I think the Congress of the United States, upon deliberation and with full information, would naturally take upon a question of this kind.

For instance, the first claim that was made was with reference to imprisonment and flogging and unjust treatment of sailors at sea. We have gone so far as practically to remove every complaint that can be made upon that score, except in this one single instance: The provision for the payment of the half wage due in the American port is not extended to the sailor and his contract where the vessel is a foreign vessel and the sailor is a foreign sailor and the owner is a foreign owner.

The half wage that the American sailor might get in such a case is not allowed to the foreign sailor. It seems to me that for us to undertake to go aboard a foreign ship and interfere with the contracts between the foreign shipowner and the foreign sailor is not only to violate treaties, but it is to go into a domain which we may have the power to invade, but which, as a matter of wisdom in our relations with foreign nations, we ought not to invade.

With reference to the treatment of these sailors in their sanitary surroundings aboard ship we not only have given them all they asked and all that was given them in the House bill, but we have given them still more. For instance, in the number of cubic feet of air space about their sleeping compartments, in all those provisions that will make life more inviting and more comfortable aboard ships in the way of sanitary sur-

roundings, this bill gives them all and even more than they contended for.

With reference to the hours of labor—and that was one of the serious complaints made by the seamen, and one of the points bitterly contested by the shipowners—the firemen in the engine rooms, not only on the Lakes but in these vessels everywhere, are given the three-watch system—that is, it is provided that they shall have three successive watches, and that their time shall be divided so that they shall get a proper amount of rest. They were here from the coast, they were here from the Lakes, and their demands in that respect have gone into this bill.

With reference to the lifeboat drill—and that is a subject of discussion here—I want simply to leave this thought with the Senate:

When you are treating of a question like efficiency in lifeboat drill, it is not what the sailors may desire in regard to it that should govern; it is not what the shipowners may desire in regard to it that should govern. The principal purpose of this provision is to protect the men whose lives are intrusted to these sailors and to these shipowners. The motive power of this provision for the boat drill, and for the class of men who must be employed to have charge of the boat drill, is the conservation of the lives of the men and the women and the children who go aboard these ships.

If our friends, the sailors, had their way, they would simply put in the provision that was in the House—that there should be two able-bodied seamen, as they call them, for each of these lifeboats. Would that add to the protection of human life? What is the able-bodied seaman under this definition? The man who has been three years on the decks at sea and who has gotten a certificate from some authority that he has put in so much time. That time might have been put in on a sailing craft. He might be an able-bodied seaman within every element of the definition required there; he might to able to handle sails; he might be able to splice ropes; he might be able to manage a sailing vessel and come within that definition, and yet he might know practically nothing about handling a lifeboat on a great modern steamship like the *Titanic*, so different from a sailing ship. His rating as an able seaman there might not give him the qualifications necessary for handling a lifeboat, for the protection of the lives of the men and women and children aboard these great modern steamers.

So we created the position of lifeboat man in this act, and provided what he should be, and what the test of his efficiency should be, and required that at least two such lifeboat men should be assigned to every boat on every one of these vessels. We provided that he should be an able-bodied seaman, but we provided that he should be more than that. He is required to be a man who, by practical test, has shown that he knows how to hoist and put out and lower the lifeboats on these great vessels. Then we have this provision in here requiring these men to obey the orders requiring lifeboat drills, so that they may not only be efficient and skillful, but they may have the matter in hand all the time.

Mr. President, these boats are in port sometimes for a considerable period. Because we believe we ought to do it in the interest of the men and women and children whose lives are intrusted to their care, we say they shall have these lifeboat drills while the ship is in port as well as while she is at sea. If they are to have these lifeboat drills in port, there must be some provision that some one shall require them to have these drills, and there must be some penalty prescribed if they refuse to take part in them.

Whether we have made the penalty too severe or not is a matter for the Senate to determine. I am sure no member of the committee is opinionated upon that matter. No member of the committee feels that he has spoken the last word as to whether the offense should be mutiny, misdemeanor, or whether there should be a milder punishment than the one that is defined there. But we do submit to the Senate that there should be some provision of that character which would make it the duty of these lifeboat men when in port to take part in these lifeboat drills, and impose some penalty upon them if they refuse to do it. How much of a penalty it should be, let the Senate decide.

With reference to the language test, as the bill came over here from the House it provided that 75 per cent of the crew on these ships shall understand the language of the officers; that is, when the officer gives his order 75 per cent of these sailors must understand the order in the language of the officer giving it. But the testimony was overwhelming, and certainly can not be contested, that if we should undertake to enforce that provision we would not have an American flag on a single vessel on the sea.

What is that provision put there for? If it has a right to be in there, it rests upon the fact that it is necessary to have some provision of that kind in order to protect the lives of passengers on board these vessels in case of accident, because the men in the crews do not understand the orders.

What have we provided? We have provided that on these vessels, in case the sailors do not speak the same language as the officers, there shall be at least one man for every lifeboat who can understand the language of the officers giving the orders, and who can transmit them to the crew.

If the purpose of the provision is to have the crew understand the orders, there is a provision that amply and completely does it, and yet does not drive the American flag off the ocean and make it impossible to secure crews that can be employed under the American flag. If the purpose is not simply to conserve human life, but to undertake by law to put the American aboard ship, that is a different thing. But, Mr. President, when we come to hear all this testimony, we find that there are a good many difficulties in the way of putting the American laboring man on board one of these ships. If good surroundings, good sanitary conditions, a healthful place to sleep, and the three-watch system will do it, I hope they may go there. But, sir, the American plowboy does not go to sea. The ambitious American boy, with these great hives of industry around him, with opportunities to get positions and climb to a higher estate in his own country, does not go to sea, and you can not put him aboard these ships by passing a law.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. Yes; but I have talked longer now than I intended to.

Mr. SMITH of Michigan. I shall not detain the Senator except to make one observation.

Unless the calling of the sailor can be dignified and put upon a basis which will encourage efficiency and devotion to that calling, we shall not have American sailors.

Much that has been done in this bill is calculated to make life on shipboard much more attractive than it ever has been before. But so long as we permit the recruiting of men to man these great vessels from among the unskilled and the unemployed of the great cities, we menace the calling of the sailor, and in that respect he will be discouraged, and other employments will appeal to him much more strongly than the calling which he would naturally follow.

I want to see this bill so framed, if it is possible to do it, that the personnel of the vessels of the ocean and of the Lakes may rise to that standard of efficiency which will guarantee to those who travel upon the sea, and to those who work in that calling, the greatest safety from the ordinary perils of the sea that it is possible for us to attain.

Mr. CRAWFORD. Mr. President, I am not at war with a single utterance of the Senator. I say that in this bill, where they have had no watch system, or the two-watch system, we have given them the three-watch system. In this bill, instead of their being entirely unregulated and running wild with reference to sanitary surroundings, we have given them the most complete specifications of what shall be required to make life comfortable aboard these vessels that have ever been put into any statute anywhere.

Mr. SMITH of Michigan. I agree entirely with the statement of the Senator from South Dakota. I think you have put into this bill principles that do you great credit and that ought to be enacted into law.

Mr. CRAWFORD. Mr. President, they told us stories about men being brought up out of the hot engine room when the decks were covered with ice, when death was almost sure to follow the exposure there. I hope this legislation will be enacted. If it is, nothing of that kind can ever occur again, because we will have the three-watch system for the firemen, and we will have that system for the men who are performing the duties of the lookout and the quartermaster and the wheelsman.

Mr. SMITH of Michigan. Mr. President, if I may be permitted to again interrupt the Senator——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. I do; but I want to close in a few moments.

Mr. SMITH of Michigan. Because of my physical condition, which for several days has not been what I had hoped it would be, I shall not be able to take part to any extent in the discussion. Indeed, I somewhat doubt the wisdom of my presence in the Chamber. But the importance of the subject is so great, and the care and attention of the subcommittee has been so constant, that I should be very reluctant to criticize a single feature of the proposed substitute.

I think we should have more skilled men on these vessels than the substitute provides for. I think we should make it im-

possible, in case of an accident or catastrophe, to have lifeboats manned by men so unskilled that they would admit to those whom they were attempting to save that they had never handled an oar and did not even know what the oarlock was for. I should like to see a standard of skill prescribed by this law, and then I would oblige the shipowner to put on his vessel a sufficient complement of that class of skilled seamen to fully protect the vessel, the crew, and the passengers. To that end I hope this discussion as it runs along, and the amendments as they are considered, may have in view increasing the recognized skill which comes from experience and training and determination to guarantee that standard of efficiency which both the Senator from South Dakota and myself sincerely desire.

Mr. CRAWFORD. Mr. President, again I agree with the Senator from Michigan; and I call attention to the fact that under the law as it exists now there is no provision for the lifeboat drill and the number of men who shall be assigned to each lifeboat such as this bill provides. Here we say:

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical tests to the satisfaction of the master that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce and Labor, who shall, through collectors of customs, local inspectors, and other officers of the Government enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of lifeboat hands.

As this bill came from the House it had no such provision as that. As it came from the House it defined an able seamen, and it provided that each lifeboat must have an able seaman. But, Mr. President, a man could qualify as an able seaman who perhaps had never handled a lifeboat in his life. At any rate, if he had served on a sailing vessel and could splice ropes and tie sailors' knots and handle a sail, although that occupation is now practically obsolete, he could get a place on one of the modern steamers, where thousands of human lives would be intrusted to his hands, and not be able to comply with the provisions of this law with reference to the handling of lifeboats. Yet we are criticized, and we are accused of having done something wrong, because we require especial training and especial fitness for the handling of lifeboats and require two such men for every lifeboat on board the vessel.

Mr. President, we go further than requiring two of these lifeboat men for every lifeboat; we define the able seamen practically as they were defined in the House bill, or, at least, as the seamen themselves ask that they be defined. Then we provide that there must be employed as lookouts, as quartermasters, and as wheelsmen on every one of these ships men who can qualify thus as able seamen. Then we go further than the House, and for every one of these able seamen put in these positions we give them the three-watch system.

I think this bill is not perfect, but I think it was the honest result of an honest attempt to be legislators and not partisans. It would not be fair to the people of the United States simply to crystallize the wish of one class of men into a statute without putting that wish in right relation to the responsibility and duty we owe to the people whose lives are intrusted to these vessels and to the continuance of commerce itself. We have got to consider those elements as well as the interests of a particular class.

I wish to say, Mr. President, that I never knew in my life a more interesting man than the representative of the seamen, who has worked with singleness of purpose and in a self-sacrificing spirit for what he thinks ought to be in this law. Yet I can not agree with him in all things. I think in some respects he wants more than we ought to put into the statute when we are weighing its relation to the people of the United States and the continuance of a great commercial policy in this country.

The PRESIDENT pro tempore. The time of the friends of the bill is exhausted.

Mr. LODGE. Mr. President, I favor the bill, but I do not propose to discuss it. I merely wish to explain an amendment which I will offer at the proper time.

From the passage of the act of December 21, 1898, down to 1908 I understand the transportation of sick seamen was defrayed from the fund for the maintenance and the transportation of destitute seamen. By a decision in the Treasury Department it has been held that unless the captain appears personally the consul is not authorized to expend money from that fund for the care of a seaman in a hospital or for his transportation to his home. It is impossible in many cases for the captain to make that personal appearance. A vessel is on the coast of Labrador fishing. It sends a sick seaman by a returning vessel to St. Johns or to North Sidney. He can not be taken in charge under this decision of the department.

I have an amendment which will cure that evil and enable the captain by letter or by telegraph or telephone to inform the consul that the seaman is discharged on account of illness, and secure for him the benefit of the fund, as was intended by the act of 1898.

Mr. FLETCHER. Mr. President, I should like to have the attention of the Chair. Did I understand the Chair to state that those who are in favor of the bill as reported to the Senate have no further time? I wanted to submit a very few remarks on the subject.

The PRESIDENT pro tempore. The time has been fully exhausted.

Mr. BURTON. I recognize the great difficulty in making such a computation. I should like to ask how the time of the Senator from New York [Mr. ROOT] was computed.

The PRESIDENT pro tempore. The time occupied by the Senator from New York was divided.

Mr. BURTON. I regret that members of the committee are not able to address the Senate upon the question now before us. The Presiding Officer rules that the time of those advocating the bill has been exhausted?

The PRESIDENT pro tempore. By dividing the time of the Senator from New York equally between the two sides the time has been exhausted.

Mr. CUMMINS. Mr. President, my attitude toward this bill is one of general concurrence coupled with a very great desire that it shall be amended in some respects before it is passed. At the proper time I intend to offer an amendment to strike out subdivision 9, of section 8, and in order that Senators who are here may understand the scope and purpose of the amendment and what it will accomplish, I will read that part of the amendment of the committee which I think should be stricken out:

Ninth. For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned: *Provided*, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service. The provisions of this section shall apply to all merchant vessels of the United States.

I want to impress upon Senators present two or three preliminary observations. First, this section and the provisions that I have just read apply to all merchant vessels of the United States, large or small, passenger boats or freight boats. These provisions apply to all those vessels, whether they are at sea or in port. No matter how long they may be in port, nevertheless these provisions apply.

My criticism of this part of the bill is that it is a practical return to the involuntary servitude which has been so frequently mentioned here, and never mentioned without reprobation. I can not understand just why the committee thought it necessary to go to the extreme length that is embraced in this part of the bill. Remember again that it applies to every boat, great or small, and no matter in what service that boat may be engaged.

In my opinion it will be found to be the ready instrumentality for the coercion of every seaman by criminal penalties in every port of the United States as well as every port of the world in which a merchant vessel of the United States may find itself. I desire to analyze it for a moment:

For each refusal or willful neglect to engage in boat or fire practice or drill.

But before I comment upon just what those words mean, allow me to say that every man must sympathize with every reasonable effort to increase the safety of vessels at sea, to secure the safety of men, women, and children, as the Senator from South Dakota said, who travel upon those boats. But this provision will not accomplish the purpose. In my judgment this provision will defeat itself, first, in rendering the occupation so unattractive and so forbidding and so revolting, if I may use that word, that instead of lifting up the standard of seamanship in this country it will have the distinct tendency to degrade and to lower it. What self-respecting man would be willing to enter into employment of this character under the penalties of this bill?

If it simply provided that at a given time, with a boat crew in the presence of a master, a drill should be ordered, and if a seaman refused to obey the order he might be punished as a criminal, I would make no great objection to it. That, how-

ever, is not its meaning. That will not be the scope of its operation.

Mr. BURTON. That is exactly the meaning. It is not supposed that drills would be indulged in that were superfluous. Indeed, the whole subject is under the supervision of the inspectors. I do not know how frequently these drills are held. There is a certain amount of practice, however, that can be obtained in port much more readily than outside. I am really at a loss to understand how the Senator from Iowa places upon it the interpretation which he gives to it.

Mr. CUMMINS. There is no other interpretation to be placed upon it.

Mr. BURTON. Does the Senator from Iowa think that boat drills would be ordered by the officers just as a mere means of keeping the men busy, or something of that kind, and not for the sake of giving them the requisite skill?

Mr. CUMMINS. Oh, no; the Senator from Ohio utterly misunderstands me. We will assume that a boat is in port. I care not how severe the regulations are made for a boat at sea, for there the rules are, and ought to be, very different from the rules which should govern the crew when the boat is in harbor. But suppose a boat is in port and the master calls out the men for practice; if any man there subject to his order declines to obey the order, I would have no objection to his punishment. But suppose that before the boat reaches port the master publishes an order that every day at 12 o'clock there shall be a boat drill or a fire drill, and that then some of the seamen having shore leave do not return to engage in the boat drill, or suppose some one of the seamen prefers to leave the service at that time or that place, this punishment would be inflicted upon him nevertheless, because it would be on his part a refusal to engage in that drill. It would be on his part a willful neglect to return to the boat for the purpose of complying with the regulations that might be prescribed in advance.

In that way you have in this bill made criminal a less offense than the offense of desertion. The civilization of the time, the common voice of humanity required the United States to take away the criminal punishment from desertion so far as our own coastwise trade is concerned. Yet for the failure to appear at the proper moment, in order to engage in a prearranged or preordered drill, you impose a criminal punishment upon the man. In my opinion, to attempt to enlist men and hold them under those circumstances and visit a penalty is simply to perpetuate the servitude that you are attempting to remove.

Mr. BURTON. If the Senator will allow me——

Mr. POINDEXTER. Mr. President, I make the point of no quorum.

Mr. CUMMINS. I yield to the Senator from Ohio.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Washington makes the point that no quorum is present.

Mr. BURTON. Will the Senator from Washington withhold that for a minute?

Mr. POINDEXTER. For a moment.

Mr. BURTON. The Senator from Iowa is supposing an instance that never occurred in the history of shipping and that could not occur. That would cause the inspectors to call the master down immediately and possibly revoke his license.

Mr. POINDEXTER. There is very little use, so far as the discussion of this question is concerned, to discuss it unless there are Senators present to hear the discussion. I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	La Follette	Sheppard
Bankhead	Clarke, Ark.	Martine, N. J.	Simmons
Bourne	Crane	Myers	Smith, Ga.
Brady	Crawford	Nelson	Smith, Md.
Brandegee	Cummins	O'Gorman	Smith, Mich.
Bristow	Dixon	Oliver	Stone
Bryan	Fletcher	Page	Swanson
Burnham	Foster	Percy	Thomas
Burton	Gallinger	Perkins	Tillman
Catron	Gronna	Pittman	Watson
Chamberlain	Johnson, Me.	Poindexter	Webb
Clapp	Jones	Pomerene	Wetmore.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. The penalty that I have just mentioned as following the refusal or neglect of a seaman to engage in a boat or fire drill would be severe enough, indeed too severe, if this part of the section were applicable only to passenger boats of large capacity; but it is applicable to all boats, and to me the breadth of its application in that respect is very significant.

I do not see why seamen when they are in port should not be treated as ordinary human beings. Who would think of imposing a penalty of this sort upon any other kind of employees engaged in any other business whatsoever? We all understand that there must be a distinction when the vessel is at sea, for there are reasons which arise for increased severity under those circumstances; but to say that a seaman in port, under the construction that I have given to this paragraph, must be present at a drill or suffer one year's punishment in jail and forfeit all his wages, impresses me as a violation of the Constitution of the United States. I think it is a cruel and inhuman punishment for that offense. The history of mankind shows that you can not increase the efficiency of law by attaching penalties for violations disproportionate to the offense for which the punishment is inflicted. It is just so here; you could not successfully imprison men a year and forfeit all their wages because while in port they did not attend every fire drill or boat drill that may have been ordered by the master.

In my opinion it would be vastly better if the rule with regard to fire drills and boat drills were imposed upon the ship, leaving the master of the ship to secure obedience to it and compliance with it in the way in which men ordinarily secure compliance with such regulations.

I would as soon think of saying that a brakeman who did not respond in the morning when called to take his train should be sent to the penitentiary for a year and forfeit all his wages as to say that a seaman who might not, for one reason or another, respond to an order of this kind should suffer such a punishment.

But that is not all. The next provision says:

> And for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats.

If my distinguished friends from Massachusetts and New York were here they would be horrified to observe that the committee has employed the split infinitive. To them that is a greater offense, I am sure, than the desertion of a boat drill or a fire drill. It, however, does not concern me. I do not care just where the word "efficiently" is placed, but I should like to know of the Senator from Ohio who is to determine whether the assistance given is efficient or not? Is a man to go to the penitentiary because some court holds that he has not efficiently assisted in launching a lifeboat?

Mr. BURTON. Of course, Mr. President, the Senator from Iowa absolutely misapprehends the general purport of this provision. If I thought or the committee thought for a minute that it was going to impose any hardship on the seamen, that it was going to be used as an instrument of oppression, I would not be for it for a minute. But in order to secure efficiency in the handling of lifeboats there must be certain drills in the harbor. I take it that if a sailor at sea refused to take part in a boat drill it would be considered mutiny.

Mr. CUMMINS. Certainly.

Mr. BURTON. As a part of his education and for the handling of lifeboats he should have practice in the harbor as well as at sea.

Now, as regards efficiently assisting, the meaning of that is that he shall give earnest and efficient efforts in his assistance. No court would find him guilty unless it was shown that he was intentionally inattentive—that is, if the seaman acts as if he were making a lark or a mockery of the service, that is not efficient assistance. It is expected that he will go at this seriously, with a view of making himself proficient.

The Senator from Iowa will recognize that certainly since the *Titanic* disaster there is no one subject concerning safety at sea that has awakened more attention than the necessity for skill in the handling of lifeboats; and the committee, without imposing any hardship on the seaman of punishment—much less than would be the case if he refused any practice at sea—thought this provision should be made. He would be punished much more severely than this at sea. We recognized the necessity for practice in the harbor. We did not feel that we were doing our duty unless we did this. I certainly would not want it to go in if it is going to impose any hardship on seamen or make it possible for a master to use it as an instrument of oppression.

Mr. CUMMINS. I want the Senator from Ohio to know that I am not accusing him of any hardness of heart toward the seaman, but I think if he is responsible for this paragraph he has fallen into an unfortunate error.

There are many things here that do alleviate the condition of the seaman, that are intended for his benefit, and that will result in his benefit; and therefore I was the more surprised to find this provision which seemed to me so cruel and so unnecessary.

The Senator from Ohio will know, I hope—I am sure other Senators will know—that I am not arguing against boat drills in harbor or fire drills in harbor. I think both are necessary and both ought to be required. But I am insisting that it is unnecessary and inhuman to punish a man by imprisonment in the penitentiary a year because he refused or failed to answer to a fire drill or a boat drill. The service there is of no greater importance than the service of a thousand other industries in which we depend upon the honor of mankind, the honor of employees, the standard of character of the employees for the fulfillment of the duties of the master to the public. We are intending here, if possible, to raise the standard of seamen, to invite men of better capacity and of a higher sense of responsibility into the service. The way to get them into the service is not to degrade them before they enter the service by subjecting them to a punishment of this sort for offenses which are common enough in this world of ours.

Mr. BURTON. I did not wish to take quite so much of the time of the Senator from Iowa, but I should like to ask one further question. The Senator from Iowa concedes that boat drills in the harbor are not only desirable, but necessary. They are just as necessary, I take it he will concede more necessary, than boat drills at sea.

Mr. CUMMINS. No; I do not concede that; but I concede that they are necessary.

Mr. BURTON. Are you going to leave the refusal to take part in a boat drill absolutely without any punishment or penalty? Other acts that would be far less serious in the way of insubordination receive punishment.

Mr. CUMMINS. We have a fire department in Washington, which is just as necessary to the safety of Washington as are fire appliances necessary to the safety of boats. Suppose that you should pass a law for the District of Columbia that if any fireman refused to appear or failed to appear at a fire drill, he should be put in the penitentiary for a year, how do you think it would strike the civilized sense of mankind?

Mr. BURTON. That is altogether a different case. In the first place, you have the right to discipline the fireman; he holds a permanent position, and you can discharge him.

Mr. CUMMINS. So you can here.

Mr. BURTON. But if the fire department of Washington could not be made efficient in any other way except by imposing a penalty, the people of Washington would demand, in order to protect themselves from fire, that such refusal to drill should be severely punished.

Mr. CUMMINS. The Senator from Ohio begs the whole question. He says if it could not be made efficient in any other way. I say it can be made efficient in another way. We have never tried anything of the sort; it is new and it is unknown to the law of this or any other country, I fancy, although I do not speak advisedly about other countries.

Mr. LA FOLLETTE. May I suggest to the Senator from Ohio that if the firemen in the service of the city of Washington were required to undergo an examination that should be a test of their efficiency before they were admitted to the service they might not be required to take this drill which is suggested by the illustration offered by the Senator from Ohio.

Mr. CUMMINS. Precisely. I was attempting a few moments ago——

Mr. LA FOLLETTE. Just a word further. The standard of efficiency provided by the House bill has been eliminated from the Senate bill, and instead they are clothing the masters and the owners of vessels with power to continue in involuntary servitude the seaman.

Mr. CUMMINS. As I was suggesting to the Senator from Ohio a little while ago, the whole purpose of this bill originally was to induce better men, more competent and more efficient men, to enter the service, in the hope, in the confident belief that they would be moved by those sentiments which require men to be true and faithful to their duty and to be constant to their obligations; and, as the Senator from Wisconsin has stated, instead of prescribing standards of entrance, so that none but men of character and conscience could enter the service, all men are invited, apparently, into the service. Then they are sought to be rendered obedient by prescribing such punishment as has never yet been imposed for such an offense, so far as I know.

I am sure that the humane instincts of the Senator from Ohio will lead him to insist upon either the elimination of this provision from the bill or its reformation in such a way as that the consequences I have pointed out may not ensue. In my opinion, all the good that is sought to be attained by this bill would be neutralized and overcome if this blot upon the legislation of a free country should be permitted to remain upon the measure.

The punishment here does not fit the offense; and, if we pass this bill, it seems to me that we indicate not a progress toward higher and better things, not a progress toward the humanities, but rather a retrocession into the gloom of barbarism.

I do not intend, Mr. President, to ask a vote upon the amendment at this time. I think it ought to be fully debated, but I shall offer the amendment when the moment comes at which amendments become appropriate.

I will say, further, that if the Senate should conclude not to adopt the amendment, should conclude to leave this extraordinary provision in the bill, then I shall ask, at least, that its application be limited to boats at sea.

Mr. LA FOLLETTE. Mr. President I do not know that I care to address any criticisms that I may have to make of the bill reported by the Senate committee merely to the CONGRESSIONAL RECORD. There appear to be at this present moment, with myself and the Presiding Officer, 13 Members of the Senate present.

Mr. DIXON. I suggest the absence of a quorum.

Mr. LA FOLLETTE. We are discussing, Mr. President, a very important piece of legislation that will be tested by many roll calls, and those roll calls will be presented in many States.

The PRESIDING OFFICER. The Senator from Montana [Mr. DIXON] suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Kern	Sheppard
Brady	Cummins	La Follette	Simmons
Bryan	Dixon	Martine, N. J.	Smith, Ga.
Burnham	Fletcher	Myers	Smith, Md.
Burton	Gronna	Newlands	Swanson
Catron	Hitchcock	O'Gorman	Thomas
Chamberlain	Johnson, Me.	Page	Watson
Chilton	Johnston, Ala.	Perkins	Wetmore
Clark, Wyo.	Jones	Pittman	Williams
Crane	Kenyon	Pomerene	

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names—not a quorum. The Secretary will call the names of absent Senators.

The Secretary called the roll of absent Senators, and Mr. STONE, Mr. WORKS, Mr. BRISTOW, Mr. CLAPP, Mr. BOURNE, Mr. FOSTER, Mr. BANKHEAD, Mr. PENROSE, and Mr. CURTIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, 48 Senators have answered to their names, but a quorum is not present. I invite the attention of visitors in the galleries from nearly every State in the Union to the fact that important subjects are under discussion in the United States Senate and that Senators enter this body and answer to the roll call and depart from the Senate Chamber immediately thereafter; so that if one is to argue out any of the propositions that are presented on proposed legislation, he must from time to time discuss them with barely a handful of Senators present. I do not propose on this important legislation, on which is dependent the emancipation of the last vestige of slavery on American soil, to discuss it for one moment in the presence of a handful of Senators. Senators can either return to the Senate Chamber, answer to their names, and remain here while these important propositions are being discussed, or they can come in and vote on them without discussion, so far as I am concerned.

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. LA FOLLETTE. I do.

Mr. CHILTON. The suggestion of the Senator from Wisconsin certainly leaves the road open to make some discrimination. There are some of us who stay here all the time. Having invited the attention of the country to the fact that many are not here, there ought to be some way by which those of us who are here can be protected with our constituencies.

Mr. LA FOLLETTE. It is open to the Senator from West Virginia to state the fact that Senators from various States are present at this time.

Mr. CHILTON. Having answered for myself, I will not undertake to do more.

Mr. LA FOLLETTE. I do not propose to go on with the debate at this time. The vote can come at once, and without debate, upon this bill and the amendments which I shall offer, unless Senators return to the Chamber and remain here while those amendments and the bill in its entirety are discussed.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole. The question is on agreeing to the amendment proposed by the committee.

Mr. CUMMINS. Mr. President, I offer an amendment to the amendment of the committee, which I send to the desk.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be stated.

Mr. ASHURST. Mr. President, if it is in order, I desire to say that my distinguished colleague [Mr. SMITH of Arizona] is very assiduous in his attendance upon the sessions of the Senate. As Senators will remember, he attended the session to a late hour this morning, and is unavoidably absent this evening. He has a slight indisposition, but he is nevertheless in attendance upon public business. I wish the RECORD to show that fact.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Are the proceedings from now until the disposition of the bill to be concluded without debate?

The PRESIDING OFFICER. The Chair understands the unanimous-consent agreement to provide that when the voting begins it shall proceed without debate.

Mr. CUMMINS. I call for the yeas and nays upon my amendment.

Mr. POMERENE. I suggest that the unanimous-consent agreement be read to the Senate.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement to the Senate.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 a. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180—the rivers and harbors bill—and, further, that at not later than 8 o'clock p. m., on said day, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, and amendments that may be offered, and upon the bill H. R. 23673—the seamen's bill, so called—through the regular parliamentary stages to its final disposition, the time for debate to be divided equally between the proponents and opponents of the bill.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

Mr. BURTON. Mr. President, there is a very light attendance here, and I again suggest the absence of a quorum.

Mr. LA FOLLETTE. May I suggest——

The PRESIDING OFFICER. The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Kenyon	Simmons
Bankhead	Cummins	La Follette	Smith, Ga.
Borah	Curtis	Martine, N. J.	Smith, Md.
Brady	Dixon	Myers	Stone
Bryan	Fall	O'Gorman	Thomas
Burnham	Fletcher	Oliver	Warren
Burton	Gallinger	Page	Watson
Catron	Hitchcock	Perkins	Wetmore
Chamberlain	Johnson, Me.	Pittman	Williams
Chilton	Johnston, Ala.	Pomerene	Works
Clapp	Jones	Sheppard	

The PRESIDENT pro tempore. On the call of the roll 43 Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absentees, and Mr. NELSON, Mr. CRAWFORD, Mr. DILLINGHAM, Mr. GRONNA, Mr. KERN, and Mr. GARDNER entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Iowa offers an amendment which will be stated.

Mr. CUMMINS. Inasmuch as the Senator from Wisconsin [Mr. LA FOLLETTE] has certain amendments that apply to earlier parts of the bill, I desire to withhold the amendment I have just offered until that part of the bill is reached in regular order.

Mr. BURTON. Mr. President, do I understand that amendments are now in order?

The PRESIDENT pro tempore. The bill is in Committee of the Whole, and the question is upon the amendment reported by the committee.

Mr. BURTON. I offer an amendment, to add at the end of page 31 the words "owner of." There is an error in the print at that point which should be corrected.

Mr. LA FOLLETTE. Mr. President, I believe that under the insistent objections of the Senator from Ohio [Mr. BURTON] the time was so divided that those who were in favor of the bill as reported from the committee had control of one half of the time and those who were opposed to it had control of the remainder of the time, from 2.30 o'clock p. m. until 8 o'clock. I believe those who are in favor of the bill as reported from the committee have exhausted their time. Am I right about that?

The PRESIDENT pro tempore. The time was divided so far as debate was concerned. The Chair can hardly hold that when debate has terminated either side has preference as to the offering of amendments.

Mr. LA FOLLETTE. Mr. President, it may be that a debate would occur upon an amendment offered——

The PRESIDENT pro tempore. That is true.

Mr. LA FOLLETTE. Which would come within the arrangement.

The PRESIDENT pro tempore. The amendment offered by the Senator from Ohio [Mr. BURTON] will be stated.

The SECRETARY. On page 31, at the end of line 25, after the word "master," it is proposed to insert "owner of."

Mr. LA FOLLETTE. I would suggest that as the Senator from Iowa [Mr. CUMMINS] offered an amendment relating to an earlier section of the bill——

The PRESIDENT pro tempore. That was offered while the present occupant of the chair was out of the Chamber.

Mr. LA FOLLETTE. It was withdrawn with the understanding that we would begin at the beginning of the bill and take up the various sections of the bill and offer amendments in some sort of consecutive order. As I have an amendment to propose to line 17, page 20, I would suggest to the Senator from Ohio that we begin with the Senate bill, at the first section, and proceed with it section by section, offering amendments.

Mr. BURTON. Mr. President, I desire to perfect this bill, so that it may be in shape to express what the committee desired. It seems to me those amendments should be first introduced.

Mr. LA FOLLETTE. I think that is proper, Mr. President.

Mr. BURTON. There are four or five of them. They will not take a very long time.

Mr. LA FOLLETTE. I think that is the recognized procedure.

Mr. BURTON. The one which I have just offered is to cure a misprint.

The PRESIDENT pro tempore. Without objection, the amendment offered by the Senator from Ohio [Mr. BURTON] will be agreed to.

Mr. BURTON. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to transfer page 39 to page 37, following line 20.

Mr. NELSON. I object to the transfer. It transposes it from that part of the bill which defines what an able-bodied seaman is.

Mr. BURTON. Yes.

Mr. NELSON. It ought to follow that.

Mr. BURTON. But it brings together the sections which pertain to the qualifications of the seamen and the lifeboat men. It brings them together. I will ask that it be read.

Mr. LA FOLLETTE. Let me suggest to the Senator from Ohio that it will make it impossible, without reconstructing amendments which have been prepared to be offered to the bill, to offer them with that transfer made.

Mr. BURTON. It can be very readily followed by taking page 39, which really belongs on page 37, as I suggested.

Mr. NELSON. I do not agree with the Senator on that point.

Mr. BURTON. It will be perfectly clear when that follows.

Mr. LA FOLLETTE. Yes, but we shall have to rewrite all our amendments.

Mr. FLETCHER. I suggest to the Senator from Ohio that it would seem to be a queer amendment to transfer one page to another page without specifying where it is to come in.

Mr. CUMMINS. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. CUMMINS. A former occupant of the chair ruled that debate had closed upon this bill. Therefore debate is not now in order.

Mr. FLETCHER. I am simply asking the Senator from Ohio to state what part of page 37 he wishes this other page transferred to.

Mr. BURTON. Immediately after line 20. It is necessary that it shall go with the other provisions, relating to the qualifications of seamen. Another reason is that at the end of that section the dates on which the regulations are to take effect are specified, and if page 39 should remain where it now is there would be no direction relating to the time when that provision takes effect.

The PRESIDENT pro tempore. The Chair has just read the unanimous-consent agreement, and is of opinion that the voting will take place without discussion after the general debate has ended. The general debate seems to have ended, so that the Chair will be constrained to rule that debate is not now in order.

Mr. LA FOLLETTE. I do not know that the general debate has ended. We concluded debate here in an effort to get a quorum, and immediately thereafter the Senator from Ohio rose to offer an amendment. Before the Chair makes any ruling of that sort I want to enter in the RECORD the platforms of the Republican and the Democratic Parties with respect to this proposed legislation.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Ohio [Mr. BURTON] to the amendment, which will be stated.

The SECRETARY. It is proposed to transfer all on page 39 to page 37, following line 20.

Mr. LA FOLLETTE. Upon that amendment to the amendment I ask to have read what I send to the Secretary's desk.

The PRESIDENT pro tempore. Without objection the Secretary will read as requested.

The Secretary read as follows:

REPUBLICAN PLATFORM, 1912.

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude and that life and property shall be safeguarded by the ample equipment of vessels with life-saving appliances and with full complements of skilled, able-bodied seamen to operate them.

DEMOCRATIC PLATFORM, 1912.

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws, and the abrogation of so much of our treaties with other nations, as provide for the arrest and imprisonment of seamen charged with desertion, or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Ohio [Mr. BURTON] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BURTON. I offer another amendment, which I sent to the desk.

The SECRETARY. On page 40 it is proposed to strike out lines 1, 2, and 3, which read as follows——

Mr. BURTON. That goes with the other. The other one not having been adopted, it is to be abandoned.

The PRESIDENT pro tempore. The Chair understands that the Senator from Ohio withdraws the amendment to the amendment.

Mr. BURTON. In view of the fact that the other amendment was not adopted, that one is abandoned.

The PRESIDENT pro tempore. The amendment to the amendment is withdrawn.

Mr. BURTON. I now offer another amendment: On page 39, line 6, I move to strike out the word "if," after the word "that."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 39, line 6, it is proposed to strike out "if," so that if amended it will read:

That upon examination, under rules prescribed by the Department of Commerce and Labor, etc.

The amendment to the amendment was agreed to.

Mr. BURTON. I now move, on page 42, to strike out lines 7 and 8. Those lines are unnecessary.

The PRESIDENT pro tempore. The amendment will be reported.

The SECRETARY. On page 42 it is proposed to strike out lines 7 and 8 in the following words:

Section 5280, Revised Statutes, repealed.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Ohio to the amendment.

Mr. CHAMBERLAIN. I rise to a parliamentary inquiry. I should like to know the effect of repealing that statute.

The PRESIDENT pro tempore. The Secretary will read the amendment, and then the text as it would read if amended.

The SECRETARY. On page 42 it is proposed to strike out lines 7 and 8, the last two lines in the amendment, as follows:

Section 5280, Revised Statutes, repealed.

Mr. CHAMBERLAIN. What is the statute that is sought to be repealed?

The PRESIDENT pro tempore. The Senator from Ohio can probably inform the Senator from Oregon as to that.

Mr. BURTON. The Senator from Minnesota [Mr. NELSON] is more familiar with it than I am.

Mr. NELSON. I suppose the matter is not open to debate; but I ask to have the section of the statute read.

The PRESIDENT pro tempore. Without objection it will be read. The Chair will entertain debate until the hour of 8 o'clock, without objection.

Mr. NELSON. Lines 7 and 8 repeal that statute; and the motion is to strike out those lines.

Mr. BURTON. I understand the Senator from Minnesota received information in regard to this matter from the Commissioner of Navigation.

Mr. NELSON. Yes, sir.

Mr. BURTON. On examining that section I am not so sure that it should be repealed. I think it had better be allowed to remain.

Mr. NELSON. The bill proposes to repeal it, and the Senator's motion is to strike out the two lines repealing the section.

The PRESIDENT pro tempore. The Secretary will read section 5280 as requested.

The Secretary read as follows:

SEC. 5280. On application of a consul or vice consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice consul, shall be detained until the consul or vice consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause.

Mr. BURTON. Mr. President, the copy I have before me shows that line and a half stricken out. It ought to be repealed, and I will ask the Secretary in what form the bill is as he has it.

The PRESIDENT pro tempore. The bill as reported from the committee contains those two lines as a part of the Senate committee amendment.

Mr. BURTON. The lines ought to stay, and no amendment is required. A copy had been handed me in which the lines are erased. I withdraw the amendment.

Mr. FLETCHER. I am not quite sure that it is the effect of this legislation to repeal that statute. However, it may be a mere memorandum furnished the committee showing that that provision of the Revised Statutes stands repealed by this legislation.

Mr. BURTON. I think, Mr. President, it would be better to take no chances on that. It is a section of the Revised Statutes which is altogether obnoxious to the action we are seeking to take in doing away with arrests for desertion. I will say to the Senator from Florida that if there is any mistake it can be arranged in conference; but I should prefer not to run the risk of allowing the lines to be stricken out, because the statute might then remain as law.

Mr. SWANSON. Mr. President, I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment which will be stated.

The SECRETARY. On page 18, line 5, section 14, of the House text, strike out "one barge" and insert "two barges," so that section 14 will read:

SEC. 14. That towing of more than two barges or other vessels 50 miles or more," etc.

Mr. SWANSON. Mr. President, I do not know any objection from any source to this amendment. The reason why I offer it is because there will possibly be a vote between the bill as reported by the committee of the Senate and the bill as passed by the House. If the House bill should pass by the vote of the Senate, I should like to have that provision in it; and I think it is in order, because the committee reported to strike out all the House text and insert the provisions contained in the Senate committee bill. It would seem to me that the text of the House bill ought to be perfected before the motion to strike out and insert is passed upon.

Mr. BURTON. Mr. President, I have decided objections to that. There is no portion of the bill to which the seamen objected more than to allowing the towing of two barges.

Mr. SWANSON. I should like to say to the Senator——

Mr. NELSON. I make the point of order on the amendment, and I think the Senator from Virginia will agree with me. We are now considering the substitute. That should be first amended, and after that, if the substitute is voted down, then the Senator's amendment would be in order.

The PRESIDENT pro tempore. The point of order is not sustained. It is entirely proper to perfect the original text.

Mr. SWANSON. So far as the remark of the Senator from Ohio is concerned, I will say that the seamen who favor this bill came to see me and stated that they have no objection to section 14 going out. If I mistake not the Senate committee bill itself strikes it all out. The only objection to having this

amendment made is to try to get for the Senate bill the support of those who want two barges. I can see no purpose on the part of the Senator from Ohio except to give the Senate bill a strength it otherwise would not have. There has not been any loss of life whatever by towing two barges instead of one on all the rivers and in all the lumber business all over the United States where it is conducted by means of barges. To compel simply one barge instead of two to be towed would be an absolute disadvantage to that business.

Mr. BURTON. This is a perfectly simple proposition. It was discussed at very considerable length before the committee. The bill as it passed the House provided that not more than one barge should be towed unless the barges were furnished with propelling power, sails or otherwise. Those interested in these barges appeared before the committee and objected to that provision. They said they were willing, however, to have two instead of limiting it to one. To that the seamen strenuously objected. It was recognized, however, that there were many Senators who were opposed to that limitation. Hence the Senate committee, with the reluctant consent of the seamen but without opposition certainly from those who favored the use of barges, agreed on the provision which is now section 16. Section 16 contains no limitation, but does provide for a record being made of the loss of life and a report to Congress by the officer to whom such records on loss of life are transmitted.

I should most decidedly object, however, to the insertion of the provision that there shall be two barges allowed without propelling power, because I regard that kind of navigation as exceedingly dangerous to human life. Those who are interested in the use of barges, I may repeat, preferred the form as it is in the Senate committee bill. The seamen did not like it, but thought it better than to allow two barges.

Mr. SWANSON. As I understand the Senator from Ohio, then, the Senate bill strikes out section 14 entirely?

Mr. BURTON. It places no limitation on the use of those barges.

Mr. SWANSON. I will accept an amendment to make no limitation, and let section 14 go out of the House text.

Mr. BURTON. I think it might as well go out as to appear in the form in which it is in the Senate committee bill, for I really consider this to be a kind of navigation where there is serious danger to human life. The barges are frail, their draft is slight, and to allow them to go out to sea is like sending out a ready-made coffin. I should decidedly object to allowing two barges. In view of the strenuous opposition to the paragraph as it passed the House, the seamen consented that the form as it appears in the Senate bill should remain.

Mr. SMITH of Maryland. In regard to the bill as proposed by the Senate committee, I have no objection in so far as this barge matter is concerned——

Mr. LA FOLLETTE. Will the Senator from Maryland yield to me for just a moment?

Mr. SMITH of Maryland. Certainly, although I should like to finish the sentence. I say I have no objection, because there is going to be an investigation to disclose whether there is any trouble or defect in the present system of towing barges. To that I have no objection. Now I will yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I was going to say that I think I am in a position to know the views of the seamen upon this amendment, and I state without any hesitation that I believe it to be their idea that it is a matter of small consequence. Other things are of greater moment and importance to them than is this provision. Even though this be stricken out in whole, if the Senate bill can be radically changed or the House bill passed, they will accept it as some amelioration of the hard conditions under which they have been obliged to prosecute their livelihood.

Mr. SMITH of Maryland. I will say to the Senator from Wisconsin that I am not opposing——

Mr. LA FOLLETTE. I understand that.

Mr. SMITH of Maryland. Except that I wanted to say in regard to this matter——

The PRESIDENT pro tempore. The hour has arrived——

Mr. SMITH of Maryland. The fact is that the present law allows three barges to be towed.

The PRESIDENT pro tempore. The hour for voting has arrived, and no further debate can be entertained under the unanimous-consent agreement. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. SWANSON] to the House text. The amendment will be stated.

The SECRETARY. On page 18 of the House text, line 5, strike out "one barge" and insert "two barges," so as to read:

SEC. 14. That towing of more than two barges or other vessels 30 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

The amendment was rejected.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole, and the question is on agreeing to the amendment reported by the committee.

Mr. BURTON. There is one further amendment that I desire to offer. In line 19, on page 36, I move to strike out the words "in each department." It is a verbal correction.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 36, line 19, before the word "shall," strike out the words "in each department," so as to read:

Unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, etc.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 20, line 17, I move to strike out the words "and property," after the word "life."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 17, after the word "life," strike out the words "and property," so as to read:

For the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 20, after the word "Thanksgiving," in line 22, I move to insert the words "election day," and to insert after the words "election day" a comma, so that election day shall stand in that enumeration as one of the holidays for seamen.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. BRANDEGEE. I ask the Senator whether that would include municipal or State elections, or other elections besides National elections?

Mr. LA FOLLETTE. I will just leave it "Election Day."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 20, line 22, after the word "Thanksgiving," insert the words "election day," so as to read:

While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named legal holidays: New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, Election Day, and Christmas.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the noes appear to have it.

Mr. LA FOLLETTE. I will ask for a division. I think seamen should be permitted to attend elections.

The PRESIDENT pro tempore. The Chair will put the question again by sound.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 21, line 6, after the word "yachts," I move to strike out the balance of line 6, and all of line 7 and all of line 8 up to and including the word "hours" on line 8.

The PRESIDENT pro tempore. The Senator will insert "or" before "yachts"?

Mr. LA FOLLETTE. That is right.

The SECRETARY. On page 21, line 16, before the word "yachts," insert "or," and after the word "yachts" strike out "vessels of less than 300 gross tons or vessels whose regular schedule between terminal ports does not exceed 24 hours," so as to read:

But this section shall not apply to fishing or whaling vessels or yachts.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] The noes appear to have it.

Mr. LA FOLLETTE. Upon that question I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WARSON]. I transfer that pair to the junior Senator from Rhode Island [Mr. LIPPITT] and vote. I vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM]. As he is not present, I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a general pair with the junior Senator from Utah [Mr. SUTHERLAND]. He is not present, and I withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the senior Senator from Indiana [Mr. SHIVELY] and therefore withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair wth the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON] and withhold my vote. This announcement will apply to all the votes on this bill.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. I understand that he has not voted. I transfer my pair to the Senator from Louisiana [Mr. THORNTON] and vote "nay."

The roll call was concluded.

Mr. KERN. I desire to announce that the Senator from Colorado [Mr. THOMAS] is paired with the Senator from Maryland [Mr. JACKSON]. I will transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED].

Mr. BRISTOW. I was requested to state that the senior Senator from Alabama [Mr. BANKHEAD] and the senior Senator from Oregon [Mr. BOURNE] are detained from the Chamber on a conference committee.

Mr. POINDEXTER. The senior Senator from Michigan [Mr. SMITH] is absent on account of illness. He is paired with the junior Senator from Missouri [Mr. REED].

The result was announced—yeas 24, nays 37, as follows:

YEAS—24.

Ashurst	Fall	Martine, N. J.	Sheppard
Borah	Gronna	Myers	Smith, Ariz.
Brady	Kenyon	Page	Smith, S. C.
Bristow	Kern	Pittman	Stone
Chamberlain	La Follette	Poindexter	Williams
Clapp	Lea	Pomerene	Works

NAYS—37.

Brandegee	Dillingham	Kavanaugh	Perkins
Briggs	Dixon	Lodge	Richardson
Bryan	Fletcher	McCumber	Root
Burnham	Foster	McLean	Simmons
Burton	Gallinger	Newlands	Smoot
Catron	Gamble	O'Gorman	Tillman
Clark, Wyo.	Hitchcock	Oliver	Wetmore
Crane	Johnson, Me.	Paynter	
Crawford	Johnston, Ala.	Penrose	
Cummins	Jones	Percy	

NOT VOTING—34.

Bacon	Curtis	Overman	Swanson
Bankhead	du Pont	Owen	Thomas
Bourne	Gardner	Reed	Thornton
Bradley	Gore	Shively	Townsend
Brown	Guggenheim	Smith, Ga.	Warren
Chilton	Jackson	Smith, Md.	Watson
Clarke, Ark.	Lippitt	Smith, Mich.	Webb
Culberson	Martin, Va.	Stephenson	
Cullom	Nelson	Sutherland	

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

Mr. LA FOLLETTE. I move to strike out after the word "ton," in line 7, on page 21, the remainder of line 7 and all of line 8 in the following words: "Or vessels whose regular schedule between terminal ports does not exceed 24 hours."

The amendment to the amendment was rejected.

Mr. LA FOLLETTE. On page 30 I wish to offer an amendment. I am not certain but that the Senator from Iowa [Mr. CUMMINS] proposes to move to strike out the entire provision. If so, I will waive proposing my amendment.

Mr. CUMMINS. Mr. President——

Mr. POINDEXTER. A parliamentary inquiry.

Mr. CUMMINS. I move to strike out the entire subdivision, beginning in line 4, on page 30.

Mr. POINDEXTER. My parliamentary inquiry is——

Mr. CUMMINS. Mr. President, I desire to state my amendment.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. POINDEXTER. I should like to make a parliamentary inquiry.

Mr. CUMMINS. Will the Senator allow me to state my amendment? Then I will yield.

Mr. POINDEXTER. Certainly.

Mr. CUMMINS. My amendment is to strike out subdivision 9, on page 30, lines 4 to 13, inclusive. I am sorry I interrupted the Senator from Washington.

The PRESIDENT pro tempore. The Senator from Washington will state his parliamentary inquiry.

Mr. POINDEXTER. My understanding of the amendment upon which the yea-and-nay vote was taken was to strike out, in line 6, beginning with the word "vessels," and lines 7 and 8, down to and including the word "hours." I should like to inquire if that is the case?

The PRESIDENT pro tempore. That matter has been disposed of. The Chair will say it can be renewed when the bill goes to the Senate, if it is desired to do so.

Mr. LA FOLLETTE. If the Senator has addressed the question to me I will state that is the amendment I offered, and which was voted down upon the roll call.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 30, strike out from line 4 to line 13, inclusive, in the following words:

> Ninth. For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned: *Provided*, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service. The provisions of this section shall apply to all merchant vessels of the United States.

Mr. BURTON. To save time, I will state that I shall not object to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On line 20, page 33, after the word "employment," I move to strike out the remainder of that line and all of lines 21, 22, 23, and 24 on that page, and lines 2 and 3 on page 34 down to and including the word "shipped."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, beginning with line 20, with the word "or," strike out the following:

> Or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] The noes appear to have it.

Mr. LA FOLLETTE. I will ask for a division.

Mr. MARTINE of New Jersey. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the Senator from West Virginia [Mr. WATSON]. I will transfer that pair to the junior Senator from Rhode Island [Mr. LIPPITT] and vote. I make this announcement for the day. I vote "nay."

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I again announce my pair with the junior Senator from Utah [Mr. SUTHERLAND]. I will let this announcement stand for the day.

Mr. CURTIS (when his name was called). I again announce my pair with the senior Senator from Indiana [Mr. SHIVELY] and withhold my vote. I will let this announcement stand for the night.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN] and vote "nay."

Mr. PAYNTER (when his name was called). I transfer my pair with the Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. THORNTON] and vote "nay."

The roll call was concluded.

Mr. KERN. I again announce the unavoidable absence of the Senator from Colorado [Mr. THOMAS]. He is paired with the Senator from Maryland [Mr. JACKSON]. I will allow this announcement to stand for the evening.

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

Ashurst	Fall	Martine, N. J.	Smith, Ariz.
Borah	Gardner	Myers	Smith, S. C.
Bristow	Jones	Owen	Tillman
Chamberlain	Kenyon	Pittman	Watson
Clapp	Kern	Poindexter	Webb
Cummins	La Follette	Pomerene	Williams
Dixon	Lea	Sheppard	Works

NAYS—40.

Bradley	Crawford	Johnston, Ala.	Penrose
Brady	Dillingham	Kavanaugh	Percy
Brandegee	du Pont	Lodge	Perkins
Briggs	Fletcher	McCumber	Richardson
Bryan	Foster	McLean	Root
Burnham	Gallinger	O'Gorman	Simmons
Burton	Gamble	Oliver	Smoot
Catron	Gronna	Overman	Stephenson
Clark, Wyo.	Hitchcock	Page	Stone
Crane	Johnson, Me.	Paynter	Wetmore

NOT VOTING—27.

Bacon	Cullom	Nelson	Sutherland
Bankhead	Curtis	Newlands	Swanson
Bourne	Gore	Reed	Thomas
Brown	Guggenheim	Shively	Thornton
Chilton	Jackson	Smith, Ga.	Townsend
Clarke, Ark.	Lippitt	Smith, Md.	Warren
Culberson	Martin, Va.	Smith, Mich.	

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

Mr. LA FOLLETTE. On page 36, in line 19, I move to strike out, beginning with the word "unless," the balance of that line and all of lines 20, 21, 22, 23, 24, and 25, on that page, and all of lines 1 and 2 on page 37.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 36, line 19, beginning with the word "unless," strike out the following words:

unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

The amendment to the amendment was rejected, there being, on a division, ayes 17, noes 37.

Mr. LA FOLLETTE. Mr. President, on page 37, line 3, I move to strike out the words "carrying passengers."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 37, line 3, it is proposed to amend the committee amendment by striking out the words "carrying passengers," so that it will read:

No vessel, except those navigating rivers exclusively.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] The "ayes" appear to have it.

Mr. BURTON. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I transfer my general pair with the Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 47, nays 16, as follows:

YEAS—47.

Asaurst	Hitchcock	Martine, N. J.	Sheppard
Borah	Johnson, Me.	Myers	Smith, Ariz.
Bradley	Johnston, Ala.	Newlands	Smith, Ga.
Bristow	Jones	O'Gorman	Smith, S. C.
Bryan	Kavanaugh	Overman	Smoot
Chamberlain	Kenyon	Owen	Stephenson
Clapp	Kern	Page	Stone
Cummins	La Follette	Paynter	Tillman
Dillingham	Lea	Perkins	Webb
Dixon	Lodge	Poindexter	Williams
Fall	McCumber	Pomerene	Works
Gronna	McLean	Root	

NAYS—16.

Brady	Burton	Crawford	Gardner
Brandegee	Catron	Fletcher	Oliver
Briggs	Clark, Wyo.	Gallinger	Richardson
Burnham	Crane	Gamble	Wetmore

NOT VOTING—32.

Bacon	Curtis	Nelson	Smith, Mich.
Bankhead	du Pont	Penrose	Sutherland
Bourne	Foster	Percy	Swanson
Brown	Gore	Pittman	Thomas
Chilton	Guggenheim	Reed	Thornton
Clarke, Ark.	Jackson	Shively	Townsend
Culberson	Lippitt	Simmons	Warren
Cullom	Martin, Va.	Smith, Md.	Watson

So the amendment of Mr. LA FOLLETTE to the amendment of the committee was agreed to.

Mr. LA FOLLETTE. On page 37, in line 11, I move to strike out of the committee amendment the words "the master" and to insert in lieu thereof "the board of local inspectors."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 37, line 11, it is proposed to strike out the words "the master" and insert in lieu thereof the words "the board of local inspectors," so that if amended it will read:

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical test to the satisfaction of the board of local inspectors that he is qualified to perform any duty required in the launching and handling of lifeboats, etc.

Mr. LA FOLLETTE. Upon that amendment to the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote.

Mr. PAYNTER (when his name was called). I again transfer my pair with the senior Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the senior Senator from Nebraska [Mr. BROWN], and will vote. I vote "nay."

The result was announced—yeas 35, nays 30; as follows:

YEAS—35.

Ashurst	Fall	McCumber	Poindexter
Borah	Gronna	Martine, N. J.	Pomerene
Brady	Hitchcock	Myers	Sheppard
Brandegee	Johnston, Ala.	Newlands	Smith, Ariz.
Bryan	Jones	O'Gorman	Stone
Chamberlain	Kenyon	Owen	Webb
Clapp	Kern	Page	Williams
Cummins	La Follette	Perkins	Works
Dillingham	Lea	Pittman	

NAYS—30

Bradley	Crawford	Kavanaugh	Root
Briggs	Dixon	Lodge	Simmons
Bristow	du Pont	McLean	Smith, S. C.
Burnham	Fletcher	Oliver	Smoot
Burton	Foster	Overman	Stephenson
Catron	Gallinger	Paynter	Wetmore
Clark, Wyo.	Gardner	Percy	
Crane	Johnson, Me.	Richardson	

NOT VOTING—30.

Bacon	Curtis	Penrose	Thomas
Bankhead	Gamble	Reed	Thornton
Bourne	Gore	Shively	Tillman
Brown	Guggenheim	Smith, Ga.	Townsend
Chilton	Jackson	Smith, Md.	Warren
Clarke, Ark.	Lippitt	Smith, Mich.	Watson
Culberson	Martin, Va.	Sutherland	
Cullom	Nelson	Swanson	

So the amendment of Mr. LA FOLLETTE to the amendment of the committee was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 39, line 1, I move to strike out the words "carrying passengers for hire," because one life is worth as much as another.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 39, line 1, it is proposed to strike out the words "carrying passengers for hire," so that if amended it will read:

No vessel, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelsmen or quartermasters, etc.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 39, line 15, after the word "yachts," I move to strike out the remainder of that line, all of line 16, and line 17 to and including the word "hours," in that line.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 39, in line 15, beginning with the word "vessels," it is proposed to strike out the following words:

Vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] By the sound the "noes" appear to have it.

Mr. LA FOLLETTE. I must ask for the yeas and nays on that. It is a tremendously important amendment.

The yeas and nays were not ordered.

Mr. LA FOLLETTE. Well, Mr. President, I ask for a count—a standing count.

The PRESIDENT pro tempore. The Senator from Wisconsin asks for a division.

The question being put, there were on a division—ayes 24, noes 27.

The PRESIDENT pro tempore. The amendment of the Senator from Wisconsin to the amendment of the committee is not agreed to.

Mr. LA FOLLETTE. I ask for the yeas and nays on that amendment. It is a very important amendment.

The PRESIDENT pro tempore. The Chair can not entertain a second demand for the yeas and nays.

Mr. LA FOLLETTE. I think they ought to be accorded by the Senate, and I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair can not entertain that request. The yeas and nays were denied.

Mr. LA FOLLETTE. I understood that the last count was to determine whether or not we should have the yeas and nays.

The PRESIDENT pro tempore. The Chair did not so understand.

Mr. STONE. I so understood.

Mr. LA FOLLETTE. The Senator from Missouri so understood, and other Senators did, I think.

Mr. POINDEXTER. I so understood.

The PRESIDENT pro tempore. The Chair knows of no rule or custom requiring a count to be taken to determine whether the yeas and nays shall be ordered.

Mr. LA FOLLETTE. I do not see how the yeas and nays can be determined without a count. If one-fifth of those stand in favor of ordering the yeas and nays, that would indicate that the yeas and nays shall be accorded.

Mr. LODGE. A Senator can demand the other side on a request for the yeas and nays, but he can not demand a vote upon it.

Mr. LA FOLLETTE. What does that mean except a count?

Mr. LODGE. After the yeas and nays have been demanded and the Chair has announced that a sufficient number have not seconded the demand, a Senator can ask for the other side to show whether one-fifth of the Senators present have seconded the demand. If that fails, then there is nothing that can be done.

Mr. LA FOLLETTE. I ask unanimous consent that the yeas and nays be taken.

Mr. STONE. It is not a question of unanimous consent.

The PRESIDENT pro tempore. The Chair will solve that problem by asking that the vote be taken by yeas and nays. Senators agreeing to the amendment to the amendment will, when their names are called, vote "yea," those opposed "nay."

Mr. ASHURST. I ask that the amendment to the amendment be again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The SECRETARY. On page 39, line 15, beginning with the word "vessels," it is proposed to strike out:

vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN] and will vote. I vote "nay."

Mr. PAYNTER (when his name was called). I again transfer my pair with the senior Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. FOSTER] and vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I announce my pair with the junior Senator from Missouri [Mr. REED]. I desire to transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 21, nays 39, as follows:

YEAS—21.

Ashurst	Jones	Page	Webb
Borah	Kavanaugh	Pittman	Williams
Chamberlain	Kern	Poindexter	Works
Clapp	La Follette	Pomerene	
Gardner	Lea	Sheppard	
Johnston, Ala.	Myers	Stone	

NAYS—39.

Bradley	Cummins	Kenyon	Richardson
Brady	Dillingham	Lodge	Root
Brandegee	Dixon	McCumber	Simmons
Briggs	du Pont	McLean	Smith, Ga.
Bristow	Fletcher	Newlands	Smith, Mich.
Bryan	Foster	Oliver	Smith, S. C.
Burnham	Gallinger	Overman	Smoot
Burton	Gronna	Paynter	Stephenson
Clark, Wyo.	Hitchcock	Percy	Wetmore
Crane	Johnson, Me.	Perkins	

NOT VOTING—35.

Bacon	Cullom	Martine, N. J.	Sutherland
Bankhead	Curtis	Nelson	Swanson
Bourne	Fall	O'Gorman	Thomas
Brown	Gamble	Owen	Thornton
Catron	Gore	Penrose	Tillman
Chilton	Guggenheim	Reed	Townsend
Clarke, Ark.	Jackson	Shively	Warren
Crawford	Lippitt	Smith, Ariz.	Watson
Culberson	Martin, Va.	Smith, Md.	

So Mr. LA FOLLETTE's amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I think, Mr. President, that is all the amendments I have to offer for the present.

Mr. BURTON obtained the floor.

Mr. LODGE. Mr. President——

Mr. BURTON. I yield to the Senator from Massachusetts.

Mr. LODGE. I offer an amendment to the amendment of the committee to which I think there will be no objection.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

Mr. LODGE. It is to be added as a new section.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 16. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"*Provided*, That at the discretion of the Secretary of Commerce and Labor, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation as provided in this paragraph."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. SIMMONS. I desire to inquire if it is in order now to offer an amendment by way of perfecting the House text of the bill?

The PRESIDENT pro tempore. The Chair will answer that after the pending question has been settled. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The Chair will say to the Senator from North Carolina that the amendment he suggests is in order.

Mr. SIMMONS. I move to strike out all of section 14, on page 18, of the House bill, so called, and insert in lieu thereof what I have marked on page 40 of the Senate bill.

The PRESIDENT pro tempore. The Senator from North Carolina submits an amendment, which will be stated.

The SECRETARY. On page 18 it is proposed to strike out section 14, as printed in the House text of the bill, and in lieu thereof to insert the following:

SEC. 14. That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce and Labor, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

Mr. SIMMONS. I should like to have the Secretary read section 14.

The PRESIDENT pro tempore. Section 14 of the original text will be read.

The SECRETARY. Section 14 of the House text reads as follows:

SEC. 14. That towing of more than one barge or other vessel 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $2,500, or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. BURTON. I should like to ask where that amendment is proposed to be inserted.

The PRESIDENT pro tempore. The motion is to strike out section 14 and insert the language that has been read.

Mr. SIMMONS. I will say to the Senator from Ohio that this is a proposition to strike out the section and insert the Senate substitute for it.

The PRESIDENT pro tempore. Debate is not in order.

Mr. BURTON. I suggest that the substitute reported by the Senate committee takes care of that.

The PRESIDENT pro tempore. The Chair will again state that debate is not in order.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CRAWFORD. The bill reported and submitted, which the Senate is considering, is a substitute for the House bill. Is it competent now, before that is disposed of, to treat the House bill as the pending bill and change section 14 in it?

The PRESIDENT pro tempore. Unquestionably so. Amendments to the original text have preference over amendments to the substitute. The question is upon the amendment of the Senator from North Carolina.

The amendment was rejected.

Mr. BURTON. I move to substitute the bill reported by the Senate committee, as amended, for the House text.

The PRESIDENT pro tempore. That is not a parliamentary motion. The question is upon the amendment as amended.

Mr. BURTON. A parliamentary inquiry, Mr. President. I desire to ask for a vote in the Senate on the amendment at the top of page 39, line 1. The adoption of the amendment as amended will not preclude having that vote taken in the Senate?

The PRESIDENT pro tempore. The Senator can reserve that amendment.

Mr. BURTON. I will reserve, then, that amendment for a vote in the Senate.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment as amended. The Senator can reserve it when the bill reaches the Senate.

Mr. LODGE. Mr. President, referring to the inquiry made by the Senator from Ohio, I understand the question now is on reporting to the Senate the amendment made as in Committee of the Whole?

The PRESIDENT pro tempore. As amended.

Mr. LODGE. As amended. If the amendment made as in Committee of the Whole, which is the committee amendment, is adopted, it takes the place of the whole bill, does it not?

The PRESIDENT pro tempore. It certainly does.

Mr. LODGE. Then can a reservation be made of each amendment made to it?

The PRESIDENT pro tempore. The Chair thinks a motion to strike out any portion of the amendment after it reaches the Senate would be in order. The question is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. BURTON. I ask for a vote on the amendment in line 1, page 39, striking out the words "carrying passengers for hire."

Mr. LODGE. Mr. President, there is the precise point. If I am not mistaken, what comes over to the Senate is one amendment. We struck out the House text and inserted another bill after the enacting clause, which, of course, perfected that amendment; but it remained one amendment.

The PRESIDENT pro tempore. The Chair is clearly of opinion that in the Senate an amendment that has been adopted as in Committee of the Whole may be amended.

Mr. LODGE. Certainly; I quite agree to that; but how can we reserve amendments when there is only one amendment?

The PRESIDENT pro tempore. It is not reserved. The Senator from Ohio now moves to amend the amendment.

Mr. LODGE. That is all right.

Mr. BURTON. I move to amend the amendment by inserting the words "carrying passengers for hire," on page 39, line 1. On that I wish to make a parliamentary inquiry. The vote reinstating those words or inserting them is, I take it, "aye"?

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 39, line 1, after the word "vessel," insert "carrying passengers for hire."

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from Illinois [Mr. CULLOM].

Mr. CURTIS (when his name was called). I again announce my pair and withhold my vote.

Mr. DU PONT (when his name was called). I again announce my pair and withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I should like to inquire whether the Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DILLINGHAM. Then I withdraw my vote.

Mr. SMITH of Michigan. I desire to state that my colleague [Mr. TOWNSEND] is necessarily absent from the Chamber, and that the pair I announced on the first roll call will apply during the evening or until he returns. If he were present, he would vote "nay."

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

Brady	Crane	Oliver	Smoot
Briggs	Crawford	Paynter	Stephenson
Bryan	Fletcher	Percy	Wetmore
Burnham	Foster	Richardson	
Burton	Gallinger	Root	
Clark, Wyo.	Gamble	Smith, Ga.	

NAYS—37.

Ashurst	Hitchcock	Martine, N. J.	Pomerene
Borah	Johnson, Me.	Myers	Sheppard
Brandegee	Johnston, Ala.	Newlands	Smith, Mich.
Bristow	Jones	O'Gorman	Smith, S. C.
Chamberlain	Kenyon	Overman	Stone
Clapp	La Follette	Owen	Williams
Cummins	Lea	Page	Works
Fall	Lodge	Perkins	
Gardner	McCumber	Pittman	
Gronna	McLean	Poindexter	

NOT VOTING—37.

Bacon	Curtis	Martin, Va.	Thomas
Bankhead	Dillingham	Nelson	Thornton
Bourne	Dixon	Penrose	Tillman
Bradley	du Pont	Reed	Townsend
Brown	Gore	Shively	Warren
Catron	Guggenheim	Simmons	Watson
Chilton	Jackson	Smith, Ariz.	Webb
Clarke, Ark.	Kavanaugh	Smith, Md.	
Culberson	Kern	Sutherland	
Cullom	Lippitt	Swanson	

So Mr. BURTON'S amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is upon concurring in the amendment made as in Committee of the Whole.

Mr. LA FOLLETTE. Mr. President, in order that we may understand the matter, an affirmative vote on that proposition would adopt the bill reported from the Senate committee?

The PRESIDENT pro tempore. That is correct.

Mr. LA FOLLETTE. As amended?

Mr. LODGE. As amended.

Mr. LA FOLLETTE. Instead of the House text?

The PRESIDENT pro tempore. Instead of the House text.

Mr. LA FOLLETTE. And a negative vote would adopt the House text in preference to the bill as amended?

Mr. LODGE. No; then the question would arise on putting on its passage the bill as it passed the House.

Mr. LA FOLLETTE. That is correct, if the substitute is voted down.

The PRESIDENT pro tempore. The question is upon concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in, there being on a division—ayes 41, noes 20.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea."

Mr. BURTON. I move that the Senate request a conference with the House on the bill and amendment, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BURTON, Mr. CRAWFORD, and Mr. FLETCHER conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 132 to the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; disagreeing to the residue of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate disagree to the amendment of the House to the amendment of the Senate numbered

132, insist upon its amendments disagreed to by the House, agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CURTIS, Mr. SMOOT, and Mr. SMITH of Maryland conferees on the part of the Senate.

DEMOTION OF WILLIAM HALL AND OTHERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of December 4, 1912, the correspondence in the Post Office Department relating to the demotion in 1911 of William Hall, C. H. Erwin, R. E. Erwin, J. J. Negley, and E. P. Rodman, clerks in the Railway Mail Service, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. OWEN. I present a concurrent resolution adopted by the Legislature of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 16.

Whereas the report of the General Land Office at Washington, D. C., of July 1, 1912, shows that there is 39,525 acres of unappropriated and unreserved public lands in the State of Oklahoma; and
Whereas the character of this land is such that it is not suitable for agricultural purposes and consists principally of isolated tracts; and
Whereas the same has been subject to homestead entry since the opening of this country in the years 1889, 1891, and 1893, and no entries have been made thereon; and
Whereas the lands above mentioned are now under the jurisdiction of the United States land office of Oklahoma; and
Whereas it will cost the United States Government practically as much money to finally dispose of said lands as same are now worth; and
Whereas chapter 112, Session Laws of Oklahoma, 1911, created a fund known as "Consolidated school district fund" and set aside section 33 in original Greer County as it existed on November 15, 1907, and all lands selected in lieu thereof, for the benefit of this fund; and
Whereas the value of this land as shown by the recent appraisement and including that which has been sold is $406,433; and
Whereas this fund is inadequate to assist in building schoolhouses as contemplated by the legislature: Therefore

Be it resolved by the senate (the house of representatives concurring therein), That the Congress of the United States of America be requested and memoralized to grant to the State of Oklahoma for the use and benefit of the consolidated public schools of said State all of the land lying within said State which is unappropriated and all land upon may hereafter be canceled and all other land which might now be or may hereafter be cancelled and all other land which might now be or may hereafter become vacant. Be it further

Resolved, That a copy of this resolution be forwarded to the Secretary of the United States Senate, a copy to the Clerk of the House of Representatives, a copy to the General Land Office, and a copy to each of the Representatives in Congress from the State of Oklahoma.

Adopted by the senate the 15th day of February, 1913.

C. B. KENDRICK,
President Pro Tempore of the Senate.

Attest:
NED MCDANIEL, *Secretary of the Senate.*

Adopted by the house the 21st day of February, 1913.

J. H. MAXEY,
Speaker of the House.

Attest:
GUS POOL, *Chief Clerk of the House.*

STATE OF OKLAHOMA, ss.

I, Ned McDaniel, the duly elected and qualified secretary of the senate of the State of Oklahoma, hereby certify that the above and foregoing is a full, true, correct, and complete copy of senate concurrent resolution 16, as the same appears of record in my office.

In witness whereof I have hereunto set my hand this 25th day of February, 1913.

NED MCDANIEL,
Secretary of the Senate.

Mr. OWEN. I present a concurrent resolution adopted by the Legislature of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the concurrent resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 18.

A resolution requesting our Senators and Representatives in Congress to secure second-class postage rates for the Publicity Pamphlet.

Whereas Oklahoma is fully committed to the policy of the "people's rule" in its highest and best sense; and
Whereas the best results can be hoped for only when the people are fully and correctly informed as to the measures upon which they are to cast their ballots; and
Whereas the method of distributing the Publicity Pamphlet heretofore used has not given satisfaction: Therefore be it

Resolved by the Oklahoma State Senate (the House of Representatives concurring therein), That the Senators and Congressmen from this State be each furnished a copy of this resolution and that they be requested to take such action as may be necessary to have the Publicity Pamphlet admitted to the mails as second-class matter.

Adopted by the Senate the 15th day of February, 1913.

J. J. MCALESTER,
President of the Senate.

Attest:
NED MCDANIEL,
Secretary of the Senate.

Adopted by the house of representatives the 21st day of February, 1913.

J. H. MAXEY,
Speaker of the House.

Attest:
GUS POOL,
Chief Clerk of the House.

STATE OF OKLAHOMA, ss:

I, Ned McDaniel, the duly elected and qualified secretary of the Senate of the State of Oklahoma, hereby certify that the above and foregoing is a full, true, correct, and complete copy of senate concurrent resolution 18 as the same appears of record in my office.

In witness whereof I have hereunto set my hand this 25th day of February, 1913.

NED MCDANIEL,
Secretary of the Senate.

Mr. BRANDEGEE presented a memorial of sundry citizens of New Britain, Conn., remonstrating against any appropriation being made for the celebration of the 100 years of peace with Great Britain, which was ordered to lie on the table.

He also presented a petition of Local Grange, Patrons of Husbandry, of Norwich, Conn., and a petition of Meadow Brook Grange, Patrons of Husbandry, of North Windham, Conn., praying for the passage of the so-called agricultural extension bill, which were ordered to lie on the table.

CIVIL WAR PENSIONS.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (S. 6400) increasing pensions of widows of the Civil War, reported it with an amendment, and submitted a report (No. 1337) thereon.

SPECIAL RESIDENT COMMISSIONER OF LINCOLN MEMORIAL.

Mr. ROOT. I introduce a bill which must be introduced now if it is to be passed, and upon which I think there is a very general agreement. I ask for its present consideration.

The bill (S. 8589) relating to supervision of the Lincoln Memorial was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That in the exercise of its control and direction for the construction of the Lincoln Memorial, authorized by act of Congress approved February 9, 1911, the commission created by said act shall designate to perform the duty of special resident commissioner to represent the commission in the oversight of the work the Hon. SHELBY M. CULLOM, who, at the time of the adoption of this act, is the senior member of the commision in continuous service of the United States; and for the special service of the member so designated he shall be entitled to receive compensation at the rate of $5,000 a year out of the appropriations for the construction of such memorial.

The PRESIDENT pro tempore. The Senator from New York asks for the present consideration of the bill just introduced by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia. Mr. President, last night I presented a motion. I meant it to be a motion then made, to go over until Monday. It is printed as a notice of a motion Monday. I fear that it might be subject to a point of order on Monday, and might be carried over to Tuesday. I meant to present it as a motion then, but not to insist upon its being heard then.

The PRESIDENT pro tempore. The Chair will accept the statement of the Senator from Georgia, and treat it as though the motion had been made.

CAPT. HERBERT A. WHITE.

A message from the President of the United States, by Mr. Latta, was received.

Mr. CUMMINS. I wish to make a request. A military nomination has just been received by the Senate. I ask unanimous consent that, as in executive session, it be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that a military nomination by the President of the United States be referred to the Committee on Military Affairs, as in executive session. Is there objection?

Mr. CULBERSON. What is the nomination, Mr. President?

The PRESIDENT pro tempore. The nomination will be read.

The SECRETARY. To be judge advocate, with the rank of major, Capt. Herbert A. White.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

Mr. JOHNSTON of Alabama. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate adjourn. [Putting the question.] By the sound the noes appears to have it.

Mr. ASHURST. I call for a division.

Mr. HITCHCOCK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from Illinois [Mr. CULLOM], therefore I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. I understand that if present he would vote "nay," and as I shall vote that way myself, I feel at liberty to vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN], and vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). May I be permitted to explain my vote before voting?

The PRESIDENT pro tempore. It is not permitted by the rules, but, if there is no objection, the Senator may do so.

Mr. SMITH of Georgia. What I wish to say is, that in view of the day and the hour my preference is to go home, but there are Senators who think I was a party to an agreement to go now into executive session, and therefore I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that my pair, the Senator from South Carolina [Mr. TILLMAN], has not voted, and I therefore withdraw my vote.

The result was announced—yeas 10, nays 52, as follows:

YEAS—10.

Gardner	Johnson, Me.	Lea	Smith, S. C.
Gronna	Johnston, Ala.	Pomerene	
Hitchcock	Kern	Sheppard	

NAYS—52.

Ashurst	Crawford	McCumber	Simmons
Borah	Cummins	McLean	Smith, Ariz.
Bradley	Dixon	Martine, N. J.	Smith, Ga.
Brady	du Pont	Myers	Smith, Md.
Brandegee	Fall	O'Gorman	Smith, Mich.
Briggs	Fletcher	Oliver	Smoot
Bristow	Foster	Owen	Stephenson
Bryan	Gallinger	Page	Watson
Burnham	Gamble	Percy	Williams
Burton	Jones	Perkins	Works
Clapp	Kavanaugh	Pittman	
Clark, Wyo.	Kenyon	Poindexter	
Clarke, Ark.	La Follette	Richardson	
Crane	Lodge	Root	

NOT VOTING—33.

Bacon	Curtis	Overman	Thornton
Bankhead	Dillingham	Paynter	Tillman
Bourne	Gore	Penrose	Townsend
Brown	Guggenheim	Reed	Warren
Catron	Jackson	Shively	Webb
Chamberlain	Lippitt	Stone	Wetmore
Chilton	Martin, Va.	Sutherland	
Culberson	Nelson	Swanson	
Cullom	Newlands	Thomas	

So the Senate refused to adjourn.

Mr. LODGE and Mr. O'GORMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts has already made a motion to proceed to the consideration of executive business. The question is upon agreeing to that motion.

The motion was agreed to; and (at 9 o'clock and 25 minutes p. m., Sunday, March 2) the Senate proceeded to the consideration of executive business.

LEGISLATIVE BUSINESS.

While the doors were closed a message was received from the House of Representatives as in legislative session, and legislative business was transacted as in legislative session, as appears following the message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills.

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 16993. An act for the relief of Mathew T. Fuller; and

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had passed the bill (S. 5137) for the relief of Alice V. Houghton.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of the proceedings and eulogies commemorative of the life and character of James S. Sherman, late Vice President of the United States.

The message further announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House providing for the printing of the tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House further insists on its disagreement to the amendments of the Senate to the bill (H. R. 28706) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDREWS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. RUCKER of Missouri, and Mr. STERLING managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. CANNON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 1142. An act to protect the monuments already erected on the battle field of Bull Run, Va., and other monuments that may be there erected;

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes;

S. 8575. An act to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River;

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906;

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 28379. An act granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. J. Res. 164. Joint resolution stopping traffic and preventing interference with the suffrage procession.

SENATOR FROM NEW JERSEY.

Mr. MARTINE of New Jersey. I present the credentials of Hon. WILLIAM HUGHES, chosen by the legislature of my State a Senator, which I ask may be read and placed on the files.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of WILLIAM HUGHES, chosen by the Legislature of the State of New Jersey a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

EIGHT-HOUR LAW.

Mr. BORAH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the House numbered 1, 3, 4, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the said amendment amend the bill as follows: Page 2, lines 10 and 11, strike out ". which eight hours shall terminate within nine hours from beginning of workday"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "persons," in line 2, page 3, strike out all the words down to the end of section 1 and insert the following: "employed in connection with dredging or rock excavations in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States," so that the proviso in section 1 will read: "*Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States"; and the Senate agree to the same.

W. E. BORAH,
B. F. SHIVELY,
B. PENROSE,
Managers on the part of the Senate.
W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.

The report was agreed to.

AGRICULTURE APPROPRIATION BILL (S. DOC. NO. 1131).

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 12, 34, 38, 39, 45, 64, 66, 69, 73, 75, 76, 77, 80, 81, 88, 101, 104, 107, 108, 113, 114, 115, 116, 120, 121, 128, 129, 130, 135, 140, 141, 157, 158, 159, 160, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 181, 182, 189, 190, 193, 194, 200, 205, 208, 211, 213, 215, 216, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 237, 240, 243, 244, 245, 246.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 25, 29, 32, 35, 37, 41½, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, 67, 70, 71, 84, 89, 92, 93, 96, 97, 98, 99, 100, 102, 109, 111, 112, 122, 123, 125, 127, 136, 138, 139, 142, 146, 147, 148, 149, 150, 152, 153, 154, 156, 162, 163, 180, 184, 185, 186, 187, 188, 191, 192, 195, 198, 202, 203, 204, 207, 209, 210, 212, 233, 235, 239, 242, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$303,820"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of "37 messengers, messenger boys or laborers at $600 each," insert "31 messengers, messenger boys or laborers at $600 each"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$325,860"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$120,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$45,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,356,750"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,707,610"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert in lieu thereof "One," so it will read: "One chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the

sum inserted by said amendment insert "$2,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$350,250"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the language proposed by said amendment insert the following: "That of this sum not less than $75,000 shall be set aside for demonstrating the best method of preventing and eradicating hog cholera"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,371,046"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,031,196"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert "One," so it will read: "One physiologist and pathologist, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$427,690"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$33,380"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$38,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: After $50,960, insert: "*Provided*, That of this amount $10,000 may be used to investigate the diseases, cultivation, and acclimating of potatoes, and the development of improved and disease-resistant types thereof"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,944,305"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,667,995"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Strike out the words "There shall be one" and insert in lieu thereof "One," so that it will read: "One Forester, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Strike out "fourteen." in line 3, and insert the word "thirteen"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,239,560"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$160,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$140,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 37, in lines 8, 9, and 10, strike out the words "That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913," and insert: "That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,160,119"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,399,679"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the words "There shall be," so as to make it read: "One chemist, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$109,280"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,658,140"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One soil physicist, who shall be chief of bureau, $4,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$53,620"; and Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$280,400"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$334,020"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "One entomologist, who shall be chief of bureau, $4,500"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,900"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "$45,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "$45,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$381,250"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$742,210"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: Restore the words stricken out and add at the end thereof, "of which sum $10,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$29,900"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$141,000"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,990"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One editor, who shall be chief of division, $3,250"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,100"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Strike out the word "five" and insert the word "eight"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$166,410"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$184,660" and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "one statistician, who shall be chief of bureau, $4,000"; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "one librarian, $2,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One director, $4,500"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,920"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$66,160"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,500"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,613,500"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,901,260"; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: Strike out the words "There shall be," so that it will read: "One director, who shall be a scientist and have charge of all scientific and technical work, $4,000"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$105,000"; and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$232,000"; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$279,400"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$17,376,945"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows:

"To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000, and add the words 'of which sum $10,000 shall be immediately available.'"

And the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: After the comma following the end of the parenthesis insert the words "and any amendments thereto"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the language used in said paragraph substitute the following:

"And hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified."

And the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of "$200,000" insert "$75,000"; and strike out the words "to be

available until the end of the fiscal year 1915"; and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the language in said amendment insert the following:

"That the President of the United States shall appoint a commission composed of not more than seven persons who shall serve without compensation to cooperate with the American commission assembled under the auspices of the Southern Commercial Congress to investigate and study in European countries cooperative land-mortgage banks, cooperative rural credit unions, and similar organizations and institutions devoting their attention to the promotion of agriculture and the betterment of rural conditions, and for the purpose of its investigations the commission shall be authorized to incur and have paid upon the certificate of its chairman such expenses in the city of Washington and elsewhere for the payment of the salaries of employees, clerks, stenographers, assistants and such other necessary expenses as the commission may deem necessary: *Provided*, That the total expenses incurred for all purposes shall not exceed the sum of $25,000, and the said commission shall submit a report to Congress as early as practicable, embodying the results of its investigations and such recommendations as it may see fit to make."

And the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the sum inserted insert "$17,986,945"; and the Senate agree to the same.

HENRY E. BURNHAM,
F. E. WARREN,
T. P. GORE,
Managers on the part of the Senate.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. BURNHAM. I ask that the report be printed in the RECORD and also as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATION BILL (S. DOC. NO. 1132).

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 19, 22, 23, 24, 27, 28, 30, 37, 39, 41, 42, 43, 58, 68, 80, 84, 86, 87, 101, 104, 105, 107, 110, 111, 115, 117, 119, 125, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 26, 31, 32, 36, 38, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 85, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 102, 103, 108, 109, 112, 113, 114, 116, 120, 121, 122, 123, 126, 127, 129, 130, and 133, and agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,180"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "and support" and insert in lieu thereof the following: ", for one year only"; and the Senate agree to the same.

Amendments numbered 33, 34, and 35: That the House recede from its disagreement to the amendments of the Senate numbered 33, 34, and 35, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Hereafter materials for fireproof buildings, other structural materials, and all materials, other than materials for paving and for fuel, purchased for and to be used by the government of the District of Columbia, when necessary in the judgment of the commissioners to be tested, shall be tested by the Bureau of Standards under the same conditions as similar testing is required to be done for the United States Government."

And the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$194,250"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Add, after the sum "$975,408" in said amendment, the following: ", which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18,060"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,530"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$25,000"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 7. That hereafter no sign or advertisement relating to the sale, rent, or lease of land or premises shall be located on the sidewalk or parking of any street, avenue, or road in the District of Columbia. One painted or printed sign or advertisement for the sale, rent, or lease of lands or premises may, with the written consent of the owner or legal representative of the owner, be placed, by any one of not exceeding three real estate agents, on any lot, piece, or parcel of land abutting on a street, avenue, or road in said District, or attached to the exterior of any building fronting thereon. The Commissioners of the District of Columbia are authorized to use the police authority vested in them to require the removal of any sign or advertisement in violation of this provision, and to institute prosecutions in the police court of the District of Columbia against persons volating the provisions hereof, and every such person upon conviction of such violation shall be fined in the sum of not less than $5 nor more than $25."

And the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"PUBLIC UTILITIES COMMISSION.

"SEC. 8. PAR. 1. That for the purpose of this section the term 'commission' when used herein shall mean the public-utilities commission of the District of Columbia created by this section.

"The term 'commissioner' when used in this section shall mean one of the members of such commission.

"The term 'public utility' as used in this section shall mean and embrace every street railroad, street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electrical corporation, water power company, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipe line company.

"The term 'service' is used in this section in its broadest and most inclusive sense.

"The term 'corporation' when used in this section includes a corporation, company, association, and joint-stock company or association.

"The word 'person' when used in this section includes an individual and a firm or copartnership.

"The term 'joint rates' when used in this section with reference to street railways shall be taken to mean rates between unrelated lines now in effect under existing law or under contract, or which may hereafter be specifically authorized by law.

"The term 'extension or extensions' when used in this section shall include the reasonable extension of the service and facilities of every street railroad, street railroad corporation, gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph line, and telegraph corporation as the same are defined in this section.

"The term 'street railroad' when used in this section includes every such railroad, whether wholly or partly in the District of Columbia, by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for compensation, and includes all equipment, construction, maintenance, repairs, switches, spurs, tracks, terminals, terminal facilities of every kind, trackage, joint or reciprocal trackage, transfers of passengers between street railways having connecting lines and street railways having independent lines, subways, tunnels, and stations, used, operated, or owned by or in connection with any such street railroad, and all the property of the same used in the conduct of its business.

"The term 'street railroad corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any street railroad or any cars or other equipment used thereon or in connection therewith.

"The term 'common carrier' when used in this section includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Steam railroads, the Washington Terminal Co., and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay are excluded from the operation of this section, and are not included in the term 'common carrier.'

"The term 'gas plant' when used in this section includes all buildings, easements, real estate, mains, pipes, conduits, service pipes, services, pipe galleries, meters, boilers, water-gas sets, retorts, fixtures, condensers, scrubbers, purifiers, holders, materials, apparatus, personal property, and franchises, and property of every kind used in the conduct of the business operated, owned, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale, or furnishing of gas (natural or manufactured) for light, heat, or power.

"The term 'gas corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat, or power, or for any public use whatsoever in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, and in said District owning, operating, controlling, or managing any gas plant, except where the gas is made or produced and distributed by the maker on or through private property solely for its own use or the use of its tenants and not for sale to or for the use of others.

"The term 'electric plant' when used in this section includes all engines, boilers, dynamos, generators, storage batteries, converters, motors, transformers, cables, wires, poles, lamps, meters, easements, real estate, fixtures, and personal property, materials, apparatus, and devices of every kind operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale, or furnishing of electricity for light, heat, or power, and any conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying electrical conductors used or to be used wholly or in part for the transmission of electricity for light, heat, or power, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private propertly solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

"The term 'electrical corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any electric plant, including any water plant, or water property, or water falls, or dam, or water-power stations, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

"The term 'water-power company' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling any plant or property, dam or water supply, canal, or power station for the development of water power for the generation of electrical current or other power or for the distribution or sale of such electrical current or other power.

"The term 'telephone corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles for the reception, transmission, or communication of messages by telephone, telephonic apparatus or instruments, or any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication for hire.

"The term 'telephone line' when used in this section includes conduits, ducts, poles, wires, cables, cross arms, receivers, transmitters, instruments, machines, and appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, appurtenances, and routes used, operated, controlled, or owned by any telephone corporation to facilitate the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication.

"The term 'telegraph corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles, or property for the purposes of communication, or of transmitting or receiving messages by telegraph, or by any telegraphic apparatus or instrument, or any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph, or which licenses, lets, or permits telegraphic communication for hire.

"The term 'telegraph line' when used in this section includes conduits, ducts, poles, wires, cables, cross arms, instruments, machinery, appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, and routes used, operated, controlled, or owned by any telegraph corporation to facilitate the business of affording communication by telegraph for hire.

"The term 'pipe-line company' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, or person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling the supply of any liquid, steam, or air through pipes or tubing to consumers for use or for lighting, heating, or cooling purposes, or for power.

"This section shall apply to the transportation of passengers, freight, or property from one point to another within the District of Columbia, and any common carrier performing such service; and this section shall be so applicable and be so construed as to be free from conflict with those provisions of the Constitution of the United States and the laws in pursuance thereof relating to interstate commerce.

"Corporations formed to acquire property or to transact business which would be subject to the provisions of this section, and corporations possessing franchises for any of the purposes contemplated by this section shall be deemed to be subject to the provisions of this section, although no property may have been acquired, business transacted, or franchises exercised.

"PAR. 2. That every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful. Every public utility is hereby required to obey the lawful orders of the commission created by this section.

"PAR. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the use of the same by any other public utility whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owners or other users of such equipment; nor

in any substantial detriment to the service to be rendered by such owners or other users. In case of failure to agree upon such use, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owners or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users of such equipment, it shall by order direct that such use be permitted and prescribe the conditions and compensation for such joint use. Such use so ordered shall be permitted and such conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed, and paid, subject to recourse to the courts upon the complaint of any interested party, as hereinafter provided, which provisions, so far as applicable, shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion after hearing and notice by order in writing.

"PAR. 4. That the commission shall have power, after hearing and notice by order in writing, to require and compel every public utility to comply with the provisions of this section and with all other laws of the United States applicable, and any municipal ordinance or regulation relating to said public utility, and to conform to the duties upon it thereby imposed or by the provisions of its own charter, of any charter has or shall be granted it: *Provided*, That nothing herein contained shall be held to relieve any public utility, its officers, agents, or servants, from any punishment, fine, forfeiture, or penalty for violation of any such law, ordinance, regulation, or duty imposed by its charter, nor to limit, take away, or restrict the jurisdiction of any court or other authority which now has or which may hereafter have power to impose any such punishment, fine, forfeiture, or penalty.

"PAR. 5. That whenever any public utility or person shall propose any change in any law relating directly or indirectly to the property or operations of any public utility the said proposed change shall also and at the same time be submitted to the commission, which may take testimony and give a public hearing thereon, and the commission shall recommend such bills as will in its judgment protect the interests of the public and such public utility and transmit the same to the proper committees of the Senate and House of Representatives.

"PAR. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public ultility, and to replace all the physical properties belonging to the public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain in detail the gross and net income of the public utility from all sources, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this paragraph is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

"PAR. 7. That the commission shall value the property of every public utility within the District of Columbia actually used and useful for the convenience of the public at the fair value thereof at the time of said valuation.

"PAR. 8. That before final determination of such value the commission shall, after notice of not less than 30 days to the public utility, hold a public hearing as to such valuation in the manner hereinafter provided for a hearing, which provisions, so far as applicable, shall apply to such hearing. The commission shall, within 10 days after such valuation is determined, serve a statement thereof upon the public utility interested, and shall file a like statement with the District Committees in Congress.

"PAR. 9. That the commission may at any time, on its own initiative, make a revaluation of the property of any public utility.

"PAR. 10. That every public utility shall keep and render to the commission, in the manner and form prescribed by the commission, uniform accounts of all business transacted. Every public utility engaged directly or indirectly in any other business than that of the conduct of a street railway, or the production, transmission, or furnishing of heat, light, water, or power, or the conveyance of telegraph or telephone messages, shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this section shall apply with like force and effect to the books, accounts, papers, and records of such other business.

"PAR. 11. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this section, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

"PAR. 12. That the commission shall cause to be prepared suitable blanks for carrying out the purposes of this section, and shall when necessary furnish such blanks to each public utility.

"PAR. 13. That each public utility shall have an office within the District of Columbia in which it shall keep all such books, accounts, papers, and records as shall be required by the commission to be kept within the District of Columbia. No books, accounts, papers, or records required by the commission to be kept within the District of Columbia shall be at any time removed from the District of Columbia, except upon such condition as may be prescribed by the commission: *Provided*, That public utilities operating in the District of Columbia and elsewhere who have their general or executive offices outside of the District, may continue to keep their books, accounts, records, and so forth, at their executive or general offices, such public utilities being required, however, to produce before the commission such books, accounts, records, and papers from time to time as the commission may order.

"PAR. 14. That the accounts shall be closed annually on the 31st day of December and a balance sheet of that date promptly taken therefrom. On or before the 1st day of February following such balance sheet, together with such other information as the commission shall prescribe, verified by an owner or officer of the public utility, shall be filed with the commission, and a copy thereof transmitted to Congress.

"PAR. 15. That the commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission. The agents, accountants, or examiners employed by the commission shall have authority, under the direction of the commission, to inspect and examine any and all books, accounts, papers, records, and memoranda kept by such public utilities.

"PAR. 16. That every public utility shall carry a proper and adequate depreciation account. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in keeping the property of such public utility in repair and good and serviceable condition for the use to which it is devoted, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other

purpose than as provided in this paragraph, unless with the consent and by order of the commission.

"PAR. 17. That the commission shall keep itself informed of all new construction, extensions, and additions to the property of all public utilities, and shall prescribe the necessary forms, regulations, and instructions to the officers and employees of all public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

"PAR. 18. That nothing in this section shall be taken to prohibit a public utility, with the consent of the commission, from providing a sliding scale of rates and dividends according to what is commonly known as the Boston sliding scale, or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purposes of this section. Such arrangement shall be under the supervision and regulation of the commission. The commission shall ascertain, determine, and order such rates, charges, and regulations, and the duration thereof, as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates, charges, and regulations as the commission may ascertain and determine to be necessary and reasonable, and the right to alter or amend all orders relative thereto, is reserved and vested in the commission notwithstanding any such arrangement and mutual agreement.

"PAR. 19. That each public utility shall furnish to the commission in such form and at such times as the commission shall require, such accounts, reports, and information as shall show in itemized detail: Depreciation; salaries and wages; legal expenses; taxes and rentals; quantity and value of material used; receipts from residuals, by-products, services, or other sales; total and net costs; net and gross profits; dividends and interest; surplus or reserve; prices paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe, in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

"PAR. 20. That the commission shall publish annual reports showing its proceedings relating to all the public utilities of each kind in the District of Columbia, and such other occasional reports as it may deem advisable. The commission shall also publish in its annual reports the value of all property actually used and useful for the convenience of the public, of every public utility as to whose rates, charges, service, or regulations any hearing has been held by the commission or the value of whose property has been ascertained by it under the provisions of this section.

"PAR. 21. That the commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage, or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examining and testing such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements and every public utility is required to carry into effect all orders issued by the commission relative thereto.

"PAR. 22. That the commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

"PAR. 23. That the commission may purchase such materials, apparatus, and standard measuring instruments for such examination and tests as it may deem necessary. The commission, its agents, experts, or examiners, shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided for in this section, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

"PAR. 24. That every public utility shall file with the commission, within a time to be fixed by the commission, schedules, which shall be open to public inspection, showing all rates, tolls, and charges which it has established and which are in force at the time for any service performed by it within the District of Columbia, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls, and charges shown on such schedules shall not exceed the rates, tolls, and charges now allowed by law, and shall be the lawful rates, tolls, and charges within the District of Columbia, and shall remain and be in force until set aside by the commission.

"PAR. 25. That every public utility shall file with and as a part of such schedule all rules and regulations that in any manner affect the rates charged or to be charged for any service.

"PAR. 26. That a copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type and kept on file in every station and office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and so as to be conveniently inspected.

"PAR. 27. That where a schedule of joint rates or charges is, or may be, in force between two or more public utilities, such schedule shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public shall be filed in such station or office, as provided in the preceding paragraph.

"PAR. 28. That no change shall thereafter be made in any schedule, including schedules of joint rates, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect: *Provided*, That the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

"PAR. 29. That copies of all new schedules shall be filed, as hereinbefore provided, in every station and office of such public utility where payments are made by consumers or users 10 days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

"PAR. 30. That it shall be unlawful for any public utility to charge, demand, collect, or receive a greater or less compensation for any service performed by it within the District of Columbia, or for any service in connection therewith, that is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect, or receive any rate, toll, or charge not specified in such schedules. The rates, tolls, and charges named therein shall be the lawful rates, tolls, and charges until the same are changed as provided in this section.

"PAR. 31. That the commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

"PAR. 32. That the commission shall have power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits, and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it.

"PAR. 33. That the commission shall keep itself informed as to the manner and method in which the business of all public utilities is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

"PAR. 34. That the commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any public utility, and to examine, under oath, any officer, agent, or employee of such public utility in relation to its business and affairs. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection or examination.

"PAR. 35. That the commission may require, by order or subpœna, to be served upon any public utility in the same manner that a summons is served in a civil action in the Supreme Court of the District of Columbia, the production within the District of Columbia at such time and place as it may designate of any books, accounts, papers, or records kept by such public utility in any office or place without the District of Columbia, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission under its direction. Any public utility failing or refusing to comply with any order or subpœna shall for each day it shall so fail or refuse forfeit and pay to the District of Columbia the sum of $100, to be recovered in an action to be brought in the name of said District.

"Attendance of witnesses and the production of such documentary evidence may be required from any place in the United States. And in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section. And the said commission is hereby given power to call on any district attorney of the United States, the corporation counsel of the District of Columbia, or any counsel of the commission to enforce the provisions of this section in the proper courts of the United States, and on such call it shall be the duty of the said district attorney, corporation counsel, or any counsel of the commission, upon request of said commission, to enforce the provisions of this paragraph, the costs and expenses incurred to be paid out of the appropriations for the expenses of the courts of the United States.

"PAR. 36. That for the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent, whose duties shall be prescribed in such order. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this section to the commission and shall have power to administer oaths and take depositions. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent or agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony, if the commission so order, nor further investigation.

"PAR. 37. That every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this section, and shall make specific answers to all specific questions submitted by the commission. Any public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer, fully and correctly, each question therein propounded, and in case it is unable to answer any question it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent, or general manager of such public utility, and returned to the commission at its office within the period fixed by the commission. Whenever required by the commission, every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers, and all documents, books, accounts, papers, and records, or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

"PAR. 38. That upon its own initiative or upon reasonable complaint made against any public utility that any of the rates, tolls, charges, or schedules, or services, or time and conditions of payment, or any joint rate or rates, schedules, or services, are in any respect unreasonable or unjustly discriminatory, or that any time schedule, regulation, or act whatsoever affecting or relating to the conduct of any street railway or common carrier, or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any service in connection therewith, or the conveyance of any telegraph or telephone message, or any service in connection therewith, is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may, in its discretion, proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, or act complained of shall be entered by the commission without a formal hearing.

"PAR. 39. That the commission shall prior to such formal hearing notify the public utility complained of that a complaint has been made, and 10 days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

"PAR. 40. That the commission shall give the public utility and the complainant, if any, 10 days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

"PAR. 41. That if upon such investigation the rates, tolls, charges, schedules, or joint rates shall be found to be unjust, unreasonable, insufficient, or unjustly discriminatory, or to be preferential or otherwise in violation of any of the provisions of this section, the commission shall have power to determine and by order fix and order to be substituted therefor such rate or rates, tolls, charges, or schedules as shall be just and reasonable. If upon such investigation it shall be found that any regulation, time schedule, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory, or otherwise in violation of any of the provisions of this section, or if it be found that reasonable service is not supplied, the commission shall have power to determine and substitute therefor such other regulations, time schedules, service, or acts and to make such orders respecting and such changes in such regulations, time schedules, service, or acts as shall be just and reasonable. And upon any investigation for the purpose of determining upon and requiring any reasonable extension or extensions of lines or of service that shall promise to be compensatory within a reasonable time, the commission shall have power to fix, determine, and require every such extension or extensions to be made and the terms and conditions upon which the same shall be made: *Provided*, That no hearing shall be had and no order shall be made respecting such extension or extensions without notice to the public utility affected thereby, as provided in paragraph 40 of this section.

"PAR. 42. That if upon investigation it shall be found that any rate, toll, charge, schedule, or joint rate, or rates, is unjust, unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise in violation of any of the provisions of this section, or that any time schedule, regulation, act, or service complained of is unjust, unreasonable, insufficient, preferential, or otherwise in violation of any of the provisions of this section, or if it be found that reasonable service is not supplied, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

"PAR. 43. That the commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall of necessity at any time be dismissed because of the absence of direct damage to the complainant.

"PAR. 44. That whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any reasonable service is not supplied, or that an investigation of any matter relating to any public utility should for any reason be made, it may, on its own motion, summarily investigate the same with or without notice.

"PAR. 45. That if after making such investigation the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

"PAR. 46. That notice of the time and place for such hearing shall be given to the public utility and to such other interested persons as the commission shall deem necessary, as provided in paragraph 40 of this section, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

"PAR. 47. That any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by the commission or upon reasonable complaint as hereinbefore provided.

"PAR. 48. That each of the commissioners and every agent provided for in paragraph 36 of this section for the purposes mentioned in this section shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner, or any subpœna, or on the refusal of any witness to testify to any matter regarding which he may be interrogated before the commission or its agents authorized, it shall be the duty of the Supreme Court of the District of Columbia, or a judge thereof, on application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

"PAR. 49. That each witness who shall appear before the commission or its agent by its order shall receive for his attendance the fees and mileage now provided for witnesses in the Supreme Court of the District of Columbia, which shall be audited and

paid in the same manner as fees in criminal cases within the District of Columbia are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the chairman of the commission. No witnesses subpœnaed at the instance of parties other than the commission shall be entitled to compensation for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated, and that his attendance as a witness was reasonably necessary.

"PAR. 50. That the commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the District of Columbia to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

"PAR. 51. That a full and complete record shall be kept of all proceedings had before the commission or its agents on any formal investigation had, and all testimony shall be taken down by a stenographer appointed by the commission.

"PAR. 52. That whenever any complaint is served upon the commission under the provisions of this section the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the Supreme Court of the District of Columbia.

"PAR. 53. That a transcribed copy of the evidence and proceedings, or any specific part thereof, in any investigation taken by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of all the testimony in the investigation or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had in such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified. A copy of such transcript shall be furnished on demand, free of cost, to any party to such investigation.

"PAR. 54. That no franchise nor any right to or under any franchise to own or operate any public utility as defined in this section or to use the tracks of any street railroad shall be assigned, transferred, or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever unless the assignment, transfer, lease, contract, or agreement shall have been approved by the commission in writing. The permission and approval of the commission to the assignment, transfer, or lease of a franchise under this paragraph shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise or to waive any forfeiture. It shall be unlawful for any street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stock or bonds without such written authority shall be void and of no effect.

"PAR. 55. That the commission shall, within its jurisdiction—

"Have general supervision of all gas corporations and electrical corporations having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any corporation.

"Investigate and ascertain, from time to time, the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas or electricity for light, heat, or power, and in transmitting the same, and have power to order such reasonable improvements as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution thereof or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations and electrical corporations.

"Have power by order to fix from time to time standards for determining the purity or the measurement of the illuminating power of gas to be manufactured, distributed, or sold by persons or corporations for lighting, heating, or power purposes, and to prescribe from time to time the efficiency of the electric supply system, of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current, and by order to require the gas so manufactured, distributed, or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed, or sold by such persons or corporations for lighting, heating, or power purposes conforms to the standards of illuminating power, purity, and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied, and of the lamps furnished conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering, and supplying gas or electricity, and shall have access, through its members or persons employed and authorized by it to make such examinations and investigations, to all parts of the manufacturing plants owned, used, or operated for the manufacture, transmission, or distribution of gas or electricity by any such persons or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $50 nor more than $500 for each offense.

"PAR. 56. That no gas corporation or electrical corporation shall begin the construction of a gas plant or electric plant without first having obtained the permission and approval of the commission.

"PAR. 57. That the commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the commission, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat, or power furnished by any person or corporation to or for the use of any person or corporation, and when found to be or made to be correct, the inspector shall seal all such meters and each of them with some suitable device, which device shall be recorded in the office of the commission.

"No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected, proved, and sealed by an inspector of the commission.

"The commission shall appoint inspectors of electric meters, whose duty it shall be, when required by the commission, to inspect, examine, and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation, and to inspect, examine, and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters; and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device, which device shall be recorded in the office of the commission. No corporation or person shall furnish, set, or put in use any electric meter the type of which shall not have been approved by the commission or any meter not approved by an inspector of the commission.

"Every gas corporation and electrical corporation shall provide, repair, and maintain such suitable premises and apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas and electric meters furnished for use by it, and by which apparatus every meter may be tested.

"If any consumer to whom a meter has been furnished shall request the commission, in writing, to inspect such meter, the commission shall have the same inspected and tested; if the same, on being so tested, shall be found to be more than 4 per cent, if an electric meter, or more than 2 per cent, if a gas meter, defective or incorrect to the prejudice of the consumer, the inspector shall order the gas or electrical corporation forthwith to remove the same and to place instead a correct meter, and the expense of such inspection and test shall be borne by the corporation; if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer.

"The commission shall prescribe such rules and regulations to carry into effect the provisions of this paragraph as it may deem necessary, and shall fix uniform reasonable charges for the inspection and testing of meters upon complaint.

"PAR. 58. That if it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

"PAR. 59. That the appointment and power to remove the inspector of gas and meters and assistant inspectors of gas and meters from office is hereby vested in the commission. All the powers and duties of such inspectors conferred and imposed by statute shall be exercised and performed under the supervision and control of the commission: *Provided*, That the salaries of the inspector of gas and meters and every assistant inspector of gas and meters shall continue to be paid as heretofore and as now provided by act of Congress.

"PAR. 60. That the inspector of gas and meters now provided for by law shall transfer and deliver to the commission all books, maps, papers, records, apparatus, and the property of whatsoever description in his possession, and said commission is authorized to take possession of all books, maps, papers, records, apparatus, and property of whatsoever description.

"PAR. 61. That all public utilities to which an order of the commission applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such reasonable time thereafter as the commission shall prescribe.

"PAR. 62. That the commission may, at any time, upon notice to the public utility and after opportunity to be heard as provided in paragraph 40 of this section, rescind, alter, or amend any order fixing any rate or rates, tolls, charges, or schedules, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

"PAR. 63. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

"PAR. 64. That if at any time the commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this section, they are authorized and empowered to institute a proceeding in equity in the Supreme Court of the District of Columbia petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

"That any public utility and any person or corporation interest being dissatisfied with any order or decision of the commission fixing any valuation, rate or rates, tolls, charges, schedules, joint rate or rates, or regulation, requirement, act, service or other thing complained of, may commence a proceeding in equity in the Supreme Court of the District of Columbia against the commission, as defendants, to vacate, set aside, or modify any such decision or order on the ground that the valuation, rate or rates, tolls, charges, schedules, joint rate or rates or regulation, requirement, act, service, or other thing complained of fixed in such order is unlawful, inadequate, or unreasonable. The answer of the commission, on any such action being instituted against it, or the answer of any public utility on any such action being commenced by said commission against it, shall be filed within 10 days, whereupon said proceeding shall be at issue and stand ready for trial.

"All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the Supreme Court of the District of Columbia shall always be deemed open for the trial thereof, and the same shall be tried and determined as are equity proceedings in said court. Any party, including said commission, may appeal from the order or decree of said court to the Court of Appeals of the District of Columbia, and therefrom to the Supreme Court of the United States, which shall thereupon have and take jurisdiction in every such appeal. Pending the decision of said appeal the commission may suspend the decision or order appealed from for such a period as it may deem fair and reasonable under the circumstances: *Provided*, That no appeal, unless the court or the commission shall so order, shall operate to stay any order of the commission: *And provided further*, That said commission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any public utility or person, nor required in any case to make any deposit for costs or pay for any service to the clerks of any court or to the marshal of the United States.

"PAR. 65. That every proceeding, action, or suit to set aside, vacate, or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to prevent in any way such order or determination from becoming effective, shall be commenced, and every appeal to the courts or right of recourse to the courts shall be taken or exercised, within 120 days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding, or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such 120 days.

"PAR. 66. That no injunction shall issue suspending or staying any order of the commission, except upon application to the Supreme Court of the District of Columbia or a judge thereof, and only upon notice to the commission and after hearing had.

"PAR. 67. That if upon trial of such proceeding or suit evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said proceeding for 15 days from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend, or rescind its order relating to such valuation, rate or rates, tolls, charges, schedules, joint rate or rates, time schedules, regulations, act, or service complained of in said action, and shall report its action thereon to said court within 10 days from receipt of such evidence.

"PAR. 68. That if the commission shall rescind its order complained of the proceeding or suit shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order, and costs shall be taxed as may be deemed proper under the circumstances.

"PAR. 69. That in all trials, actions, and proceedings arising under the provisions of this section or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction, or order of said commission to show by clear and satisfactory evidence that the determination, requirement, direction, or order of the commission complained of is inadequate, unreasonable, or unlawful, as the case may be.

"PAR. 70. That no person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this section, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpœna, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

"PAR. 71. That upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

"PAR. 72. That the power to create liens on corporate property by public utilities in the District of Columbia is hereby declared to be a special privilege, the right of supervision, regulation, restriction, and control of which is hereby vested in the public utilities commission of the District of Columbia, and such power shall be exercised according to the provisions of this section.

"PAR. 73. That no public utility shall hereafter issue any stocks, stock certificates, bonds, mortgages, or any other evidences of indebtedness payable in more than one year from date, until it shall have first obtained the certificate of the commission showing authority for such issue from the commission.

"PAR. 74. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness for money, property, or services, either directly or indirectly, nor shall it receive any money, property, or services in payment of the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the certificate of the commission in this section provided for.

"PAR. 75. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

"PAR. 76. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating, and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

"PAR. 77. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidences of indebtedness to any other purpose or issue the same on any less favorable terms than that specified in the certificate issued by the commission.

"PAR. 78. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this section shall be void.

"PAR. 79. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this section, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, one-half to the credit of the District of Columbia, not less than $1,000 nor more than $10,000 for each offense.

"PAR. 80. That each and every director, president, secretary, or other official of any such public utility who shall make any false statement to secure the issue of any stock, certificate of stock, bond, mortgage, or other evidence of indebtedness, or who shall, by false statement knowingly made, procure of the commission the making of the certificate herein provided, or issue, with knowledge of such fraud, negotiate, or cause to be negotiated, any such stock, certificate of stock, bond, mortgage, or other evidence of indebtedness in violation of this section, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than $1,000, or by imprisonment for a term of not less than one year, or by both such fine and imprisonment, in the discretion of the court.

"PAR. 81. That if any public utility or any agent or officer thereof shall, directly or indirectly, by any device whatsoever, or otherwise, charge, demand, collect, or receive from any person, firm, or corporation a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the conduct of a street railroad or street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electric corporation, water power company, telephone line, telephone corporation, telegraph line, or telegraph corporation, or pipe line company, or to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the conveyance of telephone or telegraph messages, or for any service in connection therewith than that prescribed in the public schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person, firm, or corporation other than one conducting a like business for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be a misdemeanor and unlawful, and upon conviction thereof shall forfeit and pay to the District of Columbia not less than $100 nor more than $1,000 for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $50 nor more than $100 for each offense.

"PAR. 82. That it shall be unlawful for any public utility to demand, charge, collect, or receive from any person, firm, or corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm, or corporation of any part of the facilities incident thereto: *Provided*, That nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the supply of any liquid, steam, or air, through pipes or tubing, or the conveyance of telegraph or telephone messages, and paying a reasonable rental therefor; or as requiring any public utility to furnish any part of such appliances which are situated in and upon the premises of any consumer or user, except telephone station equipment upon the subscriber's premises, and, unless otherwise ordered by the commission, meters, and appliances for measurements of any product or service.

"PAR. 83. That it shall be unlawful for any person, firm, or corporation to solicit, accept, or receive any rebate, concession, or discrimination in respect to any service in or affecting or relating to any public utility or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any liquid, steam, or air, or the conveying of telegraph or telephone messages within the District of Columbia, or for any service in connection therewith whereby any such service shall, by any device whatsoever or otherwise, be rendered free or at a less rate than that named in the schedules and tariffs in force as provided in this section, or whereby any service or advantage is received other than is in this section specified. Any person, firm, or corporation violating the provisions of this paragraph shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000 for each offense.

"PAR. 84. That any officer, agent, or employee of any public utility who shall fail or refuse to fill out and return any blanks, as required by this section, or shall fail or refuse to answer any question therein propounded, or shall knowingly or willfully give a false answer to any such question, or shall evade the answer to any such question where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner, or any person authorized to examine the same, any book, paper, account, record, or memoranda of such public utility which is in his possession or under his control, or who shall fail to properly use and keep his system of accounting, or any part thereof, as prescribed by the commission under this section, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative shall be deemed guilty of a misdemeanor, and upon conviction theerof shall be punished by a fine of not less than $200 nor more than $1,000 for each offense, and a penalty of not less than $500 nor more than $2,000 shall, on conviction, be imposed on the public utility for each such offense when such officer, agent, or employee acted in obedience to the direction, construction, or request of such public utility or any general officer thereof.

"PAR. 85. That if any public utility shall violate any provision of this section, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect, or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal such public utility shall forfeit and pay to the District of Columbia the sum of $200 for each such offense. In construing and enforcing the provisions of this paragraph, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment and instructions shall in every case be deemed to be the act, omission, or failure of such public utility.

"PAR. 86. That any person who shall destroy, injure, or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agents shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $100 or imprisonment for a period not exceeding 30 days, or both.

"PAR. 87. That every day during which any public utility, or any officer, agent, or employee thereof, shall fail knowingly or willfully to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this section, shall constitute a separate and distinct violation of such order, or direction, or of this section, as the case may be.

"PAR. 88. That whenever, after hearing and investigation as provided in this section, the commission shall find that any rate, toll, charge, regulation, or practice of any public utility within the District of Columbia is unreasonable or discriminatory, it shall have the power to regulate, fix, and determine the same as provided in this section.

"PAR. 89. That every public utility shall, whenever an accident attended with loss of human life or personal injury without loss of human life occurs within the District of Columbia, upon its premises, or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith.

"PAR. 90. That the commission shall inquire into any neglect or violation of the laws or regulations in force in the District of Columbia by any public utility doing business therein, or by the officers, agents, or employees thereof, or by any person operating the plant of any public utilty, and shall have the power, and it shall be its duty, to enforce the provisions of this section as well as all other laws relating to public utilities.

"PAR. 91. That the corporation counsel of the District of Columbia shall be the general counsel of the commission and shall receive from and be paid out of the appropriations provided and to be provided for the expenses of the commission in addition to his compensation otherwise provided by law the sum of $1,000 per annum, payable in equal monthly installments. It shall be the duty of the general counsel to represent and appear for the commission in all actions and proceedings involving any question under this section, or under or in reference to any act, order, or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the commission, and to expedite, in every way possible, final and just determination of all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and of the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him. The assistants to the corporation counsel shall perform such duties relating to matters arising under this section and all other matters as the corporation counsel may prescribe. The commission may, if at any time it deems necessary, employ other attorneys at law as additional assistants to the said general counsel for the performance of such extraordinary legal services for or in behalf of the commission at such special compensation for such additional assistants as the commission may prescribe, which said compensation shall be paid out of the appropriations herein provided and hereafter to be provided for the expenses of the commission. The said corporation counsel and any of his assistants designated by him or by the commission shall have the right to appear and prosecute any civil, quasi criminal, or criminal case to recover any penalty, forfeiture, fine, or for the imposition of any punishment provided for in this section whether instituted by or on behalf of the United States of America or by or on behalf of the District of Columbia or otherwise, and on every appeal provided by law. The commission may enforce its orders in any case by mandamus or other legal or equitable remedy in any court of competent jurisdiction, and it shall be the duty of the corporation counsel or his assistants to represent the commission in every such proceeding.

"PAR. 92. That the provisions of this section shall be interpreted and construed liberally in order to accomplish the purposes thereof, and where any specific power or authority is given the commission by the provisions of this section the enumeration thereof shall not be held to exclude or impair any power or authority otherwise in this section conferred on said commission. The commission hereby created shall have, in addition to the powers in this section specified, mentioned, and indicated all additional, implied and incidental power which may be proper and necessary to effect and carry out, perform, and execute all the said powers herein specified, mentioned, and indicated. A substantial compliance with the requirements of this section shall be sufficient to give effect to all the rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto. That each paragraph of this section, and every part of each paragraph, are hereby declared to be independent paragraphs, and the holding of any paragraph or paragraphs or part or parts thereof to be void, ineffective, or unconstitutional for any cause shall not be deemed to affect any other paragraph or part thereof.

"PAR. 93. That this section shall not have the effect to release or waive any right of action by the United States, or by the District of Columbia, or by any person, for any right, penalty, or forfeiture which may have arisen or which may hereafter arise under any law of the United States or any regulation in force in the District of Columbia; and all penalties and forfeitures accruing under this section shall be cumulative, and a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

"PAR. 94. That, first, unless the commission shall otherwise order, it shall be unlawful for any public utility within the District of Columbia to demand, collect, or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service under the law in force at the date of the passage of this section; second, every public utility in the District of Columbia shall, within 30 days after the passage and publication of this section, file in the office of the commission copies of all schedules of rates and charges, including joint rates, in force at the date of the passage of this section; third, any public utility desiring to advance or discontinue any such rate or rates may make application to the commission in writing, stating the advance in or discontinuance of the rate or rates desired, giving the reasons for such advance or discontinuance; fourth, upon receiving such application the commission shall fix a time and place for hearing, and give such notice to interested parties as shall be proper and reasonable; if, after such hearing and investigation, the commission shall find that the change or discontinuance applied for is reasonable, fair, and just, it shall grant the application, either in whole or in part; fifth, any public utility being dissatisfied with any order of the commission made under the provisions of this paragraph may commence a proceeding against it in the Supreme Court of the District of Columbia in the manner as is in this section hereinbefore provided, which action shall be tried and determined in the same manner as is in this section hereinbefore provided.

"PAR. 95. The commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this section, and to fix and pay their compensation within the appropriations provided by Congress. The commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying out the purposes of this section. All payments and disbursements, as provided in this section, shall be made by the disbursing officer of the District of Columbia upon proper vouchers, certified as required by the commission; and the commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan force of the District of Columbia to perform any of the duties which the commission may from time to time, respectively, assign to them, and to employ any assistance and fix compensation therefor within the limits of the appropriations for its use herein or hereafter made by act of Congress.

"PAR. 96. That the said commission shall hereafter exercise all the powers and have all the authority now vested by law in the Interstate Commerce Commission by virtue and under the act of Congress approved May 23, 1908, entitled 'An act authorizing certain extensions to be made of the lines of the Anacostia & Potomac River Railroad Co., the Washington Railway & Electric Co., the City & Suburban Railway of Washington, and the Capital Traction Co., of the District of Columbia, and for other purposes,' and said power and authority shall no longer be exercised by said Interstate Commerce Commission: *Provided*, That the orders, rules, and regulations made by the Interstate Commerce Commission shall continue to be in force until changed, repealed, altered, or amended by the commission created by this section, which said commission is hereby given power and jurisdiction to issue and, at its pleasure, to revoke all permits, or licenses, to carry this section into effect, and its rules and regulations shall be valid and binding on all public-service corporations and on all persons.

"Whenever the commission shall be of opinion, after hearing had upon its own motion or upon complaint, that repairs, improvements, or changes in any street railroad, gas plant, electric plant, telephone line, telegraph line, pipe line, water-power plant, or the facilities of any common carrier ought reasonably to be made, or that any addition of service or equipment ought reasonably to be made thereto, or that the vehicles or cars of any street railroad or common carrier are unclean, insanitary, uncomfortable, inconvenient, or improperly equipped, operated, or maintained, or are in need of paint, or unsightly in appearance, or that any addition ought reasonably to be made thereto in

order to promote the comfort or convenience of the public or employees, or in order to secure adequate service or facilities, the commission shall have power to make and serve an order directing that such repairs, improvements, changes, or additions to service or equipment be made within a reasonable time and in a manner to be specified therein, and every such public utility is hereby required and directed to obey every such order of the commission.

"PAR. 97. That all the powers created by this section and the duty of carrying this section into effect and enforcing the provisions thereof are hereby vested in and imposed on the Commissioners of the District of Columbia as a governmental and administrative agency, and said powers shall be exercised and said duties performed as additional and superadded powers to their powers and duties as Commissioners of the District of Columbia. The powers, authority, and duties hereby imposed on and granted said commissioners shall be permanent and are hereby imposed on and granted to the present Commissioners of the District of Columbia and their successors in office. The commission created by this section shall, so soon as convenient after its passage, organize by electing one of its number as chairman, who shall serve until the first Monday in January, 1914. On the first Monday in January in each odd-numbered year the commissioners shall meet and elect a chairman, who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Any investigation, inquiry, or hearing within the powers of the commission may be made or held by any commissioner, whose acts and orders, when approved by the commission, shall be deemed to be the order of the commission. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings pertaining to public utilities.

"No commissioner shall be directly or indirectly interested in any public utility or in any stock, bond, mortgage, security, or contract of any such public utility; and if any such commissioner shall voluntarily become so interested his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails so to do his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, in any public utility in the District of Columbia or elsewhere.

"PAR. 98. That the sum of $40,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this section, one-half out of the revenues of the District of Columbia and one-half out of any moneys in the Treasury not otherwise appropriated, and all moneys received from fines, forfeitures, and penalties shall be paid into the Treasury of the United States, one-half to the credit of the District of Columbia.

"PAR. 99. That all the duties, powers, and authority of the Commissioners of the District of Columbia shall continue and remain in full force and effect notwithstanding this section; and all powers, authority, and duties of the municipality known as the District of Columbia and all rights vested in said municipality shall continue and remain in full force and effect notwithstanding this section. All the lawful ordinances and regulations made by the Commissioners of the District of Columbia as such, and all other lawful municipal ordinances and regulations, shall continue and remain in full force and effect, and may be altered, changed, or amended, and new ordinances and regulations may be made by the Commissioners of the District of Columbia, acting as such, hereafter, notwithstanding this section: *Provided*, That when any order of the commission created by this section shall be made which shall be inconsistent and repugnant to any municipal ordinance or regulation, or any ordinance or regulation made or to be made by the Commissioners of the District of Columbia, acting as such, then and in such event the order of the commission created by this section shall be given full force and effect, notwithstanding such municipal ordinance or regulation.

"PAR. 100. That the board of directors of every public utility shall consist of not more than 15 nor less than 7 members, within which limitation the membership may be in any case increased or diminished, as the stockholders may from time to time determine.

"PAR. 101. That, except as modified or changed by this section and until modified or changed under its provisions, all charters, statutes, laws, ordinances, and regulations now in force shall remain and continue to be in full force and effect until altered, amended, or repealed according to law: *Provided*, That all charters, statutes, acts, and parts of acts, laws, ordinances, and regulations inconsistent and repugnant to the provisions of this section, and only so far as inconsistent and repugnant thereto, are hereby repealed.

"PAR. 102. That this section shall not affect pending actions or proceedings, civil or criminal, or quasi criminal, but the same may be prosecuted or defended as heretofore provided by law or regulation.

"PAR. 103. That Congress reserves the right to alter, amend, or repeal this section."

And the Senate agree to the same.

Amendment numbered 132: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 132, and agree to the same with amendments as follows: In lines 8 and 9 of paragraph 6, on page 11, of said amendment strike out the words "midnight and 7 o'clock in the morning" and insert in lieu thereof the words "1 o'clock a. m. and 7 o'clock a. m."; and in line 14 of said paragraph, after the word "hotel," insert the word ", restaurant"; and the House agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with amendments as follows: In lines 30, 34, 42, 44, and 46 strike out the word "act" where it occurs and insert in lieu thereof the word "section"; and the Senate agree to the same.

CHARLES CURTIS,
REED SMOOT,
JOHN WALTER SMITH,
Managers on the part of the Senate.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, Jr.,
Managers on the part of the House.

Mr. CURTIS. I ask that the report be printed in the RECORD and also as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COAL MINING IN OKLAHOMA.

Mr. OWEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Strike out all of section 2 of the bill; and the House agree to the same.

That the Senate agree to the amendment of the House amending the title of the bill.

MOSES E. CLAPP,
ROBERT J. GAMBLE,
ROBERT L. OWEN,
Managers on the part of the Senate.

CHARLES D. CARTER,
CARL HAYDEN,
PHIL. CAMPBELL,
Managers on the part of the House.

The report was agreed to.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted,

and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr GAMBLE, and Mr. CULBERSON conferees on the part of the Senate.

LIEN FOR TAXES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRANDEGEE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BRANDEGEE, Mr. ROOT, and Mr. PAYNTER conferees on the part of the Senate.

RECESS.

Mr. SMITH of Georgia. I move that the Senate take a recess until 9 o'clock and 45 minutes a. m.

The motion was agreed to; and (at 12 o'clock and 10 minutes a. m., Monday, March 3, 1913) the Senate took a recess until 9 o'clock and 45 minutes a. m., Monday, March 3, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1913.

PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

George M. Dunn to be a colonel.
Lewis E. Goodier to be a lieutenant colonel.

Majors.

Samuel T. Ansell.
Herbert A. White.

QUARTERMASTER CORPS.

Thomas Cruse to be a colonel.
Arthur W. Yates to be a lieutenant colonel.

ORDNANCE DEPARTMENT.

Edwin B. Babbitt to be a colonel.
John W. Joyes to be a lieutenant colonel.

ENGINEER CORPS.

Lansing H. Beach to be a colonel.

Lieutenant colonels.

A. F. Flagler.
Chester Harding.

Majors.

Gustav R. Lukesh.
John R. Slattery.
Curtis W. Otwell.
Hubert L. Wigmore.
Albert L. Waldron.

Captains.

Alvin B. Barber.
William F. Endress.
Jarvis J. Bain.
Thomas H. Emerson.
Robert S. Thomas.
Roger C. Powell.
John N. Hodges.
Arthur R. Ehrnbeck.

First lieutenants.

Frederick S. Strong.
Creswell Garlington.

CAVALRY ARM.

Frank T. McNarney to be a captain.
George L. Converse, jr., to be a first lieutenant.

INFANTRY ARM.

To be colonels.

Edwin P. Pendleton.
Samuel W. Dunning.

Lieutenant colonel.

Robert H. Noble.

Major.

Isaac C. Jenks.

First lieutenants.

Benjamin F. Castle.
Edwin C. McNeil.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

First Lieut. David H. Scott (Infantry arm) to be a first lieutenant.

INFANTRY ARM.

First Lieut. Robert C. Richardson, jr. (Cavalry arm) to be a first lieutenant.

COAST ARTILLERY CORPS.

Cyril Arthur Winton Dawson to be a second lieutenant.

MEDICAL RESERVE CORPS.

First lieutenants.

George Henry Buck.
Robert Henry Wilds.
Roger Post Ames.
George Henry Torney, jr.
Eide Frederick Thode.

CHAPLAIN.

William A. Aiken to be a chaplain with the rank of first lieutenant.

PROMOTIONS IN THE NAVY.

Rear admirals.

William B. Caperton.
Wythe M. Parks.
Frank H. Bailey.

Captains.

William H. C. Bullard.
Joseph W. Oman.

Commanders.

John S. Doddridge.
Percy N. Olmsted.
John R. Brady.

Lieutenant commanders.

John W. Schoenfeld.
Clarence L. Arnold.
Bayard T. Bulmer.

Lieutenants.

Harold Jones.
Albert S. Rees.
Alexander Sharp, jr.
Richard R. Mann.
William C. I. Stiles.
Aubrey W. Fitch.

Assistant naval constructor.

Charles S. Brand.

Passed assistant paymasters.

Omar D. Conger.
John H. Knapp.
Duette W. Rose.

Surgeon.

Perceval S. Rossiter.

Chief pharmacist.

Oscar G. Ruge.

Chief machinist.

August Schulze.

Chief boatswains.

Harry N. Huxford.
William E. O'Connell.

Chief gunners.

Joseph H. Aigner.
Clarence D. Holland.
Glendon W. Irwin.
Joseph F. Carmody.
Daniel W. Nelson.

MARINE CORPS.

Major.

Philip S. Brown.

First lieutenant.

Joseph C. Fegan.

APPOINTMENTS IN THE NAVY.

Assistant civil engineers.

Harold G. Taylor.
Gaylord Church.

Assistant paymasters.

Samuel R. White, jr.
Macdonough C. Merriman.

Assistant surgeons.

John Buckley.
Charles P. Lynch.

Chaplain.

Thomas B. Thompson.

MEDICAL RESERVE CORPS.

Assistant surgeons.

J. Forest Burnham.
Adolphus B. Bennett.
Charles A. Simpson.
William S. Bainbridge.
Homer G. Fuller.
Louis C. Lehr.
James J. Richardson.
William G. Morgan.
William G. Townsend.
George T. Vaughn.
Lloyd P. Shippen.
John A. Tompkins.
Albert E. Gallant.
Samuel S. Adams.
William S. Thomas.
David A. Heffernan.
Harold D. Meeker.
Walter W. Wilkinson.
Claude A. Frinke.
Edward M. Foote.
Bert R. Shurly.

MARINE CORPS.

Second lieutenants.

Arthur H. Turner.
Thomas M. Luby.
Norman C. Bates.
Douglas B. Roben.
Harry K. Pickett.
Maurice S. Berry.
Harold D. MacLachlan.
John B. Sebree.
Vincent B. Stack.
Theodore A. Secor.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third lieutenants of engineers.

Gustavus Richard O'Connor.
Walter Melchior Troll.

HOUSE OF REPRESENTATIVES.

SUNDAY, *March 2, 1913.*

(Continuation of legislative day of Saturday, March 1, 1913.)

AFTER THE RECESS.

The recess having expired, at 2 o'clock and 30 minutes p. m. Sunday, March 2, the House resumed its session.

ELECTION OF SENATORS BY POPULAR VOTE.

The SPEAKER announced that he had received a letter from the secretary of state of Wisconsin, announcing that the legislature of that State had ratified the proposed amendment to the Constitution for the election of Senators by popular vote.

ORDER OF BUSINESS.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. This morning at 1 o'clock when we took a recess there was a motion pending which had been seconded. Will that motion to suspend the rules be the unfinished business as soon as we reach that particular order of business, or as soon as we dispose of conference reports?

The SPEAKER. The Chair will rule that, barring conference reports and appropriation bills, the gentleman's motion is the unfinished business.

Mr. NORRIS. I believe that is right.

EXPLANATION OF VOTE.

Mr. BERGER. Mr. Speaker, I am recorded as being present on the vote for the closing of traffic on Pennsylvania Avenue during the suffrage parade. I would like to vote "aye," as I voted under a misapprehension.

The SPEAKER. That is not permissible. The gentleman can make an explanation in the RECORD.

Mr. BERGER. I would like to get unanimous consent to change my vote to "aye," because I voted under a misapprehension. I understood it was a call of the House.

The SPEAKER. If the gentleman can get unanimous consent, he can make his explanation in the RECORD.

Mr. BERGER. I ask unanimous consent to print an explanation in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to submit a request for unanimous consent. When the naval appropriation bill (H. R. 28812) was under consideration there was a provision relative to allowing 50 per cent increase of pay for a certain number of officers who qualify as aviators and actually fly. During the debate it was stated that we would endeavor to keep the two services on a parity. The Army bill at that time provided for a 50 per cent increase, and it was so provided in the naval bill. Since then, in conference, the Army bill has been modified, and as the conference report was adopted last night it provides for an increase of 35 per cent instead of 40 per cent. The House passed the naval bill, allowing an increase of 50 per cent for the Navy, and the Senate did not change the text. I ask unanimous consent of the House to have that matter corrected in conference, so that we may make it 35 per cent increase instead of 50 per cent increase.

Mr. MANN. That is to carry out the understanding that we had at the time the bill passed?

Mr. PADGETT. Yes; and made on the floor. I said that I would endeavor to keep it the same in the naval service as in the military service.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conferees be permitted to change the 50 per cent increase to 35 per cent in the item relating to aviators in the naval bill. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to bill of the following title:

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and further insisted upon its amendment No. 26, disagreed to by the House of Representatives; had agreed to the amendment of the House to the amendment of the Senate No. 25; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOURNE, Mr. PENROSE, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes.

PENSIONS.

The SPEAKER laid before the House the bill H. R. 27475, a bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors in the Civil War, with Senate amendments.

The Senate amendments were read.

Mr. RUSSELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 28282) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of the Civil War, with Senate amendments, and I move that the House concur in the Senate amendments.

The SPEAKER laid the bill before the House.

The Senate amendments were read.

The SPEAKER. The gentleman from Missouri moves to concur in the Senate amendments.

The motion was agreed to.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I present a conference report on the bill H. R. 28180, the rivers and harbors bill, and I ask

unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. If there be no objection, the statement will be read in lieu of the report.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1607).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 11, 14, 22, 26, 28, 33, 38, 48, 49, 53, 57, 64, 66, 69, 77, 78, 79, 92, 120, 121, 122, 123, 124, 126, 133.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 13, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 29, 30, 31, 32, 36, 37, 45, 46, 51, 52, 55, 58, 60, 61, 62, 63, 65, 67, 70, 72, 73, 74, 75, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 94, 96, 97, 98, 99, 101, 103, 104, 106, 108, 109, 110, 111, 112, 114, 116, 117, 118, 119, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "or city shall," and insert in lieu thereof the words "and city"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "; completing improvement of the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session, $235,700; in all, $255,700"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed restore the sum stricken out, and in the first line of the amended paragraph strike out the word "Continuing," and insert in lieu thereof the word "Completing"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In the sixth and seventh lines of the language proposed, strike out the words "that the appropriation of $100,000 therein contained, namely," and at the end of the language proposed strike out the period and insert a colon and the following: "*: Provided further*, That nothing in this act shall be construed as relieving the said Florida East Coast Railway Company from the obligation of complying with the terms of its contract heretofore entered into with the United States"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the word "session" insert the words "and subject to the conditions therein specified," and in lieu of the sum of "$1,100,000" insert "$900,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving Houston Ship Channel, Tex.: The Secretary of War may enter into a contract or contracts for, or construct, two suitable dredging plants, to be used for the maintenance of the channel when completed under the existing contract authorized by the act approved June 25, 1910, to be paid for out of any unexpended balances of appropriations heretofore made or authorized, together with such additional appropriations as may from time to time be made by law, not to exceed in the aggregate $200,000: *Provided*, That a like amount of $200,000, or so much thereof as may be necessary, being one-half of the estimated cost of said dredging plants, be contributed and furnished by the Harris County Ship Channel Navigation District, to be expended in connection with the $200,000 herein authorized to be appropriated for the purchase or construction of said dredging plants: *Provided further*, That before letting the contract for the construction of each dredging plant or beginning the work of its construction, said navigation district shall place to the credit and subject to the order of the Secretary of War, in a United States depository to be designated by him, the sum of $50,000, and shall satisfy him that the remainder of one-half of the cost of said dredging plant will be deposited in like manner from time to time as called for by him."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In the proposed amendment, before the words "C. B. Comstock," insert the word "General"; and the Senate agree to the same.

Amendments numbered 42 and 43: That the House recede from its disagreement to the amendments of the Senate numbered 42 and 43, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, $250,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, $25,000; in all, $275,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In the proposed amendment, before the words "C. B. Comstock," insert the word "General"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Improving White River at Devall Bluff, Ark.: Completing improvement in accordance with the report submitted in House Document No. 1259, Sixty-second Congress, third session, and subject to the conditions therein specified, $8,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following:

"Improving harbor at Arcadia, Mich.: For maintenance, including repair of the north pier, $20,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following:

"Improving Clinton River, Mich.: For maintenance, $10,000."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "$24,000, of which amount not exceeding two-thirds may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge, in accordance with the report submitted in House Document No. 419, Fifty-sixth Congress, first session"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "which shall be considered extraordinary emergency work, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, and without regard to limitation of hours"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "; completing improvement in accordance with plan No. 1 in report submitted in House Document No. 1300, Sixty-second Congress, third session, $208,786; in all, $243,786"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: After the word "Oregon," in the language proposed to be inserted, insert the following: "in accordance with the report submitted in House Document No. 13, Sixty-second Congress, first session," and omit the semicolon after the word "interest"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: After the word "channels," in the second line of the language proposed, in lieu of the word "for" insert the word "or," and in the

third line, in lieu of the word "improved" insert the word "made"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Lynn Harbor and Saugus River, Mass., with a view to providing a channel 15 feet deep up to the bridge at East Saugus"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: After the word "Creek" insert the word "Norfolk"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the word "Pollockville" insert the word "Pollocksville"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Key West, Fla., for a harbor of refuge and a safe anchorage for vessels"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: After the word "Bay," where it first occurs, insert the word "Florida"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Ohio River above the dam at Louisville, Ky., with a view to protection against overflow caused by Government work"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the word "twenty-five" insert the word "twenty-one"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: After the word "River" insert the words "California and Arizona"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: After the word "River," where it first occurs, insert the word "California"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 8. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation."

And the Senate agree to the same.

Amendments numbered 127, 128, 129, 130: That the House recede from its disagreement to the amendments of the Senate numbered 127, 128, 129, 130, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"SEC. 9. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean lower low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats."

And the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the numeral "13" insert the numeral "10"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the numeral "14" insert the numeral "11"; and the Senate agree to the same.

S. M. SPARKMAN,
JOS. E. RANSDELL,
GEO. P. LAWRENCE,
Managers on the part of the House.

KNUTE NELSON,
WILLIAM ALDEN SMITH,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The rivers and harbors bill as it passed the House carried cash appropriations in the sum of $37,112,958 and continuing contract authorizations amounting to $3,760,000, a total for the House bill in cash and authorizations of $40,872,958. The amount added by amendment in the Senate was $8,157,787, of which $4,921,987 was in cash appropriations and $3,235,800 in continuing contract authorizations, making the total of the bill as it passed the Senate $42,034,945 in cash and $6,995,800 in continuing contract authorizations, a total of $49,030,745 for the bill. As a result of the conference the amount involved in the Senate amendments has been reduced from $8,157,787 to $6,995,936, a net reduction of $1,161,851, making the total of the bill as it now stands $47,868,894.

The following statement shows the action taken by the conference on each of the Senate amendments:

No. of amendment.	Page of bill.	
1	1	Bass Harbor Bar, Me. Item adopts new project and appropriates $10,000 for completion. The House conferees receded from disagreement.
2	2	Deer Island Thoroughfare, Me. Item adopts new project and appropriates $40,000 for completion. The House conferees receded from disagreement.
3	2	Carvers Harbor, Vinalhaven, Me. Item adopts new project and appropriates $16,000 for completion. The House conferees receded from disagreement.
4	2	Pepperells Cove, Me. Item appropriates $63,400 for completion of project as recommended by the engineers. The House conferees receded from disagreement.
5	2	Medomak River, Me. Senate amendment increases House item from $8,500 to $17,000, and provides for completion of project. The House conferees receded from disagreement.
6	3	Harbor at Plymouth, Mass. Item adopts new project and appropriates $83,500 for completion on condition that local interests contribute a like amount. The House conferees receded from disagreement.
7	4	Block Island Harbor of Refuge, R. I. Item appropriates $50,000 for continuing improvement as recommended by the engineers. The House conferees receded from disagreement.
8	4	Point Judith Harbor of Refuge, R. I. Item provides for additional work recommended in H. Doc. No. 911, 60th Congress, 1st session, not heretofore authorized by Congress, and appropriates $100,000 for continuing improvement. The Senate receded from this amendment.
9	4	Providence River and Harbor, R. I. Item adopts new project and appropriates $100,000 in cash and provides a continuing-contract authorization for $827,800 for completion, on condition that the State or municipal authorities shall have expended $2,000,000 for public terminals, or other public harbor improvements, before any work of harbor improvement shall be done by the United States north of Fields Point. The House conferees receded from disagreement after a slight verbal amendment to correct an error.
10	5	New Haven Harbor, Conn. Item adopts new project estimated to cost $202,000 and appropriates $80,000 toward prosecuting the same. The House conferees receded from disagreement.
11	5	Connecticut River, Conn. Item proposed to grant the Connecticut River Co. the right to relocate its "Enfield Dam," and certain other privileges. The Senate receded from this amendment.
12	11	Harbor at Flushing Bay, N. Y. Item adopts new project and appropriates $235,700 for completion. The House conferees receded from disagreement.

No. of amend-ment.	Page of bill.	
13	12	New York Harbor, N. Y. Item authorizes the Secretary of War to make rules and regulations for the navigation of Ambrose Channel. The House conferees receded from disagreement.
14	14	East River, N. Y. Item provided that so much of the amount appropriated in the House bill for improving East River and Hell Gate as may be recommended by the Chief of Engineers and approved by the Secretary of War may be expended within the limits of the project heretofore adopted by Congress in securing a depth of not to exceed 35 feet in the through channel of East River and not to exceed 30 feet elsewhere. The Senate receded from this amendment.
15	14	Harlem River, N. Y. Item adopts new project, estimated to cost $850,000, on condition that local or other interests shall furnish, free of cost to the United States, the necessary land for right of way, estimated to cost $1,180,000, before any construction work shall be executed by the Federal Government, and appropriates $5,000 to cover all preliminary work upon this project up to the time when free transfers of land and rights of way shall allow of commencement of construction work. The House conferees receded from disagreement.
16	15	Hudson River Channel of New York Harbor, N. Y. Item adopts new project estimated to cost $1,570,000 and appropriates $200,000 in cash and provides a continuing-contract authorization for $250,000 for prosecution of the improvement. The House conferees receded from disagreement.
17	16	Absecon Inlet, N. J. Item appropriates $45,000 to keep channel open until completion of Government dredge heretofore authorized, on condition that local interests shall furnish $50,000 to be used in prosecuting said improvement. The House conferees receded from disagreement.
18	18	Woodbury Creek, N. J. Senate amendment increases House item from $8,000 to $38,000 and provides for completing improvement. The House conferees receded from disagreement.
19-20	19	Delaware River, Pa., N. J., and Del. Item strikes out the word "Laylor," in lines 20 and 21, and inserts in lieu thereof the word "Lalor." The House conferees receded from disagreement.
21-22	19	Allegheny River, Pa. Item amends provision in House bill which provided that no part of the amount appropriated should be expended until the Secretary of War shall have received satisfactory assurances that the bridges forming unreasonable obstructions to the navigation of the Allegheny River at Pittsburgh will be modified as recommended by a board of engineer officers, by providing that the channel spans of the bridges will be widened. The House conferees receded from disagreement to amendment No. 21 making the proposed changes applicable to the channel spans only. The Senate receded from its amendment No. 22, which required that the channel spans should be widened instead of modified, which, in effect, would have nullified the entire provision.
23	21	York Spit Channel, Baltimore Harbor, Md. Senate amendment increases House item from $100,000 to $305,250 and provides for completion of project. The House conferees receded from disagreement.
24	22	Western Branch of Elizabeth River, Va. Item adopts new project and appropriates $82,000 for completion. The House conferees receded from disagreement.
25	23	Harbor of Refuge at Cape Lookout, N. C. Item appropriates $500,000 cash and provides a continuing-contract authorization for $600,000 for prosecuting the project as recommended by the Chief of Engineers. The House conferees receded from disagreement.
26	24	Cape Fear River at and below Wilmington, N. C. Item provides that not exceeding $2,000 of the amount appropriated in the House provision may be used for providing a channel to and from quarantine station with a depth of water equal to project and depth of main river channel. The Senate receded from this amendment.
27	25	Waterways connecting Core Sound and Beaufort Harbor, N. C. Amendment provides that any part of amount appropriated in House provision and of amounts contributed by local interests, remaining unexpended after completion of project may be used in improving and enlarging the turning basin in front of the town of Beaufort. The House conferees receded from disagreement.
28	26	Winyah Bay, S. C. Senate amendment reduced amount appropriated by House bill from $120,000 to $65,000. The Senate receded from this amendment.
29	26	Archers Creek, S. C. Item amends paragraph providing for the improvement of Archers Creek in the river and harbor act approved July 25, 1912, which carried a condition providing that right of way 1,000 feet wide be furnished free of cost to the United States, by providing that the land required for the widening be donated to the United States free of cost, and that permission be given for the deposit of the dredged materials on adjacent lands free of cost to the United States. The House conferees receded from disagreement.
30	27	Fancy Bluff Creek, Ga. Item adopts new project and appropriates $8,000 for completion. The House conferees receded from disagreement.
31	28	Savannah River at Augusta, Ga. Item adopts new project and appropriated $60,000 for completion on condition that the city of Augusta contributes a like amount. The House conferees receded from disagreement.
32	29	Channel between St. Johns River, Fla., and Cumberland Sound, Ga. Item adopts new project and appropriates $50,000 cash and provides a continuing-contract authorization for $50,000 for completion. The House conferees receded from disagreement.
33	30	Anastasia Island, Fla. Item provides appropriation of $15,000 for protecting shore of Anastasia Island by groins. The Senate receded from this amendment, the House conferees contending that the work contemplated was not required in the interests of commerce and navigation.
34	34	Hillsboro Bay, Fla. Senate amendment reduced House appropriation of $200,000 to $100,000. The Senate receded from this amendment.
35	31	Harbor at Miami (Biscayne Bay), Fla. Item amends provision in river and harbor act approved July 25, 1912, which appropriated $100,000 for improvement on condition that no work be done on said project until the Secretary of War is satisfied that the portion of the work contemplated in this project to be done by the Florida East Coast Railway Co. will be promptly completed, by providing that no work shall be done by the United States on said project until the Secretary of War is satisfied that suitable terminal facilities will be provided as contemplated by paragraph 8 of the report of the Board of Engineers for Rivers and Harbors, as set forth on page 15 of House Document No. 554, Sixty-second Congress, second session. The House conferees receded from disagreement to this item after amendment specifying that the provision adopted should not be construed as relieving the Florida East Coast Railway Co. from the obligation of complying with its contract heretofore entered into for the execution of certain work at this locality.
36	32	Lake Crescent and Dunns Creek, Fla. Item adopts new project and appropriates $25,000 for completion on condition that no part of the money appropriated shall be expended for the purchase of right of way. The House conferees receded from disagreement.
37	35	Channel connecting Mobile Bay and Mississippi Sound, Ala. Senate amendment appropriates $20,000 and provides that not more than $20,000 shall be paid for all rights claimed in and to Grants Pass, if utilized. The House conferees receded from disagreement.
38	36	Mouth of Yazoo River and harbor of Vicksburg, Miss. Senate amendment proposed to increase the amount provided in House bill from $10,000 to $60,000. The Senate receded from this amendment.
39	39	Channel from Galveston Harbor to Texas City, Tex. Senate amendment strikes out House provision appropriating $200,000 for continuing improvement and maintenance, and adopts new project, appropriating $500,000 cash and providing a continuing-contract authorization for $1,100,000 for completion. The House conferees receded from disagreement with an amendment making the expenditure subject to the conditions specified in the report, and reducing the amount of continuing-contract authorization to $900,000, making the total amount available for the work $1,400,000, as recommended by the engineers.
40	39	Houston Ship Channel, Tex. Item provides continuing-contract authorization of $400,000 for construction of two dredging plants for maintenance of the channel when completed on condition that one-half the cost of said dredging plants be contributed and furnished by the Harris County ship channel navigation district. The House conferees receded from disagreement.
41	40	Port Aransas, Tex. This amendment increases the amount to be appropriated from $500,000 to $600,000, and provides that $100,000, or so much thereof as may be necessary, may be expended as part payment for the construction of a dredge to replace the United States dredge General C. B. Comstock, destroyed by fire. The House conferees receded from disagreement.
42-43	42	Brazos River, Tex., from Old Washington to Waco. Senate amendment strikes out the words "and commencing the construction of two additional locks and dams," and inserts in lieu thereof the words "and for an accurate instrumental survey of the river," and increases the appropriation in the House bill from $250,000 to $350,000. The House conferees receded from disagreement and agreed to the same with an amendment omitting the survey and providing an appropriation of $250,000 for the construction of locks and dams heretofore authorized.
44	42	Mouth of Brazos River, Tex. This amendment increases the amount to be appropriated from $25,000 to $125,000 and provides that $100,000, or so much thereof as may be necessary, may be expended as part payment for the construction of a dredge to replace the United States dredge General C. B. Comstock, destroyed by fire. The House conferees receded from disagreement.
45	42	Trinity River, Tex. Senate amendment omits authority provided in House bill for commencing the construction of two additional locks and dams, and provides only for the location of the same. The House conferees receded from disagreement.
46	43	Arkansas River in front of the Crawford County Levee, Ark. Senate amendment appropriates $30,000 for completion of improvement by protecting the north bank thereof in front of the Crawford County Levee, south of Van Buren. The House conferees receded from disagreement.

No. of amendment.	Page of bill.	
47	44	White River at Devall Bluff, Ark. Item adopts new project and appropriates $14,000 for completion on condition that local interests furnish free stumpage of brush therefor. The House conferees receded from disagreement with an amendment reducing the appropriation to $8,000 and specifying that this appropriation shall be subject to the conditions set forth in the report.
48-49	45	Cleveland Harbor, Ohio. House item providing $25,000 for maintenance was amended to provide $76,000 for improvement and maintenance. The Senate receded from this amendment on being shown that the additional amount of $51,000 for improvement was carried in the pending sundry civil bill.
50	46	Arcadia Harbor, Mich. Item appropriates $20,000 for improvement and maintenance, including repair and reconstruction of the north pier. The House conferees receded from disagreement after amendment confining the work to that of maintenance and repair of pier.
51-52	47	Manistee Harbor, Mich. This amendment increases the amount to be appropriated from $246,000 to $312,000 and provides for completion. The House conferees receded from disagreement.
53	47	Harbor at Saugatuck and Kalamazoo River, Mich. Senate amendment increases appropriation in House bill from $3,000 to $8,000, and provides that $5,000 of this amount may be expended for the extension eastwardly of the revetment along the north side of the cut connecting Kalamazoo River with Lake Michigan. The Senate receded from this amendment, the work contemplated being made the subject of investigation by a survey item in this bill.
54	48	Clinton River, Mich. Item appropriates $20,000 for improvement. The House conferees receded from disagreement with an amendment reducing the amount to $10,000 and making its expenditure available for work of maintenance only.
55	48	Saginaw River, Mich., up to the mouth of the the Tittabawassee River. Item appropriates $100,000 for improvement. The House conferees receded from disagreement.
56	48	Menominee Harbor and River, Mich. and Wis. This amendment increased appropriation of $10,000 in House bill to $24,000 and provided that two-thirds of this amount may be expended for the improvement of that portion of the river above and to the westward of Ogden Street bridge. The House conferees receded from disagreement with an amendment requiring the work to be done in accordance with the report submitted in House Document No. 419, Fifty-sixth Congress, first session.
57	50	Grand Calumet River, Ind. Item provides for a change in the location of the channel of this river through the lands of the Gary Land Co. and the Indiana Steel Co. The Senate receded from this amendment.
58	56	Chicago River, Ill. Item directs the Secretary of War to report to the House all encroachments and obstructions in the Chicago River and all its branches, together with such encroachments as have been made in and along the lake front between Lincoln Park and the Indiana State line. The House conferees receded from disagreement.
59	57	Mississippi River Commission. Item provides that levee construction shall be considered extraordinary emergency work which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, and without regard to hours. The House conferees receded from disagreement and agreed to the same after verbal amendment.
60	57	Mississippi River Commission. Item places the mouth of the Yazoo River and harbor at Vicksburg under the jurisdiction of the Mississippi River Commission. The House conferees receded from disagreement.
61	58	Mississippi River Commission. Item provides that $100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee at that point, and for promoting the interest of navigation. The House conferees receded from disagreement.
62-63	58	Mississippi River Commission. Senate amendments strike out House item extending the jurisdiction of the Mississippi River Commission over levee construction to Rock Island, Ill., and inserts provision for examination and survey from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods, consideration being given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination and for the building of such levees between said points upon the river in aid of navigation, as may be found necessary or desirable by the commission, and approved by the Chief of Engineers, the sum of $200,000 is provided. The House conferees receded from disagreement.
64	59	Mississippi River at St. Paul, Minn. Item directs the Secretary of War to enter into an agreement with the Municipal Electric Co., a public corporation of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by dam constructed in accordance with project submitted in House Document No. 741, Sixty-first Congress, second session, adopted in the river and harbor act approved June 25, 1910. The Senate receded from this amendment.
65	62	Mississippi River and Leech River, Minn. Item adopts new project in connection with the reservoirs at headwaters of the Mississippi River and appropriates $116,000 for improvement. The House conferees receded from disagreement.
66	62	Missouri River from Kansas City to Sioux City. Senate amendment strikes out House allotment of $75,000 for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interest of navigation. The Senate receded from this amendment.
67	62	Missouri River from Sioux City to Fort Benton. Senate amendment increases amount provided in House bill from $150,000 to $175,000 and provides that of this amount, because of present emergency, an amount not exceeding $75,000 may be expended for such bank revetment above Elk Point as, in the judgment of the Chief of Engineers, may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation. The House conferees receded from disagreement.
68	63	San Diego Harbor, Cal. Senate amendment adopts new project, the same being in accordance with plan No. 3 in report submitted in House Document No. 1309, Sixty-second Congress, third session, which contemplated a depth of 40 feet on the bar and 35 feet in the harbor and provided $388,637 for its completion. The House conferees receded from disagreement and agreed to the same with an amendment adopting plan No. 1 in said report, which contemplates a depth of 35 feet on the bar and 32 feet in the harbor and provides $208,786 for completion. The additional depth contemplated in plan No. 3 is for the benefit of the Navy. Plan No. 1 is recommended by the engineers in the interest of commerce.
69	65	Coos Bay, Oreg. Item proposes to authorize the Secretary of War to use moneys furnished by local interests for improvement of Coos Bay in accordance with a project adopted by Congress. The Senate receded from this amendment, which was practically a duplication of a part of the House item.
70	66	Tillamook Bay and Bar, Oreg. Item provides $100,000 cash and a continuing contract authorization for $207,000 for completion of project heretofore adopted on condition that local interests furnish one-half the estimated cost of the improvement. The House conferees receded from disagreement.
71-72	67	Willamette River above Oregon City, Oreg. Senate amendments increase amount provided by House bill from $30,000 to $40,000 and provide that of this amount not exceeding $10,000 may be expended in construction of a revetment near Independence, Oreg., if, in the judgment of the Chief of Engineers, the same is necessary in the interest of navigation. The House conferees receded from disagreement after amendment providing that the work be executed in accordance with the report submitted in H. Doc. No. 13, 62d Cong., 1st session.
73	68	Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash. Senate amendment increases amount provided in House bill from $600,000 to $1,200,000. The House conferees receded from disagreement.
74	68	Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash. Senate amendment increases amount provided in House bill from $40,000 to $60,000. The House conferees receded from disagreement.
75	68	Columbia River between Bridgeport and Kettle Falls, Wash. Senate amendment increases amount provided in House bill from $25,000 to $40,000. The House conferees receded from disagreement.
76	70	Emergency appropriations. Existing balances of appropriations heretofore provided made available for allotment subject to recommendation by local officer and the Chief of Engineers. The House conferees receded from disagreement after two slight verbal amendments to correct errors.
77	71	Item authorizing report to Congress relative to the adoption of the continuing contract system, the prosecution of projects, upon methods of standardization of improvements, etc., and appropriating $100,000 for such examination and report. The Senate receded from this amendment.
78	72	Item authorizing a commission, to be known as the river regulation commission, of eight members, composed of four Cabinet officials, two Members of the Senate, and two Members of the House of Representatives, and appropriating $500,000 for the expenses of such organization, its plans, and investigations relative to the uses of water for navigation and other purposes. The Senate receded from this amendment.
79	74	Item renumbering section of House bill. The Senate receded from this amendment.
		Survey items: In the case of the following items (being all for surveys) the House conferees receded from disagreement:
80	75	Thomaston Harbor, Me.
81	75	Harbor at Marion, Mass.
82	75	Salem Harbor, Mass.
83	75	Lynn Harbor and the Saugus River, Mass., with amendment.
84	76	Malden River, Mass.
85	76	Johnsons Creek, Bridgeport, Conn.
86	76	Stamford Harbor, Conn.
87	77	New York Harbor, N. Y., opposite anchorage grounds in upper bay.
88	77	Westchester Creek, N. Y.
89	77	Raccoon Creek, N. J.
90	77	Leipsic River, Del.
91	78	Blackwater River, Va.

No. of amendment.	Page of bill.	
		Survey items—Continued.
		In the case of the following item the Senate receded, a survey having been authorized in a previous act, report on which is now pending:
92	78	Hampton Creek, Va.
		In the case of the following items (being all for surveys) the House conferees receded from disagreement:
93	78	Scotts Creek, Norfolk, Va., with amendment.
94	78	Harbor at Saxis, Va.
95	79	Trent River, N. C.
96	80	Thoroughfare Bay, N. C.
97	80	Jeremy Creek, S. C.
98	81	Channel to East Pass from Apalachicola River, Fla.
99	81	Canal from St. Johns River to Lake Beresford, Fla.
100	81	Harbor at Key West, Fla. (with amendment).
101	82	Mosquito Inlet, Fla.
102	82	Waterway from Pensacola Bay, Fla., to Mobile Bay, Ala. (with verbal amendment).
103	83	Paint Rock River, Ala.
104	83	Licking River, Ky.
105	83	Ohio River above dam at Louisville, Ky. (with amendment).
106	83	Grand River, Mich.
107	83	Black Lake Harbor, Mich. (after amendment limiting the proposed depth to 21 feet).
108	83	Keweenaw Waterway, Mich.
109	84	Pere Marquette River, Mich.
110	84	Port Huron Harbor, Mich.
111	85	Harbor of Minneapolis, Minn.
112	85	Berkeley Harbor, Cal.
113	86	Colorado River, Cal. and Ariz. (with verbal amendment).
114	86	San Leandro Bay, Cal.
115	86	Mokelumne River, Snodgrass Slough, and channels connecting the Sacramento River, Cal. (with verbal amendment).
116	86	Nehalem Bay and River, Oreg.
117	86	Willapa Harbor and Bar entrance.
118	86	Lake River and Bachelors Slough, Wash.
119	87	Apoon mouth of Yukon River, Alaska.
120–124	87–91	Items renumbering sections of House bill.
		Senate receded from these amendments.
125	92	General provision authorizing the Secretary of War to receive and expend funds contributed by private parties toward river and harbor improvement.
		The House conferees receded from disagreement after amendment.
126	92	General provision authorizing the Secretary of War to rent Government dredges, the proceeds to be credited to the appropriations for improvement of the waterways affected.
		The Senate receded from this amendment.
127–130		General provision authorizing channel depth to be referred to mean lower low water instead of the mean low water, and authorizing increase of channel dimensions at entrances, bends, etc.
		The House conferees receded from disagreement after amendment.
131–132	93, 95	Items renumbering sections of House bill.
		The Senate receded from these amendments with necessary changes.
133	94	Provision authorizing the Secretary of Commerce and Labor to establish anchorage grounds for vessels in improved waterways.
		The Senate receded from this amendment.

From the above statement it will be noted that the Senate conferees receded from all amendments which the House committee, through its chairman, agreed to have reported back to the House for its instructions in case the Senate conferees refused to recede from any or all of said amendments.

All of which is respectfully submitted.

S. M. SPARKMAN,
JOS. E. RANSDELL,
GEO. P. LAWRENCE,
Managers on the part of the House.

During the reading,

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. Are the amendments as numbered and read from the Clerk's desk the same as in the bill which passed the Senate?

The SPEAKER. The gentleman from Florida can answer that question.

Mr. SPARKMAN. They are.

Mr. FOSTER. They do not seem to correspond in the bill.

Mr. MOORE of Pennsylvania. The amendments have not been printed separately, have they?

Mr. SPARKMAN. Not separately from the bill.

Mr. FOSTER. They are numbered in the bill.

The SPEAKER. The last amendment read was No. 35, on page 31.

The Clerk completed the reading of the statement.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. I should like to have the gentleman from Florida make a statement.

Mr. SPARKMAN. Mr. Speaker, the people and the commercial interests of the country, I think, are to be congratulated on the fact that we are rapidly approaching a point in the proceedings here where this bill is to finally pass this body, and I hope to become a law. [Applause.]

It would be a great misfortune if this bill were to fail of becoming a law, as it would cause all work on projects now under improvement to stop, which in turn would result in great injury to the commerce of the country, besides adding much to the cost of the works. It may be said that this bill carries an unduly large sum of money.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. SPARKMAN. In a moment I will yield. I admit that this bill is large as compared with some of our river and harbor bills, somewhat larger than I had hoped when we began its preparation; but to anyone who may desire to criticize it on that account I wish to say that if the amount is large, our necessities for the work it is to carry on are great, and no more important measure will pass Congress at this session. There is no more important work to the commerce of the country than the work for which these appropriations provide.

I have heretofore said the bill is not an unduly large one when compared with other measures. It is true that the last bill—the bill of 1912—was somewhat smaller than this, but that only provided for half the time this bill is to cover. Then again, we have had much larger river and harbor bills than the present.

Mr. COX. Has any river and harbor bill ever been any larger than this?

Mr. SPARKMAN. Yes; the bill of 1907 amounted to between $80,000,000 and $90,000,000, and that, too, following the bill of 1905, with only two years intervening. And when that fact is considered in connection with the further fact that this bill is to cover more than half the period that intervened between the bill of 1905 and 1907, it will readily appear that this is not an extravagant bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. In a moment. I wish to say further that the commerce of the country has grown, and the necessities for these appropriations have increased in a greater ratio than have the appropriations themselves. In short, Mr. Speaker, if we take the growth and development of the commerce of the country as a criterion, our river and harbor bills have not been as large as they might have been. And yet I hope and believe we are now reaching a point, as I have said before, when we may reasonably expect these bills will grow less and less until they reach a satisfactory minimum.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. LEWIS. I hope the gentleman will understand in the questions I am going to ask that I have no desire to be personally offensive. I will ask the gentleman if he knows when this bill passes, with the others in prospect, what the aggregate expenditures of appropriations will be for the fiscal year 1914?

Mr. SPARKMAN. With all of the other bills that will pass this body and become laws?

Mr. LEWIS. Yes.

Mr. SPARKMAN. Mr. Speaker, I have not the figures before me, but I have understood that the aggregate will perhaps go beyond, a little beyond, the billion-dollar mark.

Mr. LEWIS. Is that as definite as the gentleman can make it?

Mr. SPARKMAN. That is about as definite as I can make it, as I have not the exact figures before me.

Mr. LEWIS. I will ask the gentleman this question: Does he know what the revenues of the Government will be in the year 1914?

Mr. SPARKMAN. Mr. Speaker, I do not know, but I have no doubt but that the revenues will be ample to meet all of the expenditures that this Congress will authorize.

Mr. LEWIS. May I ask the gentleman if he will yield me five minutes during the time allowed for consideration of this subject?

Mr. SPARKMAN. Certainly; I will be glad to do so.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. HARDWICK. I want to inquire of the gentleman whether this bill as finally submitted to the House contains any appropriation for the construction or repair of levees on the Mississippi River?

Mr. SPARKMAN. Yes; in a sense. There is a large sum of money appropriated for the lower Mississippi River. To be exact, $6,000,000 are appropriated for the purpose of revetment work, some of which may be used for levee work, provided the Mississippi River Commission and the Chief of Engineers shall find that the construction or the repair of levees in a given case will be in the interest of navigation.

Mr. HARDWICK. That is exactly the point. In other words, as I understand it, this bill carries no appropriation either for construction or repair of levees on the Mississippi River, unless the Mississippi River Commission shall first decide that such construction is necessary in the interest of navigation?

Mr. SPARKMAN. The Mississippi River Commission and the Chief of Engineers.

Mr. HARDWICK. It is confined to that?

Mr. SPARKMAN. Yes.

Mr. COVINGTON. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. COVINGTON. In line with the inquiry made by the gentleman from Georgia, is it not a fact that Senate amendment 61 goes further than the river and harbor legislation has ever gone in recent years in the recoguition of a specific revetment project on the Mississippi River without any discretion to the Mississippi River Commisson? That amendment reads:

Provided further, That of the amount herein appropriated, $100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point and for promoting the interest of navigation.

I am an advocate of river and harbor improvements. I believe this country ought to embrace the opportunity to enlarge the scope of its interstate commerce by waterways, but I am not one of those who, even for my own waterways, am willing to embark this country on the wild proposition that land subject to floods throughout the United States shall be reclaimed at the expense of the Federal Government on the basis of the misleading idea that it may be in the interest of navigation. I want to ask the gentleman, therefore, to answer my question.

Mr. SPARKMAN. Mr. Speaker, I do not understand it to go any further. Certainly it was not the intention of the conference committee that it should.

Mr. COVINGTON. Does it not take that particular revetment project at Helena, Ark., away from the discretion of the Mississippi River Commission and fix that locality as one where the levees must be improved whether the commission shall approve it or not?

Mr. SPARKMAN. No; it does not go quite to that extent. I would like to say to the gentleman that, in the first place, I do not favor these allotments. When, for instance, a lump sum is appropriated for the improvement of a stream, the amount to be expended as the engineers think best, I do not as a rule favor the allotment of a portion of that money by congressional action to a particular portion of the stream. I think that a bad practice. Some years ago that was a very common practice, but in more recent years we have been trying to get away from it, so that the last three or four bills have not, I believe, carried such items. This amendment, however, was placed in the bill in the Senate, and it was found very difficult, if not impossible, to eliminate it and get the bill out of conference. Now, if the gentleman will pardon me for just a moment——

Mr. MOORE of Pennsylvania. Will the gentleman yield at that point?

Mr. SPARKMAN (continuing). I sympathize with the gentleman's views upon it, and I want to say that I would be one of the last Members of this House——

Mr. COVINGTON. I believe that——

Mr. SPARKMAN. To favor the indiscriminate building of levees or the building of levees anywhere or in any manner for the sole protection of private property. I think that is not one of our functions and is beyond our jurisdiction.

Mr. COVINGTON. Let me ask one more question. Is not this the first time that there has been taken away from the Mississippi River Commission the issue of fact as to a particular location which it does or does not regard as a necessary place for levee-improvement work?

Mr. SPARKMAN. The gentleman places a construction upon this amendment I do not believe the phraseology justifies, but I will answer by saying that in years gone by it was the practice on the Mississippi River for Congress, in providing a lump sum for the improvement of the river, to specify places where certain amounts should be spent at given points up and down that stream. As I said a moment ago, we have been trying to get away from that custom, because it is a practice I do not believe in myself.

Mr. COVINGTON. The construction the chairman puts on that matter is different from mine. He also certainly knows that in recent years no such practice has obtained.

Mr. SPARKMAN. Just a moment. I will further say to the gentleman and to the House that the Government is already doing revetment work there, and the Senator who offered the amendment, thinking, no doubt, that it was not going on fast enough, has sought to hasten it, but I think the provision is sufficiently guarded. It says—but first let me explain.

If the gentleman will read further back in that paragraph, he will find the qualification to which I called attention a while ago, that no money can be expended for the building of revetments, for the construction or repair of levees, except such work is found to be in the interest of navigation. Now, bearing that in mind, I will read the proviso:

Provided further, That of the amount herein appropriated, $100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point and for promoting the interest of navigation.

Now, the work already undertaken there, as well as the allotment, is based upon the theory that the construction or the repair of this levee is in the interest of navigation. The whole paragraph shows this very conclusively.

Mr. COVINGTON. Now, as a matter of fact, is not the primary purpose of the expenditure of this money to repair and rebuild the levees at and near Helena, Ark., and thereby safeguard from occasional floods the land at that locality, and not to create and preserve the channel at that place on the Mississippi River?

Mr. SPARKMAN. I think not. It is not the intention of this House——

Mr. COVINGTON. It is not the intention of this House to permit such specific designation for Mississippi River levee work. I agree to that.

Mr. SPARKMAN (continuing). Nor of our committee, if my friend will permit me. Of course, we leave the expenditure to the discretion of the Mississippi River Commission and the Chief of Engineers, taking it for granted that they will not abuse that discretion, and I do not believe they will. It is understood that confining the waters in the river within narrow limits is, to a certain extent, in the interest of navigation, because it prevents, to some extent, the washing of the river banks into the stream and also reduces cut-offs and the making of new channels, which might, and doubtless would, interfere very materially with navigation. Now, as to the details, I understand that when the Mississippi River Commission thinks it advisable to spend money at a given place they usually arrange with parties and localities interested upon a basis for participation, the extent of this participation varying, of course, in proportion to the navigable interests to be conserved. Of course, private property may be benefited, but the Government only looks to the interests of commerce and navigation.

Mr. COVINGTON. Now, then, Mr. Speaker, how much was carried in the river and harbor bill of 1912, the act that was approved July 25, 1912, for similar purposes on the Mississippi River?

Mr. SPARKMAN. Six millions of dollars, as I remember.

Mr. COVINGTON. Six millions of dollars in that bill?

Mr. SPARKMAN. Not solely for that purpose.

Mr. COVINGTON. There is carried in this bill for a similar purpose another $6,000,000?

Mr. SPARKMAN. That is correct.

Mr. COVINGTON. The last preceding bill, the act of 1912, carried $5,000,000 or $6,000,000?

Mr. SPARKMAN. Not so much as that. About three and one-half or four millions of dollars.

Mr. COVINGTON. About $4,000,000 as it finally came back from the Senate and became law. What is to-day the tonnage on the Mississippi River below St. Louis?

Mr. SPARKMAN. Well, it is perhaps small as compared with the amount of money that is being spent there.

Mr. COVINGTON. I would like to ask if the chairman can tell me what all the tonnage is on the Mississippi River below St. Louis.

Mr. SPARKMAN. I have it here, stated in this way: Between Cairo and Memphis, 1,857,616 tons; between Memphis and Vicksburg, 1,910,854 tons; and between Vicksburg and New Orleans, 2,426,376 tons; making in all more than 5,000,000 tons of commerce for the last fiscal year.

Mr. MOORE of Pennsylvania. For what year?

Mr. SPARKMAN. For the fiscal year 1911.

Mr. COVINGTON. Now, Mr. Speaker, the result of that policy is that, theoretically for navigation, but, as I contend, really for so-called land reclamation, there has been appropriated in the last three years $15,000,000 for the Mississippi River to safeguard commerce of less than 4,000,000 tons annually. Is not that correct?

Mr. SPARKMAN. No. I said upward of 5,000,000 tons there.

Mr. COVINGTON. In other words, more than $1 per ton has been expended in the last three years in order theoretically to create and maintain adequate channels on the Mississippi for that tonnage?

Mr. EDWARDS. The gentleman loses sight of the fact that it is not the only commerce there affected, but the commerce of a great section of country is affected. The commerce does not go down the river, but the freight rate is affected.

Mr. COVINGTON. I want to be perfectly fair with the gentleman. I do not purpose to object to the passage of this bill. But I do want to draw to the attention of this House at this time the scheme we are about to enter upon in order that they may more carefully safeguard in the future the Treasury in regard to a reclamation policy embodied in the river and harbor act. The Mississippi River is, I recognize, a national waterway project, but its varied problems ought to be in the hands of experts, and a senatorial raid on a river and harbor bill for a particular point ought to be impossible.

Mr. SPARKMAN. I sympathize with that idea, but I want to say——

Mr. HOBSON. I would like to ask the gentleman a question.

Mr. SPARKMAN. Just let me finish.

The SPEAKER. Does the gentleman from Florida [Mr. SPARKMAN] yield to the gentleman from Alabama [Mr. HOBSON]?

Mr. SPARKMAN. In just a moment I will. I think this is a very important subject on which the gentleman from Maryland [Mr. COVINGTON] has touched. But I want to say to him that we are not now embarking upon that policy. Whatever embarkation has taken place was begun many years ago. We are only at this time following up that policy, for the Congress began to make these appropriations some 30 years ago. About three years ago we embarked in earnest on the policy of revetting the banks of the Mississippi River. We thought then it would cost about $90,000,000, and we expected to complete it in about 20 years. Now it is estimated that it is going to cost a good deal more than ninety millions.

Mr. COX. How much more, does the gentleman think?

Mr. SPARKMAN. Perhaps $156,000,000 or $157,000,000, or something like that. At least, the estimates reach those figures.

Mr. HAMILTON of Michigan, Mr. AUSTIN, and Mr. HOBSON rose.

The SPEAKER. To whom does the gentleman from Florida [Mr. SPARKMAN] yield?

Mr. SPARKMAN. I do not yield to anybody just yet. I want to finish the statement I am making.

There is a way to treat this great problem outside of the river and harbor bill.

All the great political parties of the country have committed themselves to the improvement of the lower Mississippi; in fact, the entire Mississippi River. Have segregated it, so to speak, from among the other rivers of the country, placing it in a class by itself. Now, the thing to do is to treat it separately; in a separate measure, where all interests may be considered and an equitable basis for participation by localities and private parties provided.

Now, right here and in this connection I wish to speak of another matter. The charge is made and reiterated from time to time and from year to year that these rivers and harbors bills are "pork-barrel" measures; that they are framed and the appropriation distributed so as to gain votes. This charge I have combated before, as have others, but apparently without effect. Still I will say again that the appropriations are not made or distributed on any such basis, or for any such purpose. No appropriation was placed in the bill by the House committee or by the House except upon a project with estimates by the engineers, and no appropriation has been made except it was shown to be in the interest of commerce and navigation. If there is any politics back of these bills and the appropriations they carry, it begins with the conventions of the national parties, where in each one for the past several years they have committed themselves not only to the improvement of the Mississippi River and to the expenditure of these large sums of money upon it, but also to the most liberal policy toward river and harbor improvement generally. Now, I suppose these declarations and committals are made for the purpose of influencing voters, but this all comes from the strong and irresistible sentiment in favor of that class of work. If there were no demand for river and harbor work, there would be no platform declarations in favor of it. To that extent perhaps there is politics in it, but no further.

Mr. AUSTIN. Was not the Democratic platform stronger than any other platform on this subject?

Mr. SPARKMAN. Oh, it was strong; quite strong. I will tell you what ought to be done with this—

Mr. COVINGTON. Should it not be treated on a separate bill?

Mr. SPARKMAN. Yes; as I have just said, in a special bill reported to this House, and the proposition put square up to the Members, all of whom are committed by their party platform to that class of improvement. Let them say whether or not they want to do it. It is going to cost several hundred million dollars, but if the parties mean what they say, then Congress will act; will find the money. But let us do it in a separate bill, outside of the rivers and harbors bill.

Mr. HOBSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. HOBSON. I want to ask the chairman, in connection with the investigations as to the improvement of the Mississippi River, whether the present status of engineering projects for the protection against inundation is satisfactory? I have in mind particularly a proposition for a second line of levees—back, removed from the first—which apparently would be built only in certain places to guarantee protection from the overflows that come with the increasing rise of the river.

Mr. SPARKMAN. I will say to the gentleman that I think every conceivable plan has been considered by the engineers, and they have never hit upon any better plan, in their judgment, than that which they are pursuing now for protection against floods, and that is a single line of levees on the flood side, whichever it may happen to be, and broad enough and high enough to keep the waters from going over.

Mr. HOBSON. Keeping it in its own narrow bed?

Mr. SPARKMAN. Yes. Now I will yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] withdraws his point of order.

Mr. MOORE of Pennsylvania. I have one or two questions that I wanted to ask of the gentleman from Florida. The proposition to take over the Government control of water power, as it appeared in the Connecticut River dam bill, has been entirely eliminated from this bill and from the report?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. Also in the case of the upper Mississippi River?

Mr. SPARKMAN. Yes; that has also been eliminated.

Mr. MOORE of Pennsylvania. The Newlands general reclamation proposition has also been eliminated?

Mr. SPARKMAN. Yes; it, too, has gone out.

Mr. MOORE of Pennsylvania. So that the drainage of swamp areas and the irrigation of arid lands and the reclamation features have been taken out of the purview of the committee for the present?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. Now, as to the question raised by the gentleman from Maryland [Mr. COVINGTON] with regard to the Mississippi River appropriation, I want to ask whether the Senate amendment No. 59, relating to the expenditure of money on the Mississippi River for the construction of levees, "to be considered only as emergency work," stands?

Mr. SPARKMAN. Yes. It was embodied in the bill last year, and now the same provision is carried in this bill.

Mr. MOORE of Pennsylvania. Then, so far as the House is concerned, and the Senate, by the conference report, the Rivers and Harbors Committee does not yet take over to itself the control of water power?

Mr. SPARKMAN. It has not yet done so. I think that is a matter that ought to be thrashed out on this floor in a separate measure, not in a river and harbor bill.

Mr. MOORE of Pennsylvania. The committee has not committed itself on that policy? That is open for further consideration?

Mr. SPARKMAN. It is.

Mr. MOORE of Pennsylvania. Now, as to the construction of levees: During the discussion of the bill in the Committee of the Whole the gentleman will recall reference was made to the manner in which the bill was drawn; that it provided an appropriation of $6,000,000 for the construction of levees on the Mississippi River without regard to whether it was to be considered emergency work or not. The bill came into the House in that form.

Mr. SPARKMAN. That is correct.

Mr. MOORE of Pennsylvania. That is to say, that whereas the bill of 1912 provided that $6,000,000 should be appropriated for the purpose of rebuilding levees along the Mississippi River in view of the floods that had devastated the lower Mississippi River, therefore in the bill of 1913 $6,000,000 should be appropriated for the construction of levees without regard to whether floods occurred or not. That was the manner in which the bill came into the House, was it not?

Mr. SPARKMAN. That is, in a measure, correct; but only a small part will likely go for levees.

Mr. MOORE of Pennsylvania. Now, the Senate amendment restored the emergency clause, and induced the committee to bring back a bill which provides that the $6,000,000 appropriated this year, $12,000,000 altogether for the two years, shall still be regarded as emergency work. Is that correct?

Mr. SPARKMAN. That is correct. The reason the House did not insert the provision that appeared in 1912 was because we thought the emergency had passed, but since that time there has been another flood and another break in the levees below Cairo and we deemed it proper to regard the work as emergency work.

Mr. MOORE of Pennsylvania. Then, so far as this legislation is concerned, we are still not committed to the policy of constructing levees along the Mississippi as a permanent proposition?

Mr. SPARKMAN. We are not.

Mr. MOORE of Pennsylvania. The committee has kept itself free in this instance with reference to the water power, and kept itself free from the proposition of constructing levees as a permanent duty of the Government.

Mr. SPARKMAN. That is correct.

Mr. MOORE of Pennsylvania. I want to commend the committee for its protection of the committee and the House.

Mr. SPARKMAN. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 30 minutes.

Mr. SPARKMAN. I yield to the gentleman from Mississippi [Mr. HUMPHREYS] five minutes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, in answer to the gentleman from Pennsylvania I will say that for many years Congress has appropriated money for the construction of levees on the lower Mississippi. The language carried in the bill this year is identical with the language carried in all the other bills, and we have proceeded all along on the theory that this was emergency work. In other words, that the 8-hour law did not apply.

Now, last year the Supreme Court of the United States decided that this was not extraordinary emergency work in contemplation of the 8-hour statute. Therefore, when Congress made the appropriation of $6,000,000 we provided that that should be considered extraordinary emergency work, and for that reason relieved from the contemplation or limitation of the 8-hour law. That is all it did mean.

And so in this bill as it has come back from the Senate the same provision applies. My opinion of it is that the 8-hour limitation ought never to have applied, but the Supreme Court decided otherwise.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. We have just remodeled the 8-hour law.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Did it not contain some provision on this subject?

Mr. HUMPHREYS of Mississippi. It did not except this work.

Mr. MANN. I thought it did.

Mr. HUMPHREYS of Mississippi. There was one bill which did, but later that exception was repealed.

Mr. MANN. I thought it was accepted in conference.

Mr. HUMPHREYS of Mississippi. Now, in answer to the gentleman from Maryland [Mr. COVINGTON] I want to quote for his benefit the Democratic platform on which he was elected to Congress and also the gentleman from Indiana [Mr. COX]——

Mr. COX. Was the gentleman from Mississippi a member of the platform committee that wrote it?

Mr. HUMPHREYS of Mississippi. No; I was not.

Mr. COX. Did not the gentleman have something to do with it, or with getting it in?

Mr. HUMPHREYS of Mississippi. If I had written it, I would have made it even stronger.

Mr. COX. Then perhaps I would not have accepted it; I would not have stood for it.

Mr. HUMPHREYS of Mississippi. But the gentleman was elected on that platform and he will have to stand for it.

Mr. COX. We can repudiate a platform before we are elected, and the gentleman does not know but that I repudiated it on this point before I was elected.

Mr. HUMPHREYS of Mississippi. I will read the platform:

> We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, disorganization of the mail service, and the enormous loss of life and property impose an obligation which alone can be discharged by the General Government.

[Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman read the plank in the Republican platform?

Mr. HUMPHREYS of Mississippi. I have not time; but the plank in the Republican platform declares for the same thing, and the plank in the Progressive platform declares for the same thing.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield.

Mr. MANN. In reference to the labor proposition, the conference report which has just been agreed to in the Senate and will be agreed to in the House on the eight-hour bill contains this provision:

> *Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States.

Mr. HUMPHREYS of Mississippi. I am delighted to hear that. That report has come in within the last few minutes, and I hope it will be agreed to.

Now, whatever construction other gentlemen may have put upon the Democratic platform, I wish to read the construction put upon it and upon the obligations of the Democratic Party by a very distinguished Democrat of this country, who on day after to-morrow will become the President of the United States. [Applause.] I read from Gov. Wilson's speech accepting the nomination of the Democratic Party:

> In the case of the Mississippi River, that great central artery of our trade, it is plain that the Federal Government must build and maintain the levees and keep the great waters in harness for the general use.

[Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I only wanted to put into the RECORD, in reply to criticisms which have been made by Democrats touching appropriations for the lower Mississippi River, a statement of what the Democratic platform and the candidate who was elected on that platform said on the subject.

The SPEAKER. The gentleman's time is up.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendment of the House to the amendment of the Senate numbered 132, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. SMOOT, and Mr. SMITH of Maryland as the conferees on the part of the Senate.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SPARKMAN. I yield to the gentleman from Illinois [Mr. FOSTER] three minutes.

Mr. FOSTER. Mr. Speaker, I have listened to the reading of the report as agreed to by the conference on the disagreeing votes of the two Houses on the rivers and harbors bill and notice scarcely any amendment placed on this bill by another body carrying appropriation but what has been agreed to by the managers on the part of the House. There are many items on this bill, in my judgment, that should have been stricken out, as it seems but a useless waste of money to attempt to improve a lot of rivers and harbors which will never afford any commerce whatever—at least so small as to be of no advantage to the people. It was hoped when this bill had passed the House and gone to another body that there these items might have been stricken from the bill and that all the money necessary for the proper improvement of rivers and harbors would have been provided and a good many million dollars saved to the Treasury of the United States. I am not opposed to reasonable appropriations for the improvement of rivers and harbors, and believe it is the duty of a Government to make ample provision to carry on this work, but I am opposed to the useless expenditure of millions of dollars that can be of no advantage to the people and for rivers that can never be made navigable to an extent as to be of any value to the people. When this bill was under consideration in the House many items were attempted to be stricken from the bill, but the effort proved unsuccessful, and so the bill now about to be enacted into law carries nearly $50,000,000 to improve the rivers and harbors besides the

amount carried in the sundry civil bill, which will add $10,000,000 or $12,000,000 more. There were some legislative matters placed on this bill by another body which I am pleased to say were stricken out. Much objection of those living along the coasts has been made to the appropriation for the Mississippi River. Sometimes those who live along the coasts of the country have the idea—or, at least, it appears their vision reaches but little beyond the improvements that are made in their particular locality. They forget that out in the interior of the country and especially in the great Mississippi Valley which lies between the Alleghanies and the Rocky Mountains, there is a large extent of our country—I think the most fertile in the world—which produces thousands and hundreds of thousands and millions of tons of produce that must go to feed those people who live along the coast and afford a large part of their commerce, and without the exchange of products they would be unable to exist. And yet when we talk of an appropriation to take care of a great national problem like the Mississippi River men raise their voices and their hands in holy horror, for fear the National Government will be bankrupted because it is helping to control the floods of the Mississippi River. [Applause.]

For years and years, almost since the foundation of the Government, we have been improving rivers and harbors along the coast; and I am not objecting to that, Mr. Speaker, because I want to see our harbors along the coast properly improved, in order that they may take care of the commerce that comes from the interior of our country. But we who live a thousand miles or more from here feel that the National Government owes something to us in our struggles to take care of a problem which all political parties have declared to be a national problem. So I do not believe our friends along the coast of New England, or wherever they may come from, ought to find fault with us for asking some help, that this national problem may be looked after by the National Government. [Applause.]

The SPEAKER. The gentleman from Florida promised to yield five minutes to the gentleman from Maryland.

Mr. SPARKMAN. I will in just a moment. I now yield five minutes to the gentleman from Massachusetts [Mr. LAWRENCE]. [Applause.]

Mr. LAWRENCE. Mr. Speaker, I believe that it will be in the public interest for the House to agree to this conference report. When the river and harbor bill was sent to conference the House will remember that the attention of its conferees was directed to seven Senate provisions to which they were instructed not to yield unless especially authorized by the House to do so. The merit of the different propositions was not especially called into question; but it so happened that they were all matters which had received more or less attention in the Senate, but had never been discussed in the House. One of those provisions was of great concern to me personally, for it affected my district. It was the so-called Connecticut River dam bill, which would have given the cities of Springfield and Holyoke the greatly needed benefits of navigation. But, Mr. Speaker, I recognized that that provision, carrying with it the adoption of a great national policy, was entitled to receive here in the House the fullest consideration. There was no time for the House to act upon amendments, and I became convinced that if it remained in the bill in the form that it passed the Senate it would be fatal to it. Consequently, that provision has gone out. It is only fair, however, to say that the project itself met with no criticism, and its adoption by Congress at an early date is assured. The other provisions to which the attention of your conferees was called had never been considered in the House, and every one of them has gone out of the bill.

In addition, your conferees were successful in getting the Senate to recede upon some items which violated our rules requiring favorable reports from the engineers, and we were able to reduce the amount of the bill a little more than $1,000,000. We do not present the bill as a perfect production, but it is a carefully considered piece of legislation, and I believe I am justified in unhesitatingly asking Members of this House to indorse the action of their conferees.

Mr. Speaker, I would now like to add just a brief personal word. Since I made the announcement a year ago that I would not be a candidate for reelection, my colleagues upon both sides of the aisle have said so many gracious and generous things, in public and private, about me that I wish to express my very deepest appreciation. The fact that I have not merited all that has been said has not interfered in the slightest degree with my enjoyment of it. [Laughter.]

I will confess that I am shameless to that degree. I have been a Member of the House for about 15 years. I think the man must be hopeless who is not broadened and rendered more patriotic by such service. If there was about me when I came here any suggestion of sectionalism, and I presume there might have been, every vestige of it has been eliminated. [Applause.] And as I have sat here in this Congress under one of the best and fairest Speakers that this House has ever had [applause], and as I have worked with my colleagues upon the other side of the aisle I confess that it has been pretty difficult to keep myself up to the point of believing that he and they were a menace to the Republic. [Applause.]

My first service in this House was upon the Committee on Elections No. 1. One of the first matters that came before us was the contested-election case of a bright, good-looking young man from Alabama, named OSCAR W. UNDERWOOD. I was one of those who after hearing the evidence voted to keep Mr. UNDERWOOD in his seat. An interesting memory in connection with this is that another member of the committee who also voted to keep Mr. UNDERWOOD in his seat is no less a personage than the distinguished and very effective minority leader, the gentleman from Illinois [Mr. MANN]. [Applause.] In spite of radical differences as to the tariff I think there will be general agreement to the proposition that we thereby rendered a great public service. [Applause.]

I ask nothing in return for my action upon that contested-election case, but if the gentleman from Alabama feels that he must destroy the industries in my district during the coming extra session, I hope he will at least display all of the gentleness and tenderness of which his nature is capable. [Laughter and applause.] I shall not speak in detail of my service here during 15 interesting and eventful years. Perhaps some time I shall write a book about it. That is everybody's privilege. All I wish now to say is that I shall leave the House on the 4th of March with, as you all must know, the greatest affection and good will for my colleagues on both sides of the aisle and with entire respect for their patriotic purpose. [Applause.]

Mr. SPARKMAN. Mr. Speaker, I yield four minutes to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, I hope the more experienced Members of this House will not smile at the simplicity of my remarks. I asked the chairman of this committee if, in giving over $48,000,000 to rivers and harbors, he had considered or had any knowledge of the aggregate appropriations to be made at this session. Of course he had not. I asked him, again, if he had any knowledge of the total amount of the aggregate revenues of the fiscal year 1914, from which those appropriations were to be paid. He confessed that he had not. We are in a situation, then, in the House of making appropriations for the year—how much we know not—and of drawing upon a future public fund for their payment the amount of which we have no idea. While I freely admit that there may be conditions when appropriations must be made in ignorance of forthcoming revenues, appropriations that are absolutely necessary to conduct the operations of this Government, I wish to say that it is only the poorest wisdom, the lowest self-restraint, the slightest sense of responsibility to our great constituencies which could permit us to appropriate hundreds of millions of dollars for purposes condemned by the best public thought and certainly not absolutely necessary, when we knew not what the revenues would be or whether they would be adequate to pay this draft. We have reached in this country a very serious condition. Every man, woman, and child under the probable appropriations of this session will be taxed some $12 apiece in the coming year for the maintenance of this Government—$1,200,000,000 of appropriations, $60 for every head of a family in the Republic, and this particular bill constitutes a large proportion of that sum. I say to the House that we ought to realize that we are dipping our hands into the pay envelope of every workman in this country and taking out some $5 a month from their hard-earned compensation. If gentlemen of the House are willing to do that, in the simplicity of my nature I am not willing to follow them. I hope that further action on this bill will be suspended until somebody on the floor can tell us how much we are going to tax the great American public, and can tell us, at least with prospective vision, how much money is going to be in the Treasury to pay the tax. Only one institution on earth can break into the Treasury of the United States, and that is this body, and every one of us is paid $7,500 a year not to do it. I trust we may prove loyal to the country that pays and honors us so liberally. [Applause and cries of "Vote!"]

Mr. SPARKMAN. Mr. Speaker——

The SPEAKER. The gentleman only has five minutes left.

Mr. SPARKMAN. According to my understanding, I have 11 minutes.

The SPEAKER. The gentleman has five minutes.

Mr. SPARKMAN. Mr. Speaker, I move the previous question, then.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. SPARKMAN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. SPARKMAN. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28858, the general deficiency appropriation bill, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and prior years, and for other purposes.

The SPEAKER. The gentleman from New York asks unanimous consent to take this bill from the Speaker's table, to disagree to the Senate amendments, and ask for a conference.

Mr. BUCHANAN. Mr. Speaker, I ask to have the amendments read.

Mr. MANN. Mr. Speaker, reserving the right to object, would the gentleman be willing to let the House have a separate vote on amendments numbered 1 and 53?

Mr. FITZGERALD. What are they?

Mr. MANN. Amendment numbered 1 is the one which increases the salary of the Secretary to the President from $6,000 to $7,500 after the 4th of March, and amendment numbered 53 is the one which proposes to appropriate for an extra month's salary for the employees of the House and Senate.

Mr. FOSTER. Would the gentleman be willing to take a roll call on that proposition?

Mr. MANN. I would be willing to have a roll call on the two propositions combined.

Mr. FITZGERALD. I hope the gentleman will let the bill go to conference, and probably there will be an opportunity to vote on some of these amendments, just which I do not wish to predict; but it is important, as the gentleman can realize, that at this stage of the session the bill go to conference.

Mr. MANN. Well, I think that is true, but, on the other hand, it seems to me there never will be a better occasion than now for the Democratic Party and Democratic Members to swallow all the professions they made a year ago in reference to the salary of the Secretary to the President. A year ago we were told that the Democrats in the House would never consent to continue the salary of the Secretary to the President at $7,500 beyond the 4th of March. That was agreed to as a compromise.

Mr. CANNON. Will the gentleman from New York [Mr. FITZGERALD] yield to me for a minute?

The SPEAKER. The other gentleman from Illinois [Mr. MANN] has not finished.

Mr. FITZGERALD. He was asking me a question.

Mr. MANN. I want to see whether the Democrats of the House were honest in their professions—I do not mind personally—a year ago, before the election, or whether their professions then were purely hypocrisy.

Mr. ADAIR. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ADAIR. I would state to the gentleman from Illinois that one year ago there was one Democrat on this side who believed that the Secretary of the President should have a salary of $7,500 a year, and voted accordingly.

Mr. MANN. Well, there were very few. This side of the House at that time was quite willing to continue the salary of the Secretary to the President, whether the President be Republican or Democrat, at $7,500 a year. That side of the House insisted on making an amendment placing the salary at $6,000 a year, and as a compromise in the end the salary was fixed at $6,500 a year until March 4, 1913, and then fixed at $6,000 thereafter. Now, did you mean it? Will you stick to it? Was it hypocrisy or are you honest?

Mr. FITZGERALD. Mr. Speaker, I have not had an opportunity to examine the amendments proposed to the deficiency bill by the Senate.

Mr. MANN. I have. The gentleman has not been as busy as I have been.

Mr. FITZGERALD. Oh, yes; I have been quite as busy. I have been in conference with the Senate.

Mr. MANN. I am not criticizing the gentleman.

Mr. FITZGERALD. I have been in conference with Senate conferees since 10 o'clock this morning, and this bill passed late last night. I have not a copy of the amendments, but I have the original bill in my hand. There are 68 Senate amendments, and if the gentleman asks at this time to have a separate vote on two, and some other gentleman insists on finding out whether somebody else was honest by having a separate vote on some other amendments, this bill will never go to conference, because it will take all the time from now until adjournment to vote on these separate amendments.

Mr. MANN. Well, I do not think the course I have suggested is unusual. It is the common experience on these amendments that the gentleman desires to send to conference to have this vote.

Mr. FITZGERALD. At this particular time I should ask this side of the House to disagree to all of the Senate amendments, whether the vote be taken upon them singly on en bloc. What might transpire within the next 24 or 48 hours I shall not predict.

Mr. MANN. All I ask is that the gentleman will permit a separate vote on these two propositions. It will not take very long.

Mr. FITZGERALD. How many others wish separate votes?

Mr. MANN. Do not encourage them. Do not ask them.

Mr. FITZGERALD. I am not going to encourage them.

Mr. MANN. Nobody has asked for a separate vote. Does the gentleman desire to have somebody else do so?

Mr. FITZGERALD. I wish to ascertain whether there are others. If there is to be an avalanche of them, I shall not consent to them unless I am compelled to do so.

Mr. ADAIR. What other propositions besides the Secretary's salary and the extra salary of employees?

Mr. MANN. I asked if the gentleman would consent to a separate vote on the Senate amendment which reads as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1913, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the third session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. FITZGERALD. Well, Mr. Speaker, I will say for the conferees that that amendment will not be agreed to, and unless the Senate recedes it will come back to the House in disagreement.

Mr. MANN. I am quite willing to ask also for a separate vote on the first amendment.

Mr. FITZGERALD. As to the other amendment, not knowing the reasons or the motives which actuated the Republican Senate in increasing the compensation of an efficient Democratic official about to take office, before I commit myself on it I should be delighted to have an opportunity to listen to them.

Mr. MANN. Well, I do not think a Republican Senate ought to be fixing the salaries of Democratic officials.

Mr. LONGWORTH. Does the gentleman mean to insinuate that the pressure brought upon the Senate to increase that salary was Tumulty-ous? [Laughter.]

Mr. MANN. I beg my friend not to make another remark like that. [Laughter.] Does the gentleman from New York consent to a separate vote?

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent——

Mr. CANNON. Mr. Speaker, will the gentleman yield to me five minutes?

Mr. FITZGERALD. I have not any time. I am making a request for unanimous consent.

Mr. CANNON. Then I will ask consent for five minutes.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to address the House for five minutes? Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, the reduction of the salary of the Secretary to the President from $7,500 to $6,000, to take effect on the 4th of March, soon to be here, and the refusal of the extra month's pay to the employees of the House and Senate of this Congress, to close on the 4th of March, all done last year in the name of economy, did not change a vote in the United States for or against the contesting parties.

Now, I would be very glad of an opportunity, inasmuch as that is all behind us, to vote on the merits of these two propositions. The Secretary to the President is a busy man. The salary will be $6,000 after the 4th of March if this amendment is not

agreed to, or $7,500 if we agree to the Senate amendment. In addition to that, the Secretary to the President has the use of an automobile, furnished with chauffeur and all, as he ought to have, because of his great duties. Whoever is President, that ought to be the case. It is a labor saver, and, in the presence of an expenditure of over a thousand million dollars, it is false economy to deny it.

For many, many years at each session of Congress the employees of the House and Senate have received a month's extra pay. They have not received it during this Congress. They ought to have received it. They have earned it. [Applause.] And notwithstanding this is a Democratic House and practically a Democratic Senate—or worse than a Democratic Senate [laughter]—their employees ought to have it. It is simply even-handed justice to the public servants, and long before another presidential election shall come around the whole transaction will have been forgotten.

I would be glad as one Member of the House to vote. I am perfectly willing to vote now. Perhaps it would save time if we could have a vote now upon the second proposition and also upon the first, because the second proposition, covering a month's extra pay for the employees of the House and Senate, embracing a larger number of men who have performed service on small salaries, in the main, without an extra month's pay, appeals to me quite as much as the other, although one costs a good deal more than the other. My observation is that the people of the United States, great, rich, powerful, do not care so much about the amount of the expenditures as they care about the fact as to whether or not the expenditures are properly made for service performed. [Applause.]

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take this bill from the Speaker's table, disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. FITZGERALD. I will modify the request and except Senate amendment numbered 1.

Mr. BUCHANAN. I object to the request.

The SPEAKER. What is it that the gentleman objects to?

Mr. BUCHANAN. I object to excepting the one.

The SPEAKER. Is it the exception, or the gentleman's request?

Mr. BUCHANAN. It is the exception.

Mr. MANN. I suggest to the gentleman from New York [Mr. FITZGERALD] that he make his request.

Mr. FITZGERALD. Mr. Speaker, I move to suspend the rules——

Mr. MANN. No.

Mr. FITZGERALD. I ask unanimous consent to take the bill from the Speaker's table and disagree to all the Senate amendments.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take this bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers a privileged motion, which the Clerk will report.

The Clerk read as follows:

That in the opinion of the House the managers on the part of the House should agree in conference to the substance of the Senate amendment numbered 1.

Mr. FITZGERALD. Mr. Speaker, does the gentleman from Illinois wish any time?

Mr. MANN. Not except to state what the amendment is; that is all.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18787, relating to the limitation of hours of daily service.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. I will yield five minutes to the gentleman.

Mr. MANN. I shall only read the amendment, Mr. Speaker. Amendment numbered 1 is as follows:

To make the salary of the Secretary to the President at the rate of $7,500 per annum from March 4, 1913, to June 30, 1914, inclusive, $3,312.50, and hereafter said salary is fixed at the rate of $7,500 per annum.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois [Mr. MANN] made the statement that he desired to ascertain whether this side of the House was honest when it fixed the compensation of the Secretary to the President. The gentleman may have overlooked the fact that something has happened since the last session of Congress that may have affected some gentlemen; but I think I can give a history of this matter which will somewhat clear up the situation.

About two sessions ago the Secretary to the President requested that certain changes be made in the compensation of the personnel of the White House force. He requested certain increases of compensation to be allowed in the legislative bill, in order to obtain what were termed high-grade men. It was stated that it was not intended to use the money to increase the compensation of gentlemen then employed. Upon that understanding the Committee on Appropriations reported the legislative bill with the recommendations requested. When the bill went to the Senate, the Senate modified it by increasing the compensation of the Secretary of the President to $10,000 a year. There was a severe controversy over the matter. There was activity on the part of certain high officials to have the House agree to that amendment. Finally, as a compromise, enough votes were obtained to fix the compensation at $7,500. Subsequently, instead of appointing new officials in the White House to take the positions for which the increased compensation had been fixed, promotions were made in the then existing force; so that the money, appropriated for the purpose of obtaining a different class of men, was used to increase the compensation of the existing force. There was a natural resentment at such treatment of the House, and at the last session of the Congress the House endeavored to undo what it believed had been done in violation of an agreement between those representing the executive force and the House, and it insisted on cutting down the compensation of the Secretary to the President.

Since that action was taken, the President elect has announced the name of the gentleman who is to occupy that position under the next administration. A Republican Senate, familiar with his career, knowing his effective work as Secretary to the President elect during the two years he has been governor of New Jersey, realizing the conditions under which the compensation was fixed at $6,500 from the 4th of March, believing that the compensation to be paid to this official whom they know, whose name has been announced, should be $7,500, and the Republican side of the House, through its recognized leader, apparently acquiescing in that situation, and asking the House to concur in this amendment of the Senate, so far as I am concerned, knowing this gentleman personally, and how efficient he is, I am prepared to unite with the gentleman from Illinois and with the Republican Senate in fixing this compensation at such a figure as in the judgment of our political opponents he is entitled to receive.

Mr. MANN and Mr. CANNON rose.

The SPEAKER. To whom does the gentleman yield?

Mr. FITZGERALD. I yield to both gentlemen.

Mr. MANN. Mr. Speaker, this side of the House has believed in having a capable man as Secretary to the President and has been quite willing to pay a reasonable salary. That side of the House has all the time insisted for several years that the salary ought not to be more than $6,000, and under the Holman rule it adopted an amendment fixing the salary at $6,000 in the legislative bill passed a year ago. In conference it was finally agreed to make the salary $7,500 until the 4th of March.

There has been no change in the situation, except the fact that the gentlemen on that side of the House now realize that in asking for patronage, in seeking for jobs, in hunting for places under the incoming administration, they will be forced to meet face to face with the Secretary of the President, and most of them have already turned tail and run to cover on the question of the increase of his salary. I wish to ask for a division on this vote, and I hope that this side of the House on the division will remain in their seats and let the Democratic side of the House express itself, at least on the division. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I may say to the gentleman from Illinois that this side of the House, according to his opinion, will enjoy during the next four years a privilege that many of that side have not enjoyed during the last four years. They at least will be able to meet the Secretary to the President, if not the President himself.

Mr. MANN. That is an unkind and unjust fling. They never will have a better secretary than the present Secreary to the President. [Applause on the Republican side.] And if we can judge by what the papers say, they are not likely to have so good a one.

Mr. FITZGERALD. I was not referring to the personality of any individual; I had in mind the atmosphere that was not so pleasing to gentlemen on the other side of the House.

Mr. CANNON. Will the gentleman yield me two minutes?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. CANNON. Mr. Speaker, I offer the following amendment to the amendment.

Mr. FITZGERALD. Mr. Speaker, I do not yield to the gentleman to offer an amendment until I hear what it is.

Mr. CANNON. But the gentleman yielded me two minutes.

The SPEAKER. The gentleman yielded for debate.

Mr. FITZGERALD. The gentleman can have his amendment read in his time.

The SPEAKER. When the Member in control of time yields for debate, he does not yield for an amendment.

Mr. FITZGERALD. The gentleman from Illinois stated that he wanted two minutes, and I yielded.

Mr. CANNON. Very well, Mr. Speaker; they may return my amendment.

The SPEAKER. The gentleman can have it read in his time.

Mr. CANNON. No; if I can not move for business, I do not care to move for buncombe. [Laughter.]

Mr. BUCHANAN. Mr. Speaker, I desire to have the gentleman yield me some time.

Mr. FITZGERALD. How much does the gentleman want?

Mr. BUCHANAN. Five minutes.

Mr. FITZGERALD. I yield to the gentleman from Illinois five minutes.

Mr. BUCHANAN. Mr. Speaker, I am always in favor of an employee of the Government securing compensation in accordance with the services he renders. I am pleased to see the leader of the minority and the chairman of the Committee on Appropriations so cheerfully assisting in the prospect of securing an increase of salary to the Secretary of the President from $6,000 to $7,500. I do not desire to take issue with them. The services rendered in that position may be worth $7,500.

But a few days ago a few of us who believed in those who render their services by the exercise of their physical powers, the mechanics working for the Government, endeavored to secure an appropriation in this House to pay the employees of the naval department in the navy yard in accordance with the award that had been given them for a 10 per cent increase. I regret that both of these gentlemen who now so cheerfully labor to secure this increase for the Secretary to the President obstructed the efforts of those who endeavored to have the Government comply with the obligation made to those workmen.

I would like to see gentlemen in the House be fair and treat all alike. Certainly they can not claim to be fair when they undertake to obstruct the employees from getting their just dues, employees who are earning their bread by the sweat of their brow. I feel constrained until there is some kind of an equal consideration for the employees of the Government and others who do manual labor to oppose this increase whether I am successful or not. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Speaker, I was one of those who supported the proposition to increase the pay of the employees of the navy yard. Therefore I am peculiarly fitted to answer the remarks of the gentleman from Illinois [Mr. BUCHANAN], who has just taken his seat. I think it is most unwise to make reprisals upon one set of workmen because an injustice was done to another set of workmen. If the chairman of the Committee on Appropriations was unjust, or, rather, was mistaken in his action in not allowing an increase to be made to the employees of the navy yard, that is no reason why he should not be supported in this correct and admirable motion to recognize the dignity of the President's office and to pay his secretary a salary befitting his position and befitting his deserts.

Furthermore, I have always voted—and the RECORD will prove it, notwithstanding my colleagues may have opposed it—for every proposition that was made increasing the salary of the Secretary to the President, regardless of politics, and I will be sustained in holding that position to-day. I can personally and most decidedly assure the House that this particular secretary is certainly worthy of this increase. It would be an injustice to him to withhold it, and I hope the House will have the wisdom to vote the increase provided and authorized in the resolution of the gentleman from Illinois [Mr. MANN]. If Republicans realize the fairness of making the increase, Democrats—in fact the entire House—ought to support the proposition.

Mr. FITZGERALD. In reply to both gentlemen who are interested in increasing the compensation of certain employees of the Government——

Mr. BUCHANAN. I want to state that the increase had been awarded.

Mr. FITZGERALD. Mr. Speaker, I ask that I be not interrupted until I finish what I have to say. Gentlemen are complaining because I antagonized on the floor amendments that were offered purporting to increase the compensation of certain employees of the navy yard at Washington. None of them would have effected the purpose designed by those who proposed the amendments.

In my capacity as a Member in charge of a bill on the floor I was compelled to antagonize amendments to change the bill. Everyone knows that frequently Members are compelled to oppose amendments to bills although they may favor the purpose to be accomplished.

The navy yard employees in Washington have not received their increase in compensation, because the Secretary of the Navy has declined in the discharge of his duties to carry out his obligations as the head of the Navy Department. If he had believed that the increase should have been made, all that it was necessary for him to do was to sign the order granting the increase, and then request the money to supply the deficiency that would have been occasioned as a result of that order. That word was sent to him——

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. No; I decline to yield. That word was sent to him from my office, and he desired me to make an agreement that if he in the discharge of his duties did something he was authorized to do, I would acquiesce in what he did and indorse what he did. I sent word back that I declined in advance to indorse the action of any official for any purpose; that when the matter came before the committee under proper conditions, in my capacity as chairman I would take such action as in my position I felt justified in doing. If these gentlemen have been unsuccessful in obtaining an increase to which they are entitled it can not be attributed to me.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. ROBERTS of Massachusetts. I would like to ask the gentleman from New York if there is not a law forbidding heads of departments creating a deficiency by their own willful act?

Mr. FITZGERALD. There is a law which——

Mr. ROBERTS of Massachusetts. Mr. Speaker——

Mr. FITZGERALD. One moment. I want to answer the gentleman's question.

Mr. ROBERTS of Massachusetts. The gentleman has answered my question when he said there is a law.

Mr. FITZGERALD. And as I control the floor, I will answer the question myself and not permit the gentleman from Massachusetts to do it. There is no law which prohibits some deficiencies being created, and such deficiency as would have been created in this instance is one that is authorized under the law. If the Secretary, or whoever had charge of this matter, was familiar with the law, as he should be as the head of a great department of the Government, that would have been known to him.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Mr. Speaker, I do not intend to be diverted any further from the subject under consideration. I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, the gentleman from Illinois [Mr. MANN], in his usual graceful way, has put up to our side of the House a question which we ought to answer. He has asked us on our side of the House if we were sincere when we heretofore stood for a reduction of this salary from $10,000 to $7,500 and then to $6,000 per year, and up until this time I have not heard anyone on this side of the House rise in his seat and say that he was sincere when he was giving his vote to reduce this salary when the Republican Party was in control. I want to say that so far as I am concerned I was sincere when I voted against the increase before and I am going to vote against the gentleman's amendment. I have stood on the floor of this House, and I believe that the records will show in a consistent way and manner I have uniformly, by the use of points of order, raised my voice in protest against an increase of salary to individuals where I thought they were already drawing salary high enough, but in doing that I have tried to use judgment, I have tried to use discretion. I have never used the point of order to reduce an increase of salary, where, in my judgment, that salary was not high enough. The gentleman from Illinois has admonished his followers on that side to sit silent and not vote, and I presume they will mind him. I presume they will obey him like good and faithful children, as they should. It is still up to us, gentlemen, to say whether or not we have been playing buncombe in this thing. There is no

getting away from the proposition at all, and I hope that the gentleman's motion will be voted down.

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. When this proposition was before the House the last time I voted for the proposed increase. I believed then that the man who was Secretary to the President occupied as responsible a place as the place I occupied on this floor, and that he was entitled to as much salary as I was receiving. I believe so still, and now that circumstances have changed, I do not propose to change the vote that I cast at that time. I think the Secretary to the President occupies a very responsible position. I think he ought to be a man at least as able as the average Congressman, and I think the duties he has to perform are as arduous and important as those of the average Congressman. I believe, therefore, that he ought to be as well paid. If $7,500 per year is too much for him, it is too much for us. I shall, therefore, if I get an opportunity, vote now as I voted then, to increase the salary of the Secretary to the President to $7,500 a year.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. GRAHAM. Certainly.

Mr. RUCKER of Colorado. The gentleman remembers I stood by his side and we voted together for the increase to $10,000.

Mr. GRAHAM. I am glad the gentleman is still with me.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I yield five minutes to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Speaker, on a former occasion I assumed the great risk and danger of somewhat antagonizing my Democratic leader. I step over here now amongst you Republicans and run the hazard of admonishing you not to follow the direction of your leader. He has just said that when this question is put to a vote you ought to sit still and not vote. I want to appeal to you Republicans not to follow his advice, for if you do not vote here upon this floor in the next 48 hours God only knows when you will ever get a chance to vote in this House again. [Laughter and applause.] My colleague, the distinguished ex-leader and ex-Speaker [Mr. CANNON], is here vehemently speaking for increasing a salary from $6,000 to $7,500. In all the days when, with your tyrannous czarism, you presided over the House and these Republicans followed you you Republicans were unable to appropriate more than $150,000,000 for pensions, and we Democrats, before we have organized our Democratic Senate and before we have got our President inaugurated, have appropriated $180,000,000. We know how to legislate. [Laughter and applause on the Republican side.]

We have reformed the rules of the House so that the people of this country can get action from their Representatives. Why, the gentleman from Illinois [Mr. Foss], who presided over the Committee on Naval Affairs on the Republican side for many years, was never able to get over $123,000,000 for the Navy, and before our President comes into office we have got $140,000,000 under our reformed rules, and we are legislating for the people on economical lines. [Laughter and applause on the Republican side.] We are going to demonstrate to the great ex-chairman of the Ways and Means Committee [Mr. PAYNE] that we can reduce the tariff and at the same time increase the appropriations. [Laughter and applause on the Republican side.] The people of this country drove you Republicans from power because you were incompetent and incapable of properly appropriating their money and caring for the great interests and industries of our country. I come over here on your side to console you. There sits my prohibition friend, BARTHOLDT, from Missouri [laughter], who was for years Republican chairman of the Public Buildings Committee, and he never was sufficiently capable to get a public buildings bill through the House over $25,000,000, and we are about to raise you to the modest sum of $40,000,000. Oh, do not go about chiding us for discarding our economy platform that said: We denounce the Republican Party's reckless and profligate expenditure of the people's money. That platform was made, like the Republican platform, to get into office on—and we have won. [Laughter and applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman may proceed——

Mr. ROBERTS of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROBERTS of Massachusetts. I rise to ask the gentleman from New York to yield me five minutes.

Mr. FITZGERALD. I yield two minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, I have heard it said that a school-teacher once asked her pupils, among other things of a historical nature, if they knew for what their Congressman was noted, and a hand came up from a ruddy-faced boy, "What is it, James?" the teacher inquired, and he said, "My papa says that our Congressman is noted for seed that won't come up and for argument that won't go down." Some of the arguments on this side of the House, it seems to me, if we follow them a short time, do not go down. From the time I came into this Congress, almost five years ago, I have heard the argument on this side of the House, and we have gone out into our campaigns advocating the theory that a good many men holding clerical positions in the Government are paid too much money. I never used that argument generally in my campaigns, but I have heard it on this side of the House again and again; and within the past year, as I recall, we voted for a reduction to $6,000 salary for the President's Secretary after having heard the argument that he is afforded the largest possibility of any man in the United States for future employment. The argument has repeatedly been made here that the best and most skillful clerical men in the United States are anxious and willing and ready to take this position, and therefore we reduced the salary to $6,000. But here we are within a year from that time, and a great many on our side agreeing with the Republicans that that salary ought to be raised to $7,500.

I have never been a hairsplitter in the matter of adequate salaries for first-class men for the most important Government offices, but I merely stood up to say, Mr. Speaker, that the Republicans could here consistently paraphrase Kipling's "Recessional" into—

> Lord God of hosts, be with them yet,
> Lest they forget, lest they forget.

The SPEAKER. The time of the gentleman has expired. [Laughter.]

The question is on the motion of the gentleman from Illinois [Mr. MANN] to instruct the conferees.

Mr. KAHN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California [Mr. KAHN] rise?

Mr. KAHN. I move that the gentleman from Indiana [Mr. BARNHART] be allowed to extend his remarks in the RECORD. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I move the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I demand a division.

Mr. JAMES. Mr. Speaker, I ask that the motion be reported again.

The SPEAKER. This is on the previous question.

Mr. MANN. I withdraw the demand.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the instructions——

Mr. JAMES. Mr. Speaker, I ask that the instructions may be reported. I would like to hear them.

The SPEAKER. The Clerk will read the instructions.

The Clerk read as follows:

That in the opinion of the House the managers on the part of the House should agree in conference to the substance of Senate amendment No. 1.

Mr. FITZGERALD. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. Without objection, the Clerk will report the amendment to which the motion applies.

The Clerk read as follows:

Amendment No. 1, page 2, after line 8, insert:
"To make the salary of the Secretary to the President at the rate of $7,500 per annum from March 4, 1913, to June 30, 1914, inclusive, $3,312.50, and hereafter said salary is fixed at the rate of $7,500 per annum."

The SPEAKER. This motion of the gentleman from Illinois [Mr. MANN] practically instructs the conferees to agree to that amendment.

The question is on the motion of the gentleman from Illinois [Mr. MANN]. Those in favor of the motion will vote "aye" and those opposed will vote "no."

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 87, noes 49.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion of instructions offered by the gentleman from Illinois [Mr. MANN] will, as their names are called, vote "yea" and those opposed will vote "nay."

The question was taken; and there were—yeas 196, nays 72, answered "present" 18, not voting 95, as follows:

YEAS—196.

Adair	Draper	Hughes, W. Va.	Porter
Adamson	Driscoll, D. A.	James	Post
Ainey	Dupré	Johnson, Ky.	Pou
Alexander	Dwight	Kahn	Pray
Allen	Edwards	Kent	Pujo
Anderson	Esch	Kinkaid, Nebr.	Raker
Anthony	Estopinal	Kitchin	Randell, Tex.
Austin	Fairchild	Knowland	Rauch
Ayres	Farr	Kopp	Rees
Barchfeld	Fergusson	Lafean	Reilly
Bates	Fitzgerald	La Follette	Richardson
Blackmon	Flood, Va.	Lamb	Roberts, Mass.
Borland	Fornes	Langham	Roberts, Nev.
Bradley	Foss	Langley	Rodenberg
Brantley	Gallagher	Lee, Pa.	Rothermel
Broussard	Gardner, Mass.	Levy	Rouse
Browning	Gardner, N. J.	Linthicum	Rucker, Colo.
Bulkley	Gill	Littlepage	Scott
Burke, Pa.	Goeke	Lobeck	Scully
Burke, S. Dak.	Goldfogle	Longworth	Sharp
Burke, Wis.	Good	Loud	Sherley
Burleson	Goodwin, Ark.	McCall	Simmons
Burnett	Graham	McCoy	Smith, J. M. C.
Calder	Greene, Mass.	McDermott	Smith, Saml. W.
Campbell	Gregg, Pa.	McGillicuddy	Sparkman
Cannon	Griest	McKellar	Speer
Cantrill	Guernsey	McKenzie	Stanley
Carlin	Hamill	McKinley	Stedman
Carter	Hamilton, Mich.	McLaughlin	Stephens, Cal.
Cary	Hamilton, W. Va.	McMorran	Sterling
Claypool	Hammond	Maher	Stone
Clayton	Hardwick	Mann	Taggart
Conry	Harrison, N. Y.	Martin, Colo.	Talcott, N. Y.
Cooper	Hart	Miller	Taylor, Ala.
Copley	Hartman	Mondell	Thayer
Covington	Hawley	Moore, Pa.	Tilson
Crago	Hay	Moore, Tex.	Townsend
Cravens	Hayden	Morgan, La.	Turnbull
Crumpacker	Hayes	Morgan, Okla.	Underhill
Davidson	Heald	Mott	Underwood
Davis, Minn.	Heflin	Murray	Vare
Davis, W. Va.	Helgesen	Needham	Volstead
De Forest	Henry, Conn.	Neeley	Warburton
Denver	Henry, Tex.	O'Shaunessy	Whitacre
Dickinson	Hinds	Palmer	White
Difenderfer	Holland	Patton, Pa.	Willis
Dodds	Howell	Pepper	Wilson, Ill.
Donohoe	Howland	Peters	Wilson, Pa.
Doremus	Hughes, Ga.	Pickett	Young, Mich.

NAYS—72.

Barnhart	Ellerbe	Hull	Rucker, Mo.
Bartlett	Faison	Humphreys, Miss.	Russell
Bathrick	Foster	Jackson	Saunders
Beall, Tex.	Fowler	Jacoway	Sherwood
Bell, Ga.	Francis	Johnson, S. C.	Sims
Boehne	French	Kendall	Sisson
Buchanan	Garner	Lafferty	Small
Byrnes, S. C.	Garrett	Lever	Smith, Tex.
Byrns, Tenn.	Godwin, N. C.	Lloyd	Stephens, Miss.
Candler	Gray	Maguire, Nebr.	Stephens, Nebr.
Cline	Gregg, Tex.	Mays	Stephens, Tex.
Collier	Gudger	Moon, Tenn.	Taylor, Ark.
Cox	Hamlin	Murdock	Taylor, Colo.
Cullop	Hardy	Oldfield	Thomas
Daugherty	Harrison, Miss.	Padgett	Tribble
Dies	Helm	Rainey	Webb
Dixon, Ind.	Hensley	Roddenbery	Witherspoon
Doughton	Howard	Rubey	Young, Kans.

ANSWERED "PRESENT"—18.

Andrus	Gould	Payne	Stevens, Minn.
Bartholdt	Green, Iowa	Plumley	Towner
Clark, Fla.	Hill	Powers	Woods, Iowa
Dalzell	Kennedy	Sabath	
Driscoll, M. E.	Lindbergh	Shackleford	

NOT VOTING—95.

Aiken, S. C.	Focht	Littleton	Reyburn
Akin, N. Y.	Fordney	McCreary	Riordan
Ames	Fuller	McGuire, Okla.	Sells
Ansberry	George	McKinney	Slayden
Ashbrook	Gillett	Macon	Slemp
Berger	Glass	Madden	Sloan
Booher	Greene, Vt.	Martin, S. Dak.	Smith, N. Y.
Brown	Harris	Matthews	Stack
Burgess	Haugen	Merritt	Steenerson
Butler	Higgins	Moon, Pa.	Sulloway
Callaway	Hobson	Morrison	Sweet
Curley	Houston	Morse, Wis.	Switzer
Currier	Humphrey, Wash.	Moss, Ind.	Talbott, Md.
Curry	Jones	Nelson	Taylor, Ohio
Danforth	Kindred	Norris	Thistlewood
Davenport	Kinkead, N. J.	Nye	Tuttle
Dent	Konig	Olmsted	Vreeland
Dickson, Miss.	Konop	Page	Watkins
Dyer	Korbly	Parran	Weeks
Evans	Lawrence	Patten, N. Y.	Wilder
Ferris	Lee, Ga.	Prince	Wilson, N. Y.
Fields	Lenroot	Prouty	Wood, N. J.
Finley	Lewis	Ransdell, La.	Young, Tex.
Floyd, Ark.	Lindsay	Redfield	

So the motion to instruct was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. CLARK of Florida with Mr. CURRY.

Until further notice:

Mr. LEE of Georgia with Mr. NYE.

Mr. LITTLETON with Mr. NORRIS.

Mr. MOSS of Indiana with Mr. OLMSTED.

Mr. PAGE with Mr. PRINCE.

Mr. RANSDELL of Louisiana with Mr. PROUTY.

Mr. SMITH of New York with Mr. REYBURN.

Mr. TUTTLE with Mr. SELLS.

Mr. WATKINS with Mr. SLOAN.

Mr. WILSON of New York with Mr. SLEMP.

Mr. YOUNG of Texas with Mr. SWITZER.

Mr. LEWIS with Mr. TAYLOR of Ohio.

Mr. REDFIELD with Mr. WEEKS.

Mr. LINDSAY with Mr. WILDER.

Mr. STACK with Mr. WOOD of New Jersey.

Mr. KONIG with Mr. MATTHEWS.

Mr. KONOP with Mr. MERRITT.

Mr. KORBLY with Mr. NELSON.

Mr. KINKEAD of New Jersey with Mr. MARTIN of South Dakota.

Mr. JONES with Mr. MADDEN.

Mr. HOUSTON with Mr. MCKINNEY.

Mr. HOBSON with Mr. MCGUIRE of Oklahoma.

Mr. GEORGE with Mr. LAWRENCE.

Mr. FLOYD of Arkansas with Mr. HIGGINS.

Mr. FIELDS with Mr. HAUGEN.

Mr. FERRIS with Mr. HARRIS.

Mr. EVANS with Mr. GREENE of Vermont.

Mr. DENT with Mr. FULLER.

Mr. CALLAWAY with Mr. FOCHT.

Mr. DAVENPORT with Mr. FORDNEY.

Mr. BURGESS with Mr. BUTLER.

Mr. BROWN with Mr. CARY.

Mr. ANSBERRY with Mr. DANFORTH.

Mr. PATTEN of New York with Mr. BURKE of South Dakota.

Mr. CURLEY with Mr. AMES.

Mr. FINLEY with Mr. CURRIER.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. BOOHER with Mr. SULLOWAY.

Mr. GLASS with Mr. MCCREARY.

Until March 3:

Mr. SLAYDEN with Mr. MOON of Pennsylvania.

The result of the vote was announced as above recorded; and the Speaker announced as the conferees on the part of the House Mr. FITZGERALD, Mr. BARTLETT, and Mr. CANNON.

LIEN ON TAXES.

Mr. CLAYTON. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 25780, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Chair lays before the House the following House bill, with a Senate amendment, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves to disagree to the Senate amendments and ask for a conference. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. CLAYTON, Mr. RUCKER of Missouri, and Mr. STERLING.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I present the following conference report on the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1625).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improve-

ment of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other puposes, having met and conferred, have been unable to agree.

JOHN L. BURNETT,
FRANK CLARK,
J. G. ANDRUS,
Managers on the part of the House.
GEORGE SUTHERLAND,
C. A. CULBERSON,
F. E. WARREN,
Managers on the part of the Senate.

Mr. BURNETT. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

Mr. BURNETT. Mr. Speaker, I move to insist on the disagreement of the House to the Senate amendments and accede to the request of the Senate for a further conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves to further insist on the disagreement to the Senate amendments and accede to the further conference asked for by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bills H. R. 27874, H. R. 28746, and the bill H. R. 28379, pension bills, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

An act (H. R. 27874) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read the title of the bill, as follows:

An act (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves to concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read the title of the bill, as follows:

An act (H. R. 28379) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; and

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8575. An act to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River;

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes;

S. 1142. An act to protect the monuments already erected on the battle fields of Bull Run, Va., and other monuments that may be there erected; and

S. J. Res. 164. Joint resolution stopping traffic and preventing interference with the suffrage procession.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS from the Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914;

H. R. 8921. An act for the relief of William H. Seward; and

H. R. 21724. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia.

EIGHT-HOUR LABOR BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I present a conference report on the bill (H. R. 18787), known as the eight-hour labor bill, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman sends up a conference report on the eight-hour bill, and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1608).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the said amendment amend the bill as follows: Page 2, lines 10 and 11, strike out ", which eight hours shall terminate within nine hours from beginning of workday"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "persons," in line 2, page 3, strike out all the words down to the end of section 1 and insert the following: "employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States," so that the proviso in section 1 will read: "*Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments

necessary for protection against floods or overflows on the navigable rivers of the United States"; and the Senate agree to the same.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.

W. E. BORAH,
B. PENROSE,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendments Nos. 1, 3, 4, 6, and 7: Strike out the words "snagging," leaving the bill so that it applies to "dredging, or rock excavation" instead of to "dredging, snagging, or rock excavation," as it appeared in the bill as it passed the House.

Amendment No. 2: Strike out the words "terminate within nine hours from the beginning of workday," after the word "shall," in line 11, page 2, and insert the words "be continuous except for customary intervals for meals or rest." The effect of the amendment proposed by the conference is to continue the language of existing law.

Amendment No. 5: Would have repealed the eight-hour law of August 1, 1892. The amendment proposed by the conference corrects that defect.

Amendment No. 8: Excludes from the operations of the act work done under contracts which may be entered into under provisions of appropriation acts approved prior to the passage of this act.

Amendment No. 9: Provides that this act shall become effective and be in force on and after March 1, 1913.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the last vote was laid on the table.

EULOGIES ON THE LATE VICE PRESIDENT SHERMAN.

Mr. FINLEY. Mr. Speaker, I move to take from the Speaker's table Senate concurrent resolution 41, relative to the eulogies on the late Vice President SHERMAN.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 41.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound, under the direction of the Joint Committee on Printing, 14,100 copies of the proceedings and the eulogies delivered in Congress on JAMES SCHOOLCRAFT SHERMAN, late Vice President of the United States, with illustration, of which 4,000 copies shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senators and Representatives of the State of New York, and 100 copies, bound in full morocco, for the use of Mrs. James Schoolcraft Sherman: *Provided*, That there shall be included in such publications the proclamation of the President and the proceedings in the Supreme Court of the United States upon the death of Vice President SHERMAN, and an account of the funeral services at Utica, N. Y.

The resolution was agreed to.

PUBLICITY IN TAKING TESTIMONY.

Mr. NORRIS. Mr. Speaker, I call up the unfinished business under suspension of the rules, which is Senate bill 8000, providing for publicity in taking evidence under the act of July 2, 1890.

The SPEAKER. A second has been ordered on this.

Mr. NORRIS. Yes; a second has been ordered.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] is entitled to 20 minutes and the gentleman from California [Mr. KAHN] is entitled to 20 minutes.

Mr. MANN. I will ask gentlemen whether they expect to use all the time.

Mr. NORRIS. I will say that I shall not use more than two minutes, unless time is consumed on the other side. I do not know how much time they will consume. It may be necessary to consume all the time on this side. There is no disposition to do that, however, unless it is necessary.

Mr. MANN. I think it has been the intention of the gentleman from Alabama [Mr. UNDERWOOD], if the business on the Speaker's table would permit, to move a recess about half past 6, or thereabouts, for an hour and a half or two hours.

Mr. NORRIS. If we consume all the time, this will only take until 6.40 o'clock.

Mr. GREENE of Massachusetts. Mr. Speaker, I raise the question of no quorum present.

The SPEAKER. Evidently there is a quorum present.

Mr. GREENE of Massachusetts. I insist that there is no quorum.

The SPEAKER. The Chair will count to satisfy the gentleman.

Pending the count,

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Massachusetts if he insists on his point of no quorum present?

Mr. GREENE of Massachusetts. I do. I will withdraw it if the gentleman wishes to make a motion.

Mr. UNDERWOOD. I should like to have the House run for about half an hour longer before we take a recess.

The SPEAKER. There is no doubt of the presence of a quorum in this Hall. The Chair will count to be sure that it is so. [After counting.] Two hundred and seventeen Members present—a quorum. The gentleman from Nebraska [Mr. NORRIS] is recognized for 20 minutes.

Mr. NORRIS. Before beginning the debate, I ask unanimous consent that the Clerk report the bill for the benefit of those who were not here this morning at 1 o'clock.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8000) providing for publicity in taking evidence under act of July 2, 1890.

Be it enacted, etc., That in the taking of depositions of witnesses for use in any suit in equity brought by the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable.

Mr. NORRIS. Mr. Speaker, I explained the other day when we had this bill up under the Unanimous Consent Calendar just exactly what it was and what the effect would be, but for those who were not here then I want to say briefly that the bill provides that in the taking of evidence in equity suits commenced by the Government under the Sherman antitrust act the taking of the evidence shall be public.

I presume Members all realize that this bill applies only to civil cases, and only cases in which the United States is plaintiff. I think, without any exception in the history of the past, in these cases a master has been appointed to take the evidence, and it is necessary for him to go to different places in the country and take evidence and possibly consume several months of time in procuring the testimony.

There never was a question raised but what this must be done in public and that the public was entitled to admission, until about a year ago in a case of the United States against the shoe machinery company in Boston, a corporation organized under the laws of New Jersey, the question was raised and a demand was made by the defendant to that suit that this evidence be taken in private, and that no one but the attorneys on both sides be admitted to the hearings. The question had never been raised before and never had been attempted, and after considerable argument and filing of briefs before the court, the court finally decided that the evidence should be taken in private.

There is no doubt from the reading of the briefs, and from the opinion of the court, that the court had the right under the law to decide in its discretion as it did. It was not error. In other words, it is a discretionary matter.

The Attorney General, in the prosecution of the trusts under this act, says that he has very often been materially assisted in the publicity given to the evidence taken in one place before he finshed the taking of evidence in another place. It always leads to the development of other facts and of other material in the case, and has always been of material assistance in the past.

Mr. BUTLER. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. BUTLER. Does the Attorney General request this legislation?

Mr. NORRIS. He did, and has devoted considerable space in his last report to the subject.

Mr. MADDEN. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. MADDEN. Will the gentleman state whether it is usual to take testimony in public before a master in cases where the Government of the United States is not interested?

Mr. NORRIS. I think so; there never has been any instance in these cases where the evidence has not been taken in public.

Mr. MADDEN. Is the Government of the United States in a different position, in taking evidence of this kind, from a private individual, in taking evidence before masters?

Mr. NORRIS. I think so. There is reason for this, as these cases are always brought in the name of the people of the United States. They always take evidence in different sections of the country, and some cases often consume seven or eight months' time. If there were no publicity given to it until the master's report is filed it would mean that there never would be any publicity, because at the end of the taking of the evidence it consists of many thousands of pages which no one would read through.

Mr. MADDEN. How does the publicity of the evidence taken before the master prior to the close of the trial prejudice or assist the rights of the person who is prosecuting them?

Mr. NORRIS. I have just said that the Attorney General said that he has never had a case but what he has been materially assisted by the publicity of the evidence in the case before he had got through with the case. In addition to that all the evidence in these cases is taken before a master, and if it did not have publicity before the master it would have no publicity at all. It means secreted evidence, and this ought to appeal to gentlemen who are defending the courts, and doing it honestly, it seems to me; that the real friends of the courts will be the ones to legislate to give the widest publicity to everything that happens in the court.

Mr. McGUIRE of Oklahoma. In the particular case to which the gentleman alludes, the court, of course, had discretionary power to have the evidence taken in secret.

Mr. NORRIS. Yes?

Mr. McGUIRE of Oklahoma. The request was made by the defense for the secret hearing?

Mr. NORRIS. Yes.

Mr. McGUIRE of Oklahoma. Can the gentleman say what was the attitude of the Attorney General?

Mr. NORRIS. The Attorney General opposed it as well as he knew how, and filed an elaborate brief.

Mr. BURKE of Pennsylvania. Will the gentleman state what was the outcome in that particular case?

Mr. NORRIS. There has been no outcome. The fact is that under the law, according to the order for taking the evidence in secret, the Attorney General has never made another move. While I am not authorized to say it—he did not say it to me—he stopped the case. It is my belief that if it is to be taken in secret, he never will proceed further with the case.

Mr. AUSTIN. What reason did the court give for his order?

Mr. NORRIS. I do not think he gave any reason. I have read all of the briefs, and there were no authorities cited on either side.

I yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill was given careful consideration by the Committee on the Judiciary, and that committee reached the unanimous conclusion that this bill ought to pass, to prevent an abuse in the administration of public justice. The day for star-chamber proceedings has passed. This order made by the judge in the investigation of the case against the Shoe Machinery Trust was in its nature a return to star-chamber methods, and the judge, for reasons known to himself or to that trust, made the order that the testimony should be taken in secret, so that the public should not hear it and so that the press should not make it known. The committee agrees with the Attorney General, who is the officer charged with the prosecution of these trusts, that publicity ought to be given to all court proceedings just as publicity is given to congressional proceedings in the investigation of cases against the trust. I can not imagine any good reason why the proceedings should have been in secret. This is an age of publicity. We pass different kinds of publicity legislation here, and it is the first time in the history of American jurisprudence, so far as I know, that the courts have made a solemn order denying to the public knowledge of a public transaction, of a matter in which the general public are interested. Then, again, the Attorney General says that this publicity of these investigations before the master has been of incalculable benefit to him in the prosecution of cases against the trusts; that the bystanders hear the testimony given in behalf of those who are friendly to the trusts and have frequently come to him or to his assistants and given information that has led to uncovering wrongful contracts of these unlawful combinations. He says the dissemination of the information through the newspaper press has been most helpful to him in the enforcement of the antitrust law.

I hope, Mr. Speaker, that this House will do as the Committee on Judiciary did, reach a unanimous conclusion that the bill ought to pass.

Mr. KAHN. Mr. Speaker, I am just as anxious as the gentlemen who have spoken for the pending bill for the widest publicity at every trial, but the bill before us does not provide for publicity in any judicial trial. The hearing is before an examiner or a special master. It is little more than taking a deposition. It is not a trial, but a proceeding preliminary to a trial. In taking the evidence before a special master the witness is asked certain questions, and although the attorney upon the other side may make an objection against any particular question upon the ground that it is immaterial, incompetent, and irrelevant, still the witness is bound to answer. Subsequently the court passes upon the matter, but if the hearing before the examiner be public the damage is done before the matter reaches the court. The consequence will be that a shrewd attorney can worm out trade secrets, can worm out secret processes of manufacture from a willing or indifferent witness, much to the detriment of the concern with which he is connected.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. NORRIS. Would it not be, if the witness is willing, just as easy to get that evidence from him without putting him on the stand?

Mr. KAHN. It would not; because the attorney on the other side in the case, if it were tried before a court, could interpose an objection, and in all likelihood the court would rule on the objection and bar out the testimony.

Mr. NORRIS. But he could go out on the street and tell it. He could publish it in the newspapers, if he were a willing witness.

Mr. KAHN. But there are many men who will go to court and tell all they know, as the gentleman knows, who will not go out on the street corners and tell what they know; when questions are asked them in court they frequently gladly volunteer evidence.

Mr. LENROOT. In a secret hearing when a deposition is taken it is finally made public and read in court, is it not?

Mr. KAHN. It is; but still while it is opened in court, nevertheless the materiality and competency of the questions that have been objected to are ruled upon by the court, and if they are improper they are excluded and can not be taken as evidence in the hearing.

Mr. LENROOT. They nevertheless become public, although in a legal sense they are excluded.

Mr. KAHN. While, in a measure, they become public, nevertheless the court rules out the objectionable questions and the answers thereto. As a general proposition, in the taking of depositions no one is present except the attorneys who are retained in the litigation and the witnesses, and they do not spread broadcast the evidence of the witnesses to the detriment of the litigants in the case. Besides, it is doubtful whether any deposition will ever assume the importance of a hearing before an examiner or a special master in actions of the character referred to in this bill.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. KAHN. For a question; certainly.

Mr. GREEN of Iowa. Has not the public the right to know whether these officials, such as the Attorney General, are conducting these examinations properly, and how will they know unless they be made public?

Mr. KAHN. These questions can all be asked in public and there will be no objection to doing that if this bill can be properly amended. There was another bill introduced in the Senate at the same time this bill was introduced, a companion bill, S. 7999, and a provision in that bill is this:

> In any suit in equity pending or hereafter brought in any such court under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890," wherein the United States is complainant, if the Attorney General shall include in the certificate made by him, as hereinbefore provided, a statement that, in his opinion, the nature of the case demands that the testimony be taken by a special master in accordance with the provisions of this act, the court shall thereupon enter an order appointing a special master to hear the parties and take the evidence in the cause, and such special master shall have and may exercise with respect of such case all the powers which the court would have in the conduct and trial of the cause,

including power to rule on the admission of evidence; and the special master shall, upon the completion of the evidence, report to the court the facts found by him upon said evidence.

And so forth.

Now, this bill under consideration here, with that provision that I have just read in it, would be an admirable bill. I would not oppose it for a moment. The examiner or special master in hearing the case would have the right to pass upon the relevancy or materiality of the questions propounded; but under present practice the master can not do that. He does not pass upon the competency of those questions at all, and for that reason, in my judgment, the bill is liable to cause serious damage to legitimate business.

Mr. NORRIS. Will the gentleman yield again?

Mr. KAHN. The gentleman can use his own time.

Mr. NORRIS. I wanted to ask the gentleman a question.

Mr. KAHN. I yield to the gentleman.

Mr. NORRIS. I wanted to ask the gentleman whether or not the master will rule on evidence either admitted or excluded does not depend upon his appointment. The court right now could give a master authority to pass upon the admissibility of evidence under the law as it stands to-day.

Mr. KAHN. The fact of the matter is the master does not pass upon the materiality of the questions, and the fact that the master should pass upon those questions was evident to the gentleman who introduced Senate bill 8000, because he also introduced this other bill (S. 7999) which plainly puts it up to the master to pass upon the relevancy and materiality of the questions propounded. With that amendment in this bill there can be no objection whatever to it. I think it is only fair to all litigants, especially those who have some secret process of manufacturing a particular ware or commodity, to have their rights protected. They should not be compelled to disclose their secret in a hearing of this kind and for that reason I think the bill should at least be amended, if it be passed at all, by adding this section, which is a part of Senate bill 7999. I reserve the balance of my time.

Mr. POST. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Ohio to withhold his motion for a moment, when I will move a recess. If it is evident we can not get a vote before supper, we will get it after supper.

Mr. NORRIS. I will suggest to the gentleman I would just as lief have the vote after supper as now, but I think we can finish this debate in a very short time.

The SPEAKER. But the point of no quorum has been made.

Mr. UNDERWOOD. The point of no quorum has been made.

Mr. NORRIS. I understand; and I do not want to delay proceedings, but I do not desire to have this bill lose its position.

Mr. UNDERWOOD. I will ask the gentleman from Ohio to withhold the point of no quorum for a moment.

Mr. KAHN. Mr. Speaker, I desire to say I have been called away to a conference, and I will ask unanimous consent that I may yield the balance of my time to the gentleman from Pennsylvania.

The SPEAKER. The Chair will recollect that after he gets through with this other matter.

Mr. UNDERWOOD. Mr. Speaker, there is a resolution of the House—resolution No. 71—on the table to print the tariff hearings, for the benefit of Members of Congress, with a slight Senate amendment, and I desire to call that up and ask that it be agreed to.

The SPEAKER. Does the gentleman from Ohio withhold his point of no quorum for a moment?

Mr. POST. Yes.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 71.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,500 copies of the tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 for the use of the House and 800 copies for the use of the Senate.

IN THE SENATE OF THE UNITED STATES,
February 25, 1913.

Resolved, That the foregoing concurrent resolution of the House of Representatives do pass with the following amendment: Line 2, after the word "bound," insert "in buckram."

Mr. UNDERWOOD. Mr. Speaker, I will state to the House the Senate amendment merely provides that the book shall be bound in the cheapest possible manner, and in order to get them it is necessary for the resolution to go through at this time. I ask unanimous consent that the Senate amendment be agreed to.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to consider this resolution now. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 8.45 p. m.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House stood in recess until 8.45 p. m.

EVENING SESSION.

At the expiration of the recess the House resumed its session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 8589. An act relating to supervision of the Lincoln memorial.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON as the conferees on the part of the Senate.

PUBLICITY IN TAKING EVIDENCE.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] has 8 minutes left, and the gentleman from California [Mr. KAHN] 10 minutes. If nobody wants to make a speech the Chair will put the question.

Mr. KAHN. Mr. Speaker, I make the point that there is no quorum present. This is a very important matter, and the House ought to know about it before it goes to a vote. I suggest that a quorum be present to vote upon the matter.

Mr. JAMES. Mr. Speaker, a quorum will be here in a few moments. Otherwise we should take up 40 minutes in calling the yeas and nays. The Members will be here in 10 minutes.

Mr. KAHN. I want the Members of the House to hear the merits of the bill.

Mr. FOSTER. The Members are all familiar with the bill.

Mr. RODDENBERY. They know more about this than they do about conference reports.

Mr. KAHN. I do not know about that. Some statements have been made about the attitude of the Attorney General. I have the report of the Attorney General for the year 1912 in my hand, in which he says specifically that the amendment I propose ought to be adopted. Members do not know that, although they may have heard that the Attorney General favored this measure.

Mr. MANN. Mr. Speaker, will the gentleman from California withhold his point just a moment?

Mr. KAHN. Yes.

Mr. MANN. May I inquire whether, pending the arrival of Members, there is any routine business on the Speaker's table that ought to be attended to?

The SPEAKER. The Speaker's table is cleared up.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and take from the Speaker's table——

The SPEAKER. Oh, no. There is one bill already pending on a motion to suspend the rules. There are certain gentlemen here who have such things as bridge bills, which nobody will object to, and by unanimous consent of the House the Chair would recognize them if a larger House were here.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that for 20 minutes the Members be accorded recognition on such bills as that.

The SPEAKER. If the gentleman from California will withhold his motion for 20 minutes, that could be done.

Mr. KAHN. I withhold it.

The SPEAKER. Then, without objection, that will be done.

There was no objection.

MATTHEW T. FULLER.

Mr. RUSSELL. Mr. Speaker, I move to call up the bill H. R. 16993, with a Senate amendment, and move that the House concur in the amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 16993) for the relief of Matthew T. Fuller.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] moves to concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

E. T. BOURGER.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to take up House bill 28613 and put it on its passage.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28613) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.

Be it enacted, etc., That the name of E. T. Bourger, as the same appears in the report of the Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, shall be construed as referring to Joseph Bourgeret, who now resides in Osage County, Mo.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHACKLEFORD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

YOSEMITE PARK.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to consider Senate bill 8279, in relation to Yosemite Park. That is a bill extending from 10 to 20 years the time within which a hotel may be built.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (S. 8279) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, reserving the right to object, I would like to hear the bill reported.

The SPEAKER. The Chair was taking it for granted that every gentleman in the House knew what was in every bill. [Laughter.]

Mr. JAMES. I do not.

The SPEAKER. The request of the gentleman is entirely correct, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to grant leases, for periods of not exceeding 20 years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding 20 acres each, at such places, not to exceed 10 in number to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, etc. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than the said lessees, such payments to be made by said new lessees, respectively.

SEC. 2. That any person or corporation or company holding a lease or leases within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

SEC. 3. That any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchase under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

SEC. 4. That all provisions of existing law in relation to said park not in conflict herewith are hereby continued in full force and effect.

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from California a question. Just from hearing the bill read from the Clerk's desk, it purports to be a bill that gives to the Secretary of the Treasury the right to supervise leases for the purpose of granting hotel privileges in this park in California.

Mr. RAKER. Not the Secretary of the Treasury, but the Secretary of the Interior.

Mr. JAMES. How much land is it proposed to give?

Mr. RAKER. Ten-acre tracts.

Mr. JAMES. For how many hotels?

Mr. RAKER. I suppose it will be one or two, as the Secretary determines, or more. It is entirely up to the Secretary of the Interior. I will say to the gentleman from Kentucky that in addition the law now provides that he may issue leases for camping privileges. This provision of the law is the same as the one relating to the Yellowstone Park. This is the statement of the Secretary of the Interior with reference to it:

If the bill be amended in accordance with these suggestions, it has my hearty approval, and I earnestly recommend that it be enacted into law at the earliest practicable date.

Mr. JAMES. The inquiry I want to make of the gentleman is whether or not this bill could be used for the purpose of giving leases to men, under the guise of erecting hotel buildings, for the purpose of getting valuable lands in this park?

Mr. RAKER. Absolutely no. There is nothing of that kind in it. I will say to the gentleman that the Secretary of the Interior is negotiating a contract, which will in all probability be executed if this law passes, to put up a hotel there that will cost at least $500,000. The entire State of California is pleading for this legislation.

Mr. ANDERSON. What is the need for ten 20-acre tracts of land upon which to put one $500,000 hotel?

Mr. RAKER. That is for the purpose, if he wants to do so, of putting other hotels there. He may build more than one hotel if he wants to. It is entirely up to the Secretary of the Interior.

Mr. KAHN. Will my colleague yield?

Mr. RAKER. I yield to the gentleman from California.

Mr. KAHN. If the gentleman from Minnesota will give me his attention, I will say that in the Yosemite Valley there is a hotel that has been in existence for many years. It is a good hotel, but old and not what might be called up to date. The State of California built a hotel in the valley when it had jurisdiction there, and expended some $300,000 or $400,000 in its construction and equipment. It burned down some 17 years ago, and there have been no adequate hotel accommodations in the valley since that time. The number of visitors to the valley has increased very largely in recent years. Railroad facilities now bring the traveler to within 12 miles of the floor of the valley, and therefore the long stage trips that were necessary in former years have been practically discarded. While there are a number of camps in the Yosemite, the valley needs a big new hotel; but in addition to a hotel proper it has been customary to put up cottages for visitors in places of scenic grandeur, and I daresay that the intention of the people who propose to build this hotel is also to put up quite a large number of cottages in this tract to accommodate the guests.

Mr. ANDERSON. If the gentleman will yield further, I notice in the report here there is a quotation from a letter of the Secretary of the Interior, which says:

If the bill be amended in accordance with these suggestions, it has my hearty approval, and I earnestly recommend that it be enacted into law at the earliest practicable date.

I should like to know what these amendments are.

Mr. RAKER. This is a bill which was originally introduced in the House, and the House committee reported it favorably with these amendments. The same bill, with the amendments suggested by the Secretary of the Interior, was then introduced in the Senate with those amendments in the bill, and the bill as passed by the Senate is the identical bill recommended by the Secretary of the Interior, and it contains the amendments recommended by him.

Mr. ANDERSON. I do not think it is worth while to go further with this bill. I intend to object to it anyway.

The SPEAKER. The gentleman from Minnesota objects.

CORA EVANS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27090), for the relief of Cora Evans.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cora Evans, widow of Joseph E. Evans, the sum of $1,320, this being the amount of the annual salary of the said Joseph E. Evans, who at the time of his death was an employee of the Bureau of Mines and came to his death on April 7, 1911, in a mine at Throop, Lackawanna County, Pa., while engaged, under the direction of the Bureau of Mines, in the hazardous employment of leading a rescue party, following a mine fire, in an attempt to rescue miners supposed to be barricaded at the face of the mine.

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, I think some explanation of this bill ought to be made.

Mr. FOSTER. Mr. Speaker, I desire to state that this is a bill to pay the widow of Mr. Evans, who lost his life in a rescue party in a mine in 1911. This provides for the payment of

one year's salary which is now provided under the general law of taking care of those engaged in this hazardous occupation. At this time the law was not in effect, and of course she could not recover anything under the law as it now exists.

Mr. JAMES. Does this give her any greater right than would be given her under the law as it now exists?

Mr. FOSTER. Exactly the same.

Mr. GARNER. Why does not this claim take the same course that other claims do?

Mr. FOSTER. It does. It has been reported by the Claims Committee. This accident occurred before the law which is now in existence was passed. Last summer a similar bill was passed to pay Mrs. Ferrell one year's salary, whose husband lost his life under similar circumstances.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. MANN. We passed a bill last year extending the law of the Bureau of Mines with reference to personal injuries. The Senate added an amendment making it retroactive. I and others decidedly objected to making the law retroactive. It was stated, however, that there were only two cases where injuries had occurred in the Bureau of Mines prior to the passage of the law, and I think there was an understanding that the House by special act would take care of these two cases. One has been taken care of, and this is the other.

Mr. GARNER. The other case, then, has been taken care of, and after this there are no other cases?

Mr. MANN. There are no other cases.

Mr. SISSON. How much money does this bill carry?

Mr. FOSTER. $1,320, one year's salary, now provided by law.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ALICE V. HOUGHTON.

Mr. CANTRILL. Mr. Speaker, I am authorized by the Committee on Claims to ask unanimous consent to call up the bill (S. 5137) for the relief of Alice V. Houghton, and pass the bill just as it came from the Senate without the House amendments.

The SPEAKER. The Clerk will report the bill without the House amendments.

The Clerk read the bill, as follows:

An act (S. 5137) for the relief of Alice V. Houghton.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice V. Houghton the sum of $8,000, for injuries received while employed in the Bureau of the Census, Washington, D. C., January 31, 1911, $2,000 of said sum to be paid to the said Alice V. Houghton upon the passage of this act, and the remainder of said sum to be paid in monthly installments of $75 each: *Provided*, That no sum of money due or to become due to the said Alice V. Houghton under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure wholly to the benefit of the said Alice V. Houghton.

Mr. COX. Mr. Speaker, I think this bill ought to have some explanation. I reserve the right to object.

Mr. CANTRILL. Mr. Speaker, I desire to state to the gentleman from Indiana that the Committee on Claims has picked this bill out of hundreds of bills that have been before the committee as the one most deserving of consideration. I speak for the entire Committee on Claims in asking this House to pass this bill. [Applause.] The bill has already passed the Senate calling for $8,000, which so appealed to the House that the House increased it to $10,000, but we recognize the fact that the session is so near its close that in order to give her the relief to which she is entitled, we ask the House to pass the bill just as it came from the Senate.

Mr. COX. Will the gentleman yield for a question?

Mr. CANTRILL. Certainly.

Mr. COX. What is her physical condition to-day?

Mr. CANTRILL. This is the case of the young lady who had her scalp torn off in the Census Bureau.

Mr. MADDEN. Will the gentleman yield to me?

Mr. CANTRILL. I will yield to the gentleman from Illinois.

Mr. MADDEN. This young woman was a clerk in the Census Bureau.

Mr. COX. I understand the circumstances of the case, but what is her physical condition?

Mr. MADDEN. This girl's condition is very bad, and she never will be better. She will eventually lose her sight. She has had five or six operations for the grafting of the scalp and, of course, they were very painful operations. Many people gave skin so that she might have her scalp restored. She has suffered untold agony and will all of her life. If there ever was a case in the history of the country where the sympathy of the Congress of the United States should be exercised, this is the case. [Applause.] Eight thousand dollars is no compensation whatever for the injuries and the suffering this girl has gone through. She never will in her life become what she ought to be, but will be a sufferer as long as she lives.

Mr. COX. Mr. Speaker, I think this is a bad precedent, but I am not going to object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Chair desires the attention of the gentleman from Illinois [Mr. MANN] and the gentleman from Kentucky [Mr. CANTRILL]. The Chair understood the gentleman from Illinois to say that the understanding is that the Senate bill shall be passed?

Mr. MANN. That is true, and the gentleman from Kentucky desires the Senate bill passed.

Mr. CANTRILL. Yes.

Mr. MANN. The first question to be taken, Mr. Speaker, will be on agreeing to the House amendments to the Senate bill.

Mr. CANTRILL. And the understanding is that the House amendments shall be voted down.

The SPEAKER. The Clerk will report the House amendments.

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "eight" and inserting the word "ten."

Amend, line 9, by striking out the word "two" and inserting the word "four."

The SPEAKER. The question is on agreeing to the House amendments.

The question was taken, and the amendments were rejected.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CANTRILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLICITY IN TAKING TESTIMONY.

Mr. NORRIS. Mr. Speaker, I will ask the gentleman from California to consume some of his time.

The SPEAKER. The gentleman from Nebraska has 8 minutes remaining and the gentleman from California 10 minutes.

Mr. KAHN. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, the bill called up for consideration by the gentleman from Nebraska [Mr. NORRIS] I regard as one of the most important called up in the closing hours of this session of Congress. During the very brief discussion upon his part he made one of the most remarkable statements relating to a legal proceeding on the part of the Government of the United States that I have heard in this Congress. When asked as to the necessity for this particular legislation, it was stated that it was because of the fact that a judge in a single case had made a special order requiring the examiner appointed by that court to take the testimony at a hearing or hearings not open to the public. Asked then what had been the outcome of that proceeding, the gentleman from Nebraska stated that there had been no outcome; that the Attorney General had abandoned the proceeding. Mr. Speaker, I think the present Attorney General of the United States is a great lawyer and has made a most efficient Attorney General, and I am not willing, as a Member of this House, or the party to which he belongs, to have it stated upon the floor of this House that he abandoned a proceeding in line with the performance of his duty simply because a judge in a remote case made an order from which he dissented.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Pennsylvania. Yes.

Mr. NORRIS. I made no such statement. I did not say he abandoned the proceedings.

Mr. BURKE of Pennsylvania. The gentleman stated that nothing had been done in the case since.

Mr. NORRIS. Nothing has been done since. I have the word of the Attorney General for that.

Mr. BURKE of Pennsylvania. The gentleman has the Attorney General's word for it that nothing has been done. What is the situation? Under the Sherman antitrust law every power conferred by the Constitution of the United States, every power conferred by the laws of evidence invoked every day in the United States courts, every power conferred by this special statute—the Sherman antitrust law—could have been invoked in this particular proceeding, and yet in the face of that fact, because a single order has been made, in which no hardship has resulted, we are asked in the closing hours of this Congress to pass a special piece of legislation changing the rules of proceedings in equity. What would be the consequence of it?

This legislation, I assume, is based either upon an evil that has arisen or a good that will be accomplished. What is the evil? Nothing, except that the order in this case has been made.

Is the Sherman antitrust law destroyed or rendered ineffective? Was it ineffective in the Northern Securities case, in the Standard Oil case, in the Tobacco case, in the Bathtub case, in the National Cash Register case, or in any case in which our Attorney Generals have invoked it for the correction of abuses or the punishment of evil? If it has been found adequate in all these cases, and countless others, there can be no reason why we should pass a bill at this hour setting aside a single statute and making a single exception with reference to the law's procedure that does not apply to all other proceedings in chancery in our United States courts. All laws should be so written that all persons shall be treated alike in our courts and court proceedings.

I am perfectly willing to vote for a bill such as has been introduced by the gentleman from Nebraska, making public all proceedings in equity cases. There is nothing in the order made by the judge in question, and there is nothing in this bill that would prove, although that seems to be the impression sought to be conveyed, that court proceedings are to be stifled or that they are to be conducted in private.

Let us understand exactly what the situation is. There is not a question that can be asked under the law, there is not an answer that can be given under the law, as it exists to-day that can be kept from the public. The purpose of this legislation is to go further, however, and confer not upon the courts, to confer not upon the masters who are vested with the power of ruling upon the competency or their relevancy of evidence, but to confer upon special examiners, who in many cases know little or nothing about the law, the right or the duty to take testimony in pursuance of a dragnet process, and the testimony must be taken and made public, whether relevant or irrelevant to the proceeding. It may be said that a man may refuse to answer, but he refuses to answer at his peril and at least at the risk of extra litigation and delay. Consider the extraordinary length to which this bill will carry us.

All proceedings before, not a master but before an examiner or a special master, shall be open to the public as freely as trials in open court before the court passes upon the legality of the questions or the necessity of the answers. These examiners go into your homes, they go into the prisons, they go into the hospitals, they go into the remotest places in the performance of their duty, and if this statute becomes effective law the public is entitled to invade the prisons, to invade the hospitals, to invade the home, to force itself to the bedside of the sick, to feast their ears upon the testimony of those called upon to testify. It is one of the most unusual propositions that I have ever heard proposed in this or any other Congress in the eight years I have had the honor of serving in this House. For a hundred years the courts of this country have been vested with discretion in matters of this kind, and in the hundred years of our history, Mr. Speaker, not one case has been pointed out here by the gentleman from Nebraska [Mr. NORRIS] or any other advocate of this bill, in which this discretion has been abused, but simply because of a single case, a recent case happening only within probably the last 60 or 90 days there is a difference between an able attorney general and a conscientious judge, we are called upon to enact special legislation in this Congress, while we deny its wisdom in other cases or at least refuse to make the law general for some reason not clear to the American people. When we legislate, let us legislate for all people alike.

The SPEAKER. The time of the genteman has expired.

Mr. KAHN. Mr. Speaker, I ask the gentleman from Nebraska to use some of his time.

Mr. NORRIS. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when this bill first came before the House on the Unanimous Consent Calendar I made an objection to its passage not because I thought the bill went too far, but because I then feared it did not go far enough, and since then I am convinced, like the gentleman from Nebraska [Mr. NORRIS] that it might not be possible to provide that testimony in all cases should be taken in public. There can be no valid objection to the passage of this bill [applause] except by some one who fears he will be injured by it, not because he ought not to be injured, but because he hopes to derive some benefit from sneaking in the dark. [Applause.] [Cries of "Vote!"]

Mr. NORRIS. Mr. Speaker, I ask the gentleman from California to use the balance of his time. There will be only one speech on this side of the proposition.

Mr. KAHN. Mr. Speaker, as I stated before the House took a recess, if this bill could be amended so as to give the examiner or special master the power to pass upon the materiality or competency of the question asked, there would be no objection to the bill whatever. The Attorney General of the United States, in his report of 1912, at page 23, says in express language that the master appointed ought to have the right to pass upon the relevancy of questions. I read from his report:

Suits brought in equity under the Sherman antitrust law for the dissolution of unlawful combinations involve such comprehensive inquiries, the taking of the testimony of so many witnesses, the examination of such manifold and voluminous books, accounts, documents, etc., and they so necessarily require the Government to call hostile and antagonistic witnesses, that it may be doubted whether in many instances they can properly be tried in open court; that is, whether the testimony must not necessarily in almost all cases be taken out of the court, and the case submitted to the court upon testimony so taken. This is especially so in view of the provisions of the expedition act, which requires such cases to be heard by not less than three judges.

To meet this situation, I suggest that provision be made by way of amendment to the expedition act to the effect that where the Attorney General shall file the certificate therein provided for, and shall also certify that, in his opinion, the case is one in which the testimony can not properly be taken under the ordinary provisions of the equity rules, the court shall, on his application, appoint a special master, with power to take the testimony, in the presence of the counsel for the respective parties and such other persons as may choose to attend, and with power to rule on the admission of evidence, and report the facts, together with his opinion thereon, and the evidence so taken to the court, upon the coming in of which report either party may file exceptions thereto, which shall be heard before not less than three judges, who shall determine the case.

That is the thing in a nutshell; if the master appointed shall have the power to pass upon the sufficiency of the question, its materiality, its relevancy, and its competency, there can be no objection whatever to having this hearing in public; but if the master has no such rights and he allows the answer to stand, serious injury can be done to a man who is doing an honest business. Suppose this man owns some secret process which some competitors are trying to get from him. He may have to divulge his method to such competitors unless he can get the protection the amendment which I have suggested would give him. It is a most dangerous proposition, and I hope the House will vote it down.

Mr. NORRIS. Mr. Speaker, the gentleman in closing referred to the great danger that is going to come to the men whose patent rights are divulged. Does he not know that there is a public record kept of all patent rights, open to every citizen of the United States?

Mr. KAHN. I should have said "secret processes."

Mr. NORRIS. And he refers to the Attorney General's report, when the Attorney General is speaking of an entirely different subject and a different bill. I have introduced a bill on the subject, from the report of which the gentleman read. It gives to the master the power to pass on evidence. I introduced this bill on publicity in the House and it has passed the Senate. They were both prepared in the Attorney General's office, after a great many consultations both with him and his assistants. If the gentleman wants to criticize the Attorney General and wants to question what I have said, I want to read to the House from his report what he said in regard to this particular case, arising in Boston, of the United States versus the United Shoe Machinery Co. He explains what was done, just as I have explained here. He closes by saying:

And no further proceeding has been taken in the case for the reason that I believe—

And that is the Attorney General speaking—

I believe it to be inconsistent with public interests to proceed with the taking of testimony under conditions imposed by the court if relief therefrom can be procured from Congress.

[Applause.]

Is that emphatic enough? Why, gentlemen, I could bring you four or five letters signed by the Attorney General asking me to get this bill up as soon as I could.

Mr. KAHN. Will the gentleman yield?

Mr. NORRIS. I have not the time. I am in favor of giving to the master the right to pass on the admissibility of evidence. But that is a different proposition. That is in another bill, and that is the bill the Attorney General was talking about in the extract which the gentleman quotes. It has not been reported probably for the reason that the Committee on the Judiciary of this House had most of its time taken up in this session by the proceedings in the impeachment case in the Senate. Why, gentlemen, I have talked with the Attorney General within the last three days over the telephone; I have talked with his various assistants who have had charge of this particular case; and I want to tell you that no man can truthfully say here or elsewhere that the Attorney General is not in earnest and that he does not want this particular bill passed that is now before us.

The gentleman says if I would agree to an amendment, he would not object. Everybody here knows that would mean the death of the legislation. This bill passed unanimously through the Committee on the Judiciary in the Senate; it passed the Senate of the United States; and it came here and was referred to the Committee on the Judiciary of the House. There is behind it here now a unanimous report from the Committee on the Judiciary of this body. We know at this late hour if we amended it and sent it back to the Senate we would get no legislation. So all may know just what the Attorney General did say in his report, I quote from it, on pages 21 and 22, as follows:

TAKING TESTIMONY IN ANTITRUST SUITS.

In the equity suit brought against the United Shoe Machinery Co. and others, issue being joined by answers of the defendants, the Government was about proceeding to the taking of testimony before an examiner under the equity rules, when the defendants demanded that the public be excluded from the hearings before the examiner. The Government contended that the public could not properly be so excluded. The defendants thereupon made application to the court for an order in the premises. A certificate having been filed under the terms of the expedition act (32 Stat., 823; as amended, 36 Stats., 854), the matter was heard before Circuit Judges Colt and Putnam and District Judge Brown, of Rhode Island, and an opinion was rendered to the effect that under the terms of United States equity rule 67, providing for the taking of testimony in equity cases before examiners, which examination, it is provided, "shall take place in the presence of the parties or their agents, by their counsel or solicitors * * *," no person other than those mentioned was entitled to be present, and, therefore, that the public should be excluded from the hearings. This direction is not appealable to the Supreme Court. No order has been entered upon the decision, and no further proceeding has been taken in the cause, for the reason that I believe it to be inconsistent with the public interest to proceed with the taking of testimony under the conditions imposed by the court, if relief therefrom can be procured from Congress.

The decision, it appears to me, is based upon a manifest misconception of the nature of the proceedings and the character of the parties. When the Government of the United States is a party to a suit, and particularly to a suit brought under the Sherman antitrust law to prevent unlawful restraints upon interstate commerce or foreign commerce—essentially a matter affecting the public—all the people have a legitimate interest in the proceeding, and are entitled to know just what evidence is being given, and when it is given. The public are the real parties to the suit; and within the text of the rule they are entitled to be present. In the prosecution of defendants charged with monopolizing or attempting to monopolize commerce, it is the experience of the department that the newspaper reports of evidence given in the examination of witnesses often leads to persons having knowledge of the facts furnishing the Government with valuable evidence bearing upon the questions in dispute which otherwise would not be discovered. Even if the court in this case has placed a correct construction upon the law, in my judgment Congress should by statute alter the rule. So far as I have been able to ascertain, this decision is the first one ever rendered in this country which excludes the public from hearing the evidence given in a civil suit to which the Government is a party. The revised equity rules promulgated by the Supreme Court, which take effect February 1 next, repeal rule 67 and provide for taking testimony in equity suits in open court, subject, however, to the right of both parties to take testimony under the provisions of the Revised Statutes, sections 876, 871, and 872. The court is also empowered for good and exceptional cause to depart from the general rule by allowing the deposition of witnesses to be taken before an examiner upon terms specified in the order. But no provision is included in said rules bearing upon the publicity to be allowed on such hearings.

Mr. Speaker, I want to close this debate by appending the report I made on behalf of the Judiciary Committee of this House, as follows:

Mr. NORRIS, from the Committee on the Judiciary, submitted the following report [to accompany S. 8000]:

The Committee on the Judiciary, to whom were referred the bills (H. R. 26749 and S. 8000) providing for publicity in taking evidence under the Sherman antitrust law, have duly considered the same and report S. 8000 back to the House with the recommendation that it do pass.

These two bills are exactly the same and provide that the hearings before any examiner or special master appointed to take testimony in all equity suits brought by the United States under the act to protect trade and commerce against unlawful restraints and monopolies, commonly known as the Sherman antitrust law, shall be public the same as trials in open court. It is the universal practice in all equity suits brought by the United States Government under this act for the court to appoint a master to take the testimony. As a general rule this master is, in effect, a traveling court, and he has to go to various parts of the country to take the evidence. In most cases under this act the taking of the evidence consumes several months of time. Until a short time ago it was always supposed that the taking of testimony by such master was a public function and that the rules regarding the publicity of courts generally applied to such master. In all the cases that have ever been commenced by the Government under this act, until very recently, there never was any attempt made to have such hearings held in secret.

Last year, however, in the case of The United States *v.* The United Shoe Machinery Co. of New Jersey et al., pending in the District Court of the United States for the District of Massachusetts, after a master had been appointed to take testimony in the usual way, the defendants objected to the taking of such testimony by the master in public, and the question was submitted to that court. After an exhaustive hearing and the filing of briefs by the parties to the suit, the court issued an order that the public should be excluded from such hearings and that the same should be private. This seems to have been the first time that the question was ever raised, and if the decision of this court stands, and no legislation is had thereon by Congress, there is no doubt but what the Government in all equity suits under this act will be met at the threshold with an application on the part of the defendant for the taking of the evidence in private. It must be remembered that in all these cases the Government of the United States is a party. In reality the people of the country are plaintiffs in the suit, and the taking of the evidence in secret, either by the court or any master representing the court, is not only contrary to the fundamental idea of our jurisprudence, but it would often result in a denial of justice. Everything pertaining to our courts should have the greatest publicity. Secret hearings would surround our courts with a mystery of doubt and eventually bring them into disrepute. If our courts are to retain the confidence and respect of the country generally, their official conduct must be entirely free from any suspicion of star-chamber proceedings.

The SPEAKER. The question is on suspending the rules and passing the Senate bill.

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended, and the bill was passed.

CONDEMNED CANNON AND CANNON BALLS.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass the bill S. 8273, with House amendments, and three other amendments which I send to the Clerk's desk. I ask that the bill be read by its title.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 8273) authorizing the Secretary of War to make certain donation of condemned cannon and cannon balls.

Mr. HAY. Mr. Speaker, this is quite a lengthy bill, and I ask unanimous consent that the reading of the bill be dispensed with, as it only authorizes the Secretary of War to give cannon to certain towns and Army posts throughout the country without expense to the United States.

Mr. MANN. Mr. Speaker, I think the bill ought to be read.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will read the bill with the committee amendments and the other amendments offered by the gentleman from Virginia [Mr. HAY].

The Clerk read as follows:

An act (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver to the city of Lancaster, in the State of Pennsylvania, for the use of General William S. McCaskey Camp, No. 53, United Spanish War Veterans, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the town of Washington, in the State of Mississippi, for the use of Jefferson College, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Corinth, in the State of Mississippi, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Grand Forks, in the State of North Dakota, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Lakota, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the State of North Dakota, for use at the Fort Rice Memorial Park, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Minot, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the proper authorities of the State Soldiers' Home at Port Orchard, Wash., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Davenport, Wash., two condemned cannon;

To the city of Trinidad, in the State of Colorado, for the use of the Trinidad Post, No. 25, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Rocky Ford, in the State of Colorado, for the use of the Wadsworth Post, No. 93, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Raton, in the county of Colfax and State of New Mexico, two condemned bronze or brass cannon and a suitable outfit of cannon balls;

To the town of Lookout Mountain, in the State of Tennessee, two condemned cannon and a suitable outfit of cannon balls;

To the county of Mecklenburg, in the State of Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Jackson, in the State of Mississippi, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Bellevue, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Jacksonville, in the State of Florida, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

The the Greenbrier Military Academy at Lewisburg, in the State of West Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the county of Lamoille, in the State of Vermont, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the University of Utah at Salt Lake City, in the State of Utah, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the University of Colorado at Boulder, in the State of Colorado, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Virginia, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Oregon, in the State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls;

To the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc., the same to be used on the site of the Newtown Battlefield Monument to Gen. Sullivan, of Revolutionary fame;

To the Wallkill Valley Cemetery Association, of Orange County, N. Y., two condemned bronze or brass cannon for use in connection with a monument in memory of the men of Company H, One hundred and twenty-fourth New York Volunteer Infantry, who died in the service of the United States during the Civil War;

To the city of Augusta, in the State of Georgia, certain bronze cannon and cannon balls, and now located at the arsenal at Augusta, Ga., to be mounted on either side of the Archibald Butt Memorial Bridge in the said city of Augusta, in the State of Georgia;

To the town of Adams, Mass., for the adornment of the grounds of the State armory in that town, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the State of Arizona three bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and used in the State capitol grounds in the city of Phoenix;

To the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga, for the purpose of mounting them on the battlefield of Saratoga as suitable trophies of the battle;

To Porter Military Academy, Charleston, S. C., two bronze or brass condemned cannon, with suitable outfits of cannon balls, the same to be used on the campus of Porter Military Academy, at Charleston, S. C.

To the county of Clay, in the State of Arkansas, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and used in the county courtyard in the town of Piggott;

To the town of Summit Hill, in the State of Pennsylvania, for the use of the E. T. Conner Post, No. 177, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Baltimore, in the State of Maryland, one small bronze cannon or fieldpiece, with its carriage and six cannon balls;

To the city and county of San Francisco, State of California, for the use of the Pioneer Women's Cabin, in Golden Gate Park, in said city and county, one condemned bronze or brass cannon or fieldpiece, with its carriage and suitable outfit of cannon balls;

To the city of Selby, in the State of South Dakota, for the use of John Mangan Post, No. 150, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Sheffield, in the State of Alabama, a bronze cannon, with its carriage, not needed for present service;

To Princeton Post, No. 111, Grand Army of the Republic, of Princeton, Kans., for ornamental purposes, one 12-pounder or larger cannon or fieldpiece, together with its mounting or carriage and six cannon balls;

To donate two bronze or brass guns to the Stanton Monument Association, Steubenville, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892;

To donate two bronze or brass guns to the J. S. McCready Post, Grand Army of the Republic, of Cadiz, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892;

To the Lieutenant David H. Nissley Post, No. 478, Grand Army of the Republic, of Mount Joy, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls;

To the city of Tarkio, in the State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls;

To the municipality of Goshen, N. Y., two condemned bronze or brass cannon, the same to be placed within the county courthouse grounds in connection with a monument in memory of men who died in the service of the United States during the Civil War;

To the Hannah Weston Chapter, Daughters of the American Revolution Society, of Machias, in the State of Maine, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and placed by direction of the Hannah Weston Chapter, Daughters of the American Revolution Society, in the towns of Machias and Machiasport;

To the town of Fincastle, Va., two cannon or fieldpieces with their carriages, to be mounted on either side of the Confederate monument in the said town of Fincastle, in the State of Virginia;

To the town of Cumberland, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Cumberland, in the State of Virginia;

To the town of Buckingham, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate Monument in the said town of Buckingham, in the State of Virginia;

To the Grand Army of the Republic Association of Painted Post, in the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls;

To the city of Savannah, in the State of Georgia, two bronze or brass cannons, with a suitable outfit of cannon balls, the same to be placed in a public park or square in said city;

To the city of Pembroke, Bryan County, Ga., two bronze or brass cannon, with a suitable outfit of cannon balls, the same to be placed in a public park or square in the town of Pembroke, Ga.;

To the city of Sylvania, in the State of Georgia, two bronze or brass cannon, with a suitable outfit of cannon balls, the same to be placed in a public park or square in said city;

To the city of Sheboygan, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, and a suitable outfit of cannon balls;

To the city of Alturas, in the State of California, for the use of the General Canby Post, No. 165, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Red Bluff, in the State of California, for the use of the Mansfield Post, No. 75, Grand Army of the Republic, two condemned fieldpieces or cannon, with a suitable outfit of cannon balls;

To the town of Corning, Cal., for the use of the Maywood Post, No. 184, Grand Army of the Republic, two condemned bronze or brass fieldpieces, with their carriages, with a suitable outfit of cannon balls;

To donate to Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, of Scranton, Pa., two condemned brass or bronze cannon, with suitable outfit of cannon balls;

To the city of Beloit, Kans., for the use of Beloit Post, No. 147, Grand Army of the Republic, Department of Kansas, two bronze or brass cannon, with their carriages and a suitable outfit of cannon balls;

To the village of Fort Johnson, N. Y., for the use of the Montgomery County Historical Society, two cannon or fieldpieces, with their carriages and outfit of cannon balls;

That the Secretary of War be authorized to furnish two gun carriages with cannon, one to be placed on each side of a bowlder with a bronze tablet erected by the Commonwealth of Massachusetts in the town of Swansea, as a memorial for the Myles Garrison, who defended the people in the Indian war under King Philip:

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *And provided further*, That each and every article of condemned military equipment covered by this act shall be subject at all times to the order of the Secretary of War.

The SPEAKER. Is a second demanded? If not, a second will be considered as ordered.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to offer an amendment, which I will request that the Clerk will read.

The SPEAKER. The gentleman from Georgia asks unanimous consent to modify this bill by the paper which he sends to the desk. The Clerk will report it.

The Clerk read as follows:

On page 9, after line 9, insert a new paragraph, to read as follows: "To the city of Atlanta, in the State of Georgia, two bronze or brass cannon, with a suitable outfit of balls, the same to be placed in a public square or park in said city."

The SPEAKER. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, I ask unanimous consent to modify the bill by the insertion of an amendment, which I send to the desk.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to modify the bill by the insertion of an amendment. The Clerk will report the amendment.

The Clerk read as follows:

To the city of Alexandria, Va., for the use of the R. E. Lee Camp of Confederate Veterans, two bronze or brass cannon, with their carriages and a suitable outfit of cannon balls.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROUSE. Mr. Speaker, I ask leave to modify the bill in accordance with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky [Mr. ROUSE] asks leave to modify the bill by a paper, which the Clerk will report.

The Clerk read as follows:

On page 9, at the end of the page, insert: "To the city of Dayton, in the State of Kentucky, two condemned bronze or brass cannon and a suitable outfit of cannon balls."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on suspending the rules and passing the bill as read.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to amend the bill by providing that there be donated one brass cannon——

Mr. MANN. An amendment must be in writing, Mr. Speaker.

Mr. LINTHICUM. I ask the gentleman to withhold his demand for the writing of the amendment.

The SPEAKER. The question is on suspending the rules and passing the bill as modified.

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

DEDICATION OF STATUE TO THOMAS JEFFERSON AT ST. LOUIS, MO.

Mr. HEFLIN. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 709.

Whereas the president of the Louisiana Purchase Exposition Co. has informed the Senate that with the approval of Congress, as expressed by an act of March 4, 1909, the Louisiana Purchase Exposition has erected upon the site of the world's fair in the city of St. Louis a memorial to Thomas Jefferson, at a cost of $450,000, in commemoration of the acquisition of the Louisiana territory; and

Whereas this statue of Mr. Jefferson is to be unveiled and dedicated on the one hundred and tenth anniversary of the signing of the Louisiana Purchase treaty, the 30th of April, 1913; and

Whereas the trustees in charge of this great memorial have, through the president of the exposition company, requested the presence of a committee of the House of Representatives to participate in the dedicatory services on the day named, to the end that the House make proper recognition of said invitation: Therefore be it

Resolved, That a committee of 12 members of the House of Representatives be appointed by the Speaker of the House to attend said ceremonies and represent the House of Representatives at the unveiling and dedication of said memorial.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. I could not understand whether the gentleman from Alabama [Mr. HEFLIN] was asking unanimous consent for this or moving to suspend the rules.

Mr. HEFLIN. I moved to suspend the rules.

Mr. COX. I demand a second.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that a second be considered as ordered. Is there objection. [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. HEFLIN] has 20 minutes, and the gentleman from Indiana [Mr. COX] has 20.

Mr. HEFLIN. Mr. Speaker, I trust that the gentleman from Indiana [Mr. COX] will not oppose the passage of this resolution. It provides for the appointment of 12 Members of the House—the Senate having already provided for the appointment of a delegation from that body—to go down to St. Louis on the 30th of April next and witness the unveiling of a monument to the greatest Democrat in the memory of man, Thomas Jefferson. [Applause.]

Mr. COX. Will the gentleman yield?

Mr. HEFLIN. I yield.

Mr. COX. I see the bill carries no appropriation. Is it intended that the Members appointed by the Speaker shall pay their own expenses?

Mr. HEFLIN. I am not certain about that. There is nothing said in the resolution about it.

Mr. COX. Does the gentleman know any fund or any way whereby they can get their expenses repaid?

Mr. HEFLIN. I will be very frank and state to the gentleman that, so far as I am concerned, I would be willing to have Congress pay the expenses of a delegation going from this Congress to witness the unveiling of a monument to a man who has done so much for humanity as Thomas Jefferson has. [Applause.]

Mr. COX. I have asked the gentleman a question. He answers, of course, in his own way, but not to my satisfaction.

Mr. HEFLIN. The gentleman would not like to have me answer it in his way, would he?

Mr. COX. With the gentleman's permission, I will put the question again. Does the gentleman know any way or any fund out of which the Members thus appointed can be paid their expenses?

Mr. HEFLIN. I am not certain about there being any fund. There may be. I trust that there is. I do not know about that. It would probably take an appropriation by Congress. I want to say to my friend who has asked me a question, but who is now listening to suggestions from some one else, if he will listen to me, I will enlighten him. [Laughter.]

The SPEAKER. The gentleman from Indiana will give attention to the gentleman from Alabama. [Laughter and applause.]

Mr. AUSTIN. I should like to ask the gentleman from Alabama if this committee could not hike it, as Gen. Rosalie Jones did? [Laughter.]

Mr. HEFLIN. Mr. Speaker, I am pretty certain that my friend does not intend to oppose this resolution, nor do I believe any gentleman on this floor will oppose it.

Mr. COX. Mr. Speaker, I want to say, in response to that, that I will not oppose it unless it is proposed that this junketing party shall be paid for at public expense. If that be the proposition, I shall oppose it.

Mr. HEFLIN. I will say, for the information and consolation of my friend, that it has been suggested to me that it will take an appropriation to pay the expenses of these gentlemen. If such an appropriation is proposed, then the gentlemen can raise his point and put himself on record as opposed to junketing trips.

Mr. COX. I will do it right now for that matter.

Mr. HEFLIN. But I do not consider the sending of a delegation of Congressmen to the unveiling of a monument to Thomas Jefferson as being a junketing trip. [Applause.]

Now, Mr. Speaker, I yield five minutes to the gentleman from St. Louis, Mr. DYER, and reserve the remainder of my time.

Mr. DYER. Mr. Speaker, this resolution, called up by the distinguished chairman of the Committee on Industrial Arts and Expositions, was introduced into the House of Representatives by the gentleman from Indiana [Mr. CULLOP] on January 28, 1913, and by me favorably reported to the House from the Committee on Industrial Arts and Expositions February 5, 1913, and it is as follows:

Whereas the president of the Louisiana Purchase Exposition Co. has informed the Senate that, with the approval of Congress, as expressed by an act of March 4, 1909, the Louisiana Purchase Exposition has erected upon the site of the world's fair in the city of St. Louis a memorial to Thomas Jefferson, at a cost of $450,000, in commemoration of the acquisition of the Louisiana territory; and

Whereas this statue of Mr. Jefferson is to be unveiled and dedicated on the one hundred and tenth anniversary of the signing of the Louisiana Purchase treaty, the 30th of April, 1913; and

Whereas the trustees in charge of this great memorial have, through the president of the exposition company, requested the presence of a committee of the House of Representatives to participate in the dedicatory services on the day named, to the end that the House make proper recognition of said invitation: Therefore be it

Resolved, That a committee of 12 Members of the House of Representatives be appointed by the Speaker of the House to attend said ceremonies and represent the House of Representatives at the unveiling and dedication of said memorial.

Mr. Speaker, the money that has been used to build this monument and memorial to Thomas Jefferson, amounting to $450,000, was contributed in part by this Government out of money which it donated to the Louisiana Purchase Exposition, to the extent of $150,000. An additional $150,000 was contributed by the Louisiana Purchase Exposition Co., and an additional $150,000, making a total of $450,000, was contributed by the city of St. Louis.

This monument is a splendid memorial to Thomas Jefferson, and, in addition, it is to contain the archives of the Louisiana Purchase Exposition.

One of the greatest events in the history of this country was the acquisition of the Louisiana Purchase, and we of the city of St. Louis look upon this coming event of next April as one of national importance. The Senate of the United States has already appointed a committee to go to St. Louis on the 30th of April to witness and participate in this dedication. It would to us be humiliating, indeed, if the House of Representatives should fail to send a committee to participate, not in a local celebration, not in a junket, but an event that is the crowning glory of that great exposition.

To my mind, as a Member on this side of the House, Thomas Jefferson was one of the greatest Democratic statesmen that this country has ever produced. [Applause.] If there is any other to equal him, it is that great Missourian who to-day occupies the next to the highest office in this land, the Speaker of this House. [Loud applause.]

We Missourians, regardless of party, ought to have at least something that we might console ourselves with on the 4th of March. [Laughter and applause.] We feel, Mr. Speaker, when we go up the Avenue here and witness the scenes about this Chamber that a great event is to happen the day after to-morrow, and we of Missouri, regardless of party, believe that the ablest man in the history of that State, the greatest Democrat of to-day, as Jefferson was in his day, and the one who should have the right to be exalted on the 4th of March is Missouri's favorite son, the Hon. CHAMP CLARK. [Loud applause.]

I trust, Mr. Speaker, that the time that this applause has taken will not be taken out of my time. [Laughter.] I wish, Mr. Speaker, that this resolution might be unanimously adopted, as this monument and memorial will further emphasize to America the great national importance of the Louisiana Purchase Exposition held at St. Louis, and to the committee who shall come to St. Louis on April 30 for the dedication we will show them one of the most splendid memorials, not only to a great man, but one which will further teach the people of this country that the Louisiana Purchase was one of the, if not the greatest, events in the history of America. [Applause.]

Mr. COX. Mr. Speaker, at the risk of being called unpatriotic, as well as un-Democratic, I wish to enter my protest against this resolution unless this junketing party proposes to pay its own expenses. I know, and know full well, that I will be criticized for entering this protest and will be called a cheeseparing Member of Congress in raising my voice in protest to it. But what good will it do? What benefit will inure to the great mass of the American people? To what extent will it tend to immortalize the name of the great Thomas Jefferson by sending a bunch of Members of Congress there at public expense, with no other purpose on earth than to have a good junketing party at public expense?

I wonder whether the gentleman in charge of this bill would object to an amendment providing that the Members appointed to take this journey shall bear their own expense? I realize full well that the temper of the House this evening is such that it is a mere waste of breath to protest against this resolution. I saw it demonstrated this evening. A few men on this side of the House have stood here for the past few weeks, in season and out of season, talking and voting economy, and yet this

evening when the minority leader threw a challenge full and fair in the faces of us Democrats upon a small matter I saw my own party stand up here and go back upon the things they have stood for within the last 18 months.

The man that will stand on the floor of this House and talk for the men who are going to pay the bill in the last analysis does not get very far. I realize that he has not very many auditors to sit and listen to him. The gentleman from Georgia [Mr. RODDENBERY] time and time again has called the attention of this side of the House to the enormous appropriation bills that were passing through here, and as certain as election day rolls around in 1914—let us be not deceived—the people are going to call us to account for it.

If this measure served any good or any benefit to the people, I would be the last man on the floor of the House to oppose it. But no benefit, no results, will be added to the honor, glory, grandeur, and greatness of Jefferson. Shall the Congress of the United States, merely because it has been asked and invited by the trustees of the Louisiana Purchase Exposition, send 24 men from Washington City to St. Louis, when later on they will be called upon to pay bills of two or three thousand dollars for their expenses? I protest against it. I protest against it because no good will come to the people. I protest against it because it will not add one iota to the greatness of Jefferson. Mr. Speaker, I reserve the balance of my time.

Mr. HEFLIN. Mr. Speaker, how much time did the gentleman from Indiana consume?

The SPEAKER. Five minutes.

Mr. HEFLIN. Mr. Speaker, I would like to have the gentleman consume some more of his time.

Mr. COX. Mr. Speaker, will the gentleman from Alabama yield for a question?

Mr. HEFLIN. Certainly.

Mr. COX. That is as to whether or not the gentleman in charge of the bill would consent to have this amendment incorporated in his resolution:

Provided, Said Members of the House appointed under this resolution shall bear their own expenses.

Mr. HEFLIN. Mr. Speaker, the gentleman has 20 minutes at his disposal in which to express his views on this matter. I realize the importance of time, and I do not want to consume it unnecessarily. The gentleman from Missouri [Mr. DYER] represents the district in which this monument has been erected, and I think the gentleman from Indiana [Mr. COX] is about the only man in the House who wants to oppose the resolution.

Mr. COX. That might be.

Mr. HEFLIN. I am not authorized to open the resolution for amendment. The gentleman from Missouri [Mr. DYER] is the Member who reported the resolution from my committee. The gentleman from Indiana [Mr. CULLOP], the gentleman's colleague, was the chairman of the subcommittee, the author of the resolution.

Mr. COX. Mr. Speaker, I put the question to the gentleman because he is in charge of the resolution on the floor of the House.

Mr. HEFLIN. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, there ought not to be a single vote cast against this resolution. The Louisiana purchase was one of the greatest events in the history of our country. A great domain of approximately 400,000,000 acres was purchased for $15,000,000, or about 3 cents an acre. It was obtained by the wisdom and statesmanship of Thomas Jefferson. That great historical event was fittingly celebrated in the city of St. Louis nine years ago, 100 years after the purchase of that great domain. The great exposition celebrating that event was one of the greatest world's fairs this country has ever seen, and one of the most successful. This Government participated in that exposition and contributed materially toward its success. It even loaned the Louisiana Purchase Exposition management $4,600,000, and to the surprise of this Congress and of the country the exposition company paid back every dollar of that loan.

After the exposition was over and money had been made, instead of distributing it among the stockholders it was proposed to expend the money in building a monument upon the grounds where the exposition was held—a great memorial—to Thomas Jefferson, whose wisdom and statesmanship had procured that great domain. It is now proposed by the management of that exposition company on April 30 next, the anniversary of this great and important event, to unveil and dedicate that monument. It will certainly be appropriate for the Government to participate, and Congress should be represented on that great occasion. I do not know whether there will ever be an effort made to appropriate money to pay the expenses of the delegates who may go there, but if there should be it is time enough to fight that appropriation when the proposition is made. This resolution does not ask for or appropriate a dollar. Sufficient unto the day is the evil thereof. So far as I am concerned, I am willing that this resolution should be passed and that the men should go there at their own expense or at the expense of the Government, as may hereafter be determined.

Mr. COX. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I live close to the city of St. Louis. I regard it as one of the greatest cities of the country. Its citizens are an enterprising people and I commend them for building this monument to the great American citizen. The district I have the honor to represent extends within a few miles of the city of St. Louis. I believe as much as any man in this House in the principles of government as laid down by Thomas Jefferson, but I also believe that Thomas Jefferson never taught the American Congress that they ought to provide junketing trips for Members of Congress to go 1,000 miles from home. He did teach economy in governmental affairs and believed in lightening the burdens of those who toil. It is all very well that men should appear at St. Louis at the unveiling of this monument to do honor to the name of Jefferson, but let us have some regard for the taxpayers, too, when a thing is useless.

Mr. JAMES. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. FOSTER. Yes.

Mr. JAMES. How did the gentleman vote on the question of the memorial to Abraham Lincoln?

Mr. FOSTER. I voted the other day to locate the memorial in Potomac Park, the same as the gentleman from Kentucky.

Mr. JAMES. For $2,000,000?

Mr. FOSTER. Yes. The original bill carried that amount, which passed some time ago.

Mr. JAMES. And yet the gentleman is raising a row about paying the expenses of some gentlemen who may attend to celebrate the unveiling of a monument to Thomas Jefferson. [Applause.]

Mr. FOSTER. Mr. Speaker, let me say to the gentleman from Kentucky that I did not vote for any junketing trips in honor of Abraham Lincoln. I voted for a real monument to that great man, who did so much for this Union, and I would be willing to vote for a real monument to Thomas Jefferson that would do honor to his memory, but not to pay money out of the United States Treasury to send men out on a junketing trip over the country. That is not honoring the name of Thomas Jefferson.

Mr. JAMES. Will the gentleman yield?

Mr. FOSTER. Would the gentleman from Kentucky be willing to be appointed on this committee, at his own expense, and show his patriotism toward his country and honor toward Thomas Jefferson by paying his own expenses to the city of St. Louis?

Mr. JAMES. Will the gentleman yield for an answer?

The SPEAKER. Will the gentleman from Illinois yield to the Senator from Kentucky. [Applause.]

Mr. FOSTER. I do.

Mr. JAMES. I want to ask the gentleman this question: So far as the gentleman from Kentucky is concerned, he does not expect to be a member of this committee, and would not accept a place upon this committee, but I regard it as a cheap appeal to the spirit of demagogy for a man to assert upon this floor that the Congress of the United States ought to send a delegation of its membership to the unveiling of a monument to the greatest Democrat this world ever grew and say that they ought to pay their own expenses. [Applause.]

Mr. FOSTER. Mr. Speaker, I have not asked anyone to go, but, in the opinion of the gentleman from Kentucky, it may be demagogy to save to those who labor in season and out of season, those who earn their bread by the sweat of their faces, who must go down in their pockets to pay the expenses of the Government, to come here to this Congress and say to the American people it is demagogy when you want to save that tax to the American people. Mr. Speaker, that I should stand upon this floor and be characterized by the Senator from Kentucky that it is cheap demagogy for me to do that, I say to him I glory in the distinction that he gives me. [Applause.] I have heard the gentleman from Kentucky appeal to Members of this House and appeal to the country to lighten the burdens that are upon the backs of the American people. Is he so soon to forget his appeal when he is about to leave this House?

The SPEAKER. The time of the gentleman has expired.

Mr. COX. How much time have I remaining?

The SPEAKER. Nine minutes.

Mr. COX. I yield the gentleman two minutes.

Mr. FOSTER. And yet we are told here to-night by the gentleman from Kentucky, after his long service in this House, which has been a distinguished service, that in asking that the burdens be taken off those who toil, that any man who stands upon the floor of this House and asks to save something, though it may be small, to the people, is engaged in cheap demagogy. [Applause.] I welcome the name he gives me, as I am trying to save money to the Treasury. I say to him, go back to his home in Kentucky and tell the people there that he has voted to take from their pockets and from their earnings to pay for a junketing trip for men who do not honor the name of Thomas Jefferson more than he is honored at this time. Mr. Speaker, I realize that it is not a large matter, that the appropriation, if made, would not be large, yet I believe that I have the right to stand upon the floor as one Member and protest against such a useless appropriation. It is easy to be patriotic in spending money when it comes out of the pocket of some one else. Real patriotism means to save to those who pay the taxes whenever possible to do so. It means economy with other people's money.

Mr. COX. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Speaker, I am against this bill because the bill is trying to obtain money under false pretenses. [Laughter.] I am against this bill because, as the Senator from Kentucky rightly said, it is a foregone conclusion that Congress will eventually pay the expenses of the delegation. Moreover I remember about a year ago the gentleman from Indiana opposed the raising of wages of Government clerks from $600 to $720 on the pretext of economy, and on this occasion he is willing to spend money on a junketing trip without even stating what the sum is to be——

Mr. COX. The gentleman says "the gentleman from Indiana."

Mr. BERGER. I mean Mr. CULLOP, who is the author of the bill.

Mr. HEFLIN. Will the gentleman yield?

Mr. BERGER. I have only three minutes and I can not yield to the gentleman from Alabama unless you give me time. Thomas Jefferson needs no monument of stone or brick. He has built a different kind of monument for himself. I really believe if Thomas Jefferson lived to-day he would oppose a bill of this kind. [Laughter and applause.]

Mr. KINDRED. Will the gentleman yield for a brief question?

Mr. BERGER. I can not because I have not the time. If we proceed in this way then we might send a delegation of 12 Representatives to St. Louis this week to the unveiling of a statue of Jefferson, one next month to New York to the unveiling of a statue of Hamilton, and then one again to San Francisco for some similar occasion. The bill establishes a bad precedent, if it should pass, and there will be no end to our spending money for junkets. Therefore I am against the bill.

Mr. COX. Will the gentleman from Alabama use some of his time? I have only four minutes.

The SPEAKER. The gentleman from Indiana has four minutes and the gentleman from Alabama seven minutes.

Mr. HEFLIN. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, the memorial to Thomas Jefferson, of which we speak, has been reared in the district which I have the honor to represent on this floor. As far as we know, it is the only memorial that has ever been erected upon American soil to the memory of Thomas Jefferson, and I think it would be fitting, indeed, if this ceremony, which is to take place on the 30th of April, would be clothed with the dignity of national representation.

Of course, we in St. Louis could easily pay the expenses of these gentlemen, but it never occurred to us that there would be anyone in Congress who would refuse to lend national dignity to this affair by sending the delegation on behalf and in the name of the American Congress at the expense of the United States Government. [Applause.] This memorial, Mr. Speaker, is not a simple affair. It is going to contain the archives of Thomas Jefferson. It is going to be a counterpart to that splendid memorial which is to be erected on the banks of the Potomac to the memory of Abraham Lincoln, and could you imagine a more fitting place for a Jefferson memorial than in the city of St. Louis, the great metropolis in the territory of the Louisiana Purchase, a great achievement of Thomas Jefferson, if not the very greatest, in his illustrious career. [Applause.]

Mr. Speaker, in all frankness, is it not about time to stop the practice of stigmatizing as a junket every official participation of Representatives of the national legislative body in celebrations like the one now under discussion? Such practice, in my judgment, detracts from the dignity of Congress and belittles this great body in the eyes of the people. I do not believe that Congress ever did authorize anything that might with justice be termed a junket, for that term implies participation by Congress in an event having an unnecessary or unworthy purpose. The proposed Jefferson celebration at St. Louis is intended to subserve a great national purpose. It will be the culmination of the greatest international exposition ever held in this or any other country and a last and fitting tribute by the present generation to commemorate one of the greatest events in America's history. The people of St. Louis, I believe, are really entitled to the gratitude of the Nation for their patriotic contribution to the number of great American monuments and for the opportunity they are giving Congress to participate in this national celebration. I hope the resolution will pass without a dissenting vote. [Applause.]

Mr. COX. Is the gentleman from Alabama [Mr. HEFLIN] going to use all of his time in which to close?

Mr. HEFLIN. I would like the gentleman to use some of his time.

Mr. COX. There is going to be only one more speech on this side.

Mr. HEFLIN. I yield two minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, there is existing in this House a disease with certain gentlemen that we might call "economitis." It is spasmodic and for home consumption.

These gentlemen, in their crust-paring speeches, remind me of the story of the negro who went to his boss man after slavery time and told him that he was going to get a divorce from his wife. The boss man said to him: "Sam, you have not been married more than two weeks. Do you want a divorce already?" "Yes, sah; I have got to have a divo'ce." "What is the trouble?" "Well, all the time it is money, money, money." "You better go and try to live together." "No, sah, Boss, I cain't live with that nigger." "Tell me what the trouble is." "Well, ev'ry time I comes home its money, money, money, all de time." "Well, what does she do with it?" "Gawd knows, Boss; I habn't given her none yit." [Laughter.]

And that seems to be the case here. We haven't given any yet for a monument to Jefferson. We erect monuments to Washington, Lincoln, Sherman, Columbus, and others, but not a monument has been erected to Thomas Jefferson, the greatest man this country has ever produced. And I think it comes with bad grace on the part of Democrats to oppose this measure, when, in point of fact, it does not appropriate or carry a single dollar of Government funds. But even if it did carry an appropriation to bear this expense it would not exceed $250 or $300. And the idea of Representatives standing on the floor of this House and opposing this measure, when the people of that section have done such a magnificent thing as to expend $450,000 to erect a magnificent monument to Thomas Jefferson, and object to such a meritorious thing, should not appeal to Democrats, at least.

Mr. COX. Mr. Speaker, just a word. I was not insensible to the fact that I would lay myself open to severe criticism and censure because I raised this protest. I am perfectly willing to bear the odium. I am perfectly willing to bear the censure; aye, Mr. Speaker, I am willing to be called a demagogue by the gentleman from Kentucky [Mr. JAMES]—perfectly willing to accept it—and if my statements and my conduct on the floor of this House in standing for economy be demagogy, let the gentleman from Kentucky take it back to his native State and make the most of it. Time and time again I have heard his loud voice, as he stood on the floor of this House, shouting, talking about lifting the burdens—lifting the burdens—from the great common people of this country. [Laughter.]

No man, from his infancy up to this hour, has been a more consistent follower or believer in the doctrine taught by Thomas Jefferson than I have. One of the cardinal principles of the doctrine of Jefferson was that no money should be taken from the Public Treasury except it be for the public use, and then to the end only that the burdens of labor might be lessened.

Something has been injected here about the great World's Fair at St. Louis. I remember it developed here in the discussion on the floor of this House the other day, and I took occasion to look it up. The American people were taxed, in round numbers, $5,000,000 to maintain that exposition, which was never refunded to them. After all, Mr. Speaker, it simply boils itself down to the one proposition, Shall we pass this bill for the sole and express purpose of giving 12 men a junketing trip?

It is perfectly apparent, perfectly patent and plain to anyone, that later on Congress will be asked to appropriate money to pay this expense, because I put the query to the gentleman in charge of the bill a moment ago, whether or not he would consent that an amendment be incorporated here, precluding the expense, and he evaded the question, showing that he was unwilling that the amendment should be incorporated here.

I have no objection to the entire membership of the House and Senate going to the unveiling of that monument if they are willing to go there at their own expense.

The gentleman from Georgia [Mr. EDWARDS] may criticize economy all he pleases, but let me inform him, Mr. Speaker, that he would not talk that way if he lived in the State of Indiana, where he had to go up against the real steel of a Republican Party. He would be called on the green carpet there to render an account of his stewardship here. He would be called upon to answer to the question, "Why did you vote this out of the Public Treasury?" if he lived where he had a Republican after him 24 hours of every day, making him explain these things. I can understand why he is willing to run his arms into the Treasury of the United States. It is because he has no opposition.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. HEFLIN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman's time has expired, and he can not yield for a question.

Mr. HEFLIN. Mr. Speaker, I yield four minutes, the remainder of my time, to that great Democrat from Kentucky, OLLIE JAMES. [Applause.]

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] is recognized for four minutes.

Mr. JAMES. Mr. Speaker, I have heard of Democrats of different grades [laughter], but I never expected to hear of a Democrat who would undertake to economize at the expense of the glory of the father of Democracy. [Applause.] My distinguished twin brothers of one-cent economy, who sit in front of me [laughter], protest they are terribly aroused lest the memory of that great man who wrote that chart of human liberty that has been transcribed into every language of the earth and has nerved the arm of peoples in distant lands to fight for liberty [applause] should be held lightly; and yet these gentlemen would ask the great American Congress of the greatest Republic in all the tide of time to be so cheap, to be so stingy, as to send, at their own expense or not at all, its delegation to the city of St. Louis, a city whose magnanimous democracy had willingly given from their own pockets $450,000 to erect this statue—to be so miserly that we would not send a delegation of our own there unless they paid their own expenses. [Applause.] The delegation goes, if it goes at all, to represent the Nation, in its honor, its glory, its dignity, yea, its gratitude, to the one who founded it. They go at our command; we should defray their expenses. Why, gentlemen, let me tell you, there is no man upon this floor that has struggled more for economy than I have, but I have battled that that economy shall come in a sane way; but it can not come from the petty tactics of gentlemen here who would undertake to go back home and say to the great democracy, "Send me back to Congress; I kept a delegation from going from the Congress of the United States to participate in the unveiling of a monument to the memory of the great Thomas Jefferson, of Virginia, the father of Democracy, the evangel of freedom." [Great applause.]

The SPEAKER. The question is, Shall the rules be suspended and this resolution passed?

The question was taken.

The SPEAKER. Evidently two-thirds having voted in the affirmative——

Mr. COX. A division, Mr. Speaker.

Mr. HEFLIN. Mr. Speaker, I myself was about to ask for a division. [Laughter.]

The SPEAKER. Both of you can get it. Those in favor of suspending the rules and passing this resolution will rise in their places and stand until they are counted. [After counting.] Two hundred and five gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Twenty-one gentlemen have risen in the negative. On this vote the ayes are 205 and the noes are 21. Two-thirds having voted in the affimative, the rules are suspended and the resolution is agreed to. [Applause.]

SUPERVISION OF THE LINCOLN MEMORIAL.

Mr. MANN. Mr. Speaker, in the absence of my colleague [Mr. CANNON], who is engaged in a conference committee, and at his request and with my own hearty support, I ask unanimous consent that the Chair lay before the House the bill (S. 8589) relating to the supervision of the Lincoln Memorial, for immediate consideration.

The SPEAKER. The Chair lays before the House Senate bill 8589. The Clerk will report it.

The bill was read, as follows:

Be it enacted, etc., That in the exercise of its control and direction for the construction of the Lincoln Memorial, authorized by act of Congress approved February 9, 1911, the commission created by said act shall designate to perform the duty of special resident commissioner to represent the commission in the oversight of the work the Hon. SHELBY M. CULLOM, who, at the time of the adoption of this act, is the senior member of the commission in continuous service of the United States; and for the special service of the member so designated he shall be entitled to receive compensation at the rate of $5,000 a year out of the appropriations for the construction of such memorial.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the bill relating to publicity in the taking of evidence be granted leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all Members who spoke on the bill referred to by him shall have the right to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that I may extend my remarks on the Jefferson memorial resolution.

Mr. EDWARDS. I make a similar request.

The SPEAKER. Is there objection?

There was no objection.

ROBERT N. CAMPBELL.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army.

The bill was read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint Robert N. Campbell a first lieutenant in the Coast Artillery Corps, United States Army, to take rank next after First Lieut. Robert O. Edwards, Coast Artillery Corps, the said Robert N. Campbell having served for a period of eight years and six months, from June, 1902, to December, 1910.

SEC. 2. That the said Robert N. Campbell shall receive no pay or emolument except from the date of his appointment.

Mr. AUSTIN. Mr. Speaker, this bill has been unanimously reported——

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SABATH. I object.

Mr. AUSTIN. Mr. Speaker, I move to suspend the rules and pass this bill.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules and pass the bill.

Mr. SABATH. I demand a second.

Mr. AUSTIN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] has 20 minutes and the gentleman from Illinois [Mr. SABATH] 20 minutes.

Mr. AUSTIN. Mr. Speaker, this is a bill that was unanimously reported to the Senate, passed the Senate by a unanimous vote, came to the House, and is now up for passage. A similar bill has been introduced in the House, referred to the Committee on Military Affairs, and favorably reported by the unanimous vote of that committee, and its passage is recommended by the Secretary of War. In a letter to the Committee on Military Affairs, the Secretary of War states:

He was educated for the service, and while in it was an excellent officer. It is believed to be to the advantage of the United States, and would violate the rights of no officer now in the service, should Mr. Campbell be again commissioned as provided in House bill 24739. Favorable action is accordingly recommended by the War Department.

The President of the United States is constantly appointing men from private life to fill vacancies in the Army. This young man has been out of the service for six years. He was educated at West Point, and has had six or eight years practical experience in the Army, where his record was excellent. Now the Government needs his services.

Mr. SABATH. Can the gentleman explain to me why he went out of the service?

Mr. AUSTIN. He went out voluntarily, resigned to enter business.

Mr. SABATH. And has failed in business, has he not?

Mr. AUSTIN. He has not failed in business.

Mr. SAMUEL W. SMITH. What does the gentleman from Tennessee propose to do?

Mr. AUSTIN. To reinstate him in the Army.

Mr. SAMUEL W. SMITH. At what grade?

Mr. AUSTIN. He was a first lieutenant when he resigned.

Mr. SAMUEL W. SMITH. And you are going to restore him as first lieutenant?

Mr. AUSTIN. Yes; when he tendered his resignation it was to take charge of a large estate owned by some relative, but that having been settled and disposed of, he proposes now to reenter the service of the United States.

Mr. SABATH. How old is he?

Mr. AUSTIN. He graduated from West Point in 1902—I should say he was thirty-one or two years of age, right in the prime of life. He is well known to the gentleman from Connecticut [Mr. TILSON], of the Military Affairs Committee, which reported this bill. He belongs to a prominent family at Johnson City, Tenn. He has all the confidence of the officers under whom he served.

Mr. HARDWICK. Do I understand the gentleman to say that the Government needs officers in the Army?

Mr. AUSTIN. Yes.

Mr. HARDWICK. And that we haven't got enough now, but have to appoint more?

Mr. AUSTIN. Yes.

Mr. HARDWICK. Is the gentleman positive about that?

Mr. AUSTIN. We held an examination last year for appointments.

Mr. HARDWICK. Yes; we do that. But I mean at this particular time.

Mr. TILSON. Mr. Speaker, they are constantly appointing officers, because there are vacancies occurring all the time.

Mr. AUSTIN. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, it happens that I know this young man, and I know something of the circumstances under which he went out of the Army. He went out to take up business. He did not fail in business, but after attending to some special work that he went out to do, the call of the Army was such that it drew him back irresistibly, and he began at once to seek to return to the work for which he had been educated. I think it commendable on his part that he should seek to go back into the service which he ought not to have left.

Mr. HOWARD. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. HOWARD. I notice that you say he shall be reinstated after Lieut. Robert O. Edwards. Do you mean to bracket this man and carry him up and let him lose nothing by this six or eight years' absence?

Mr. TILSON. He has not been out of the service for six or eight years.

Mr. HOWARD. How long has he been out of the service?

Mr. TILSON. I do not know, exactly.

Mr. MANN. He resigned December 31, 1910.

Mr. HOWARD. Have any promotions been made in the service since that time?

Mr. TILSON. Oh, undoubtedly a number of files have been advanced.

Mr. HOWARD. And this man Edwards is in the same position now as this man would have been in if he had stayed in the service. Is that true?

Mr. TILSON Every man behind him will be held back one file.

Mr. SAMUEL W. SMITH. May I ask the gentleman why he should not take the place that he would have if he was just appointed?

Mr. TILSON. The gentleman must understand that by so doing he would be placed below the rank of those that went out with him, the men in the class with him, and so down.

Mr. SAMUEL W. SMITH. Why should not he be, as he has not been in the service of the United States for three years?

Mr. HARDWICK. If the man stood an examination he would have to go below these men.

Mr. TILSON. If he went in that way, he would begin all over again and would have to enter as a second lieutenant.

Mr. HARDWICK. Why should not he; he was out all this time?

Mr. TILSON. He has had all of the training up to this point as a first lieutenant.

Mr. HARDWICK. Yes; but he ought not to take the rank that is given him by this bill.

Mr. SAMUEL W. SMITH. Does the gentleman think he ought to take the place of those who have been in the service all along?

Mr. HOWARD. Mr. Speaker, the reinstatement of an officer either in the Army or the Navy or the Marine Corps, ordinarily, when he quit of his own volition is a dangerous precedent to set. In May, 1911, I introduced in this House a bill for the reinstatement of Lieut. Col. Constantine Marast Perkins, of Georgia, who was Dreyfused out of the service, charged with mental incapacity for the discharge of the duties of his rank. It was a blot upon the history of the American Navy, and it was so stated by the entire Committee on Naval Affairs in making the report to the House. Time and time again, with all the evidence in this case showing that certain officers of the Marine Corps had an ulterior motive in Dreyfussing this man out of the service, I have tried to have this Congress do justice to this officer, who served 32 years for his country and on every occasion demonstrated his courage and unusual fitness to command men. Yet the gentleman from Illinois [Mr. MANN] has invariably objected, and this officer has been kept from enjoying the rights of a brave soldier in the service of his country. This man did not go out voluntarily, but involuntarily, and as the distinguished gentleman from Mississippi who made the report for the Naval Committee in the case said, "This is one dark blot on the luster of the American Navy," and it should be removed. Yet in the face of this unanimous report, in the face of the report from the Marine Corps and from the Navy Department, I have been unable to persuade the gentleman from Illinois [Mr. MANN] that this gallant officer ought to go back into the service. I do not feel that I would be just to this chivalrous Georgian if I stood in my place and allowed a man of wealth, a man of prestige, to be reinstated, when he resigned from his post after having received an education at an expense of $18,000 on the part of the Government.

If this man goes back in the service, this splendid officer who was kicked out of the American Navy will go back. We can not make fish of one and fowl of another. The officer this bill seeks to restore has been out of the service a year or two years, as the gentleman from Illinois says. They bracketed this man, and they carried him as an extra number, and he goes on up. He does not lose one solitary, single day in his longevity pay, and I am against any effort on the part of any gentleman on the floor of this House to reinstate this man, because I am thoroughly convinced that there is not a more worthy case pending in Congress than the case of Lieut. Col. Perkins.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. HOWARD. Mr. Speaker, for seven long weeks, day in and day out, Republican and Democratic Members heard the testimony in this case. The department reversed itself; and for the personal reason that somebody will probably be skinned if this gallant officer is reinstated, I have been balked in meting out justice to this man in the American Congress. You come in here with these personal bills for reinstatement. This man voluntarily resigned from the service. He was in a position to resign. I do not know whether he has made a failure in business or not. I have no disparaging word for this young man who seeks to go back into the service he loves, but I do say it is unjust to keep this bill of Col. Perkins on the Private Calendar for nearly two years, and for one man not to allow Congress to consider it for one single moment.

Col. Perkins will go back in the service if I live. He has proven the finding of the retiring board in his case to be a gross calumny. The Judge Advocate General of the Navy Department, who reviewed the testimony submitted, reversed its findings and said it had nothing upon which to base its judgment.

Col. Perkins is in the prime of lafe, magnificently equipped professionally, mentally, and physically to again discharge the duties of his beloved profession which he discharged so efficiently and so faithfully for 32 years without one blot upon it. Oh, if I had the time, how I could uncover the skeletons in the closets of those who perpetrated this outrage.

Mr. SABATH. Mr. Speaker, I yield seven minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is to provide for the reinstatement of an officer in the Army. There is no information contained in the report on the Senate bill except a reference to a report upon a House bill somewhat similar, and there is scarcely any information in the report on the House bill. The House bill proposes to reinstate this officer to take rank next after First Lieut. John G. Holtz. The Senate bill proposes to reinstate him to take rank next after First Lieut. Robert O.

Edwards. There has been not a suggestion made in the report or elsewhere to indicate why the officer should be reinstated to take rank after either one of these gentlemen, and no reason given for the change of the opinion of the committee that first recommended that the officer take rank, if reinstated, after Holtz and later that he should take rank after Edwards. In the House bill as originally introduced there was provision that this officer should have the benefit, when reinstated, of longevity pay based on the time he had been out of the Army as well as upon the time he has been in the Army. That probably represents his feeling and attitude in reference to the Army.

This man was sent to the Military Academy and graduated from there in 1906. My recollection is that the boys who go to the academy sign an agreement that they will serve in the Army for a period of time. May I ask some member of the Military Affairs Committee how long they do agree to serve?

Mr. AUSTIN. My recollection is, so far as the Navy is concerned, that it is eight years, including the four years time in the Naval Academy, and I think the same rule applies to the Army.

Mr. McKELLAR. It is four years.

Mr. MANN. I thought it was six years, and I still think it is six.

Mr. KAHN. It is four years.

Mr. MANN. I accept the gentleman's statement.

Mr. McKELLAR. I thank the gentleman for accepting the statement of the gentleman from California instead of mine.

Mr. MANN. Oh, I had another subsequent statement after the gentleman from Tennessee had informed me. If he was to serve four years, he served four years and then resigned. Having resigned, if he wants to go back in the Army let him go back without taking the place or numbers of any man who remained in the Army. He wants to go back in and displace in number some man who remained in the Army. These men who were educated at the expense of the Government and then leave the service while they are still boys to try their business capacity and find they have not business capacity, if they want to go back in the Army they ought not to displace in numbers the men who remain in the service of the Army. It is not treating the man who stays in fairly. This man asks to go back in the same place that he held when he went out. It ought not to be allowed, and the bill ought not to pass.

Mr. AUSTIN. Mr. Speaker, I yield three minutes to my colleague from Tennessee [Mr. McKELLAR], who reported this bill.

Mr. McKELLAR. Mr. Speaker, I think the gentleman from Illinois [Mr. MANN] is unduly alarmed about this matter. The fact is that the House Committee on Military Affairs first reported this bill providing that Mr. Campbell should have virtually the same place that he would have had if he had not resigned from the Army. He resigned only a short time before this bill was originally introduced, and at the time there were only a few numbers between where he was when he left the military service and where he would have been if he had been put back again. Now, between the time the bill was first reported to the House and the time it was reported to the Senate, there were many numbers intervening, and, therefore, the Senate amended the bill by putting Mr. Campbell, not ahead of any other officer, but where he would be if he were to go in the Army to-day. In other words, Mr. Campbell has lost some 70 numbers by reason of his being out of the Army only about two years. He goes back considerably behind his class; almost two years behind his class. Mr. Campbell is a fine officer. He made an excellent record at West Point; was a good officer in the Army, and a gentleman of the highest standing and integrity. He is from my State. I know him personally, and am sure if he is reinstated in the Army we will make no mistake in putting him back. This bill was sent to the War Department. Mr. Campbell had good reasons for resigning, and they were family reasons. The matter was laid before the War Department, and there is a recommendation from the War Department that Mr. Campbell be reinstated in the service of the Army. He is a capable and efficient officer, and the War Department desires his services.

Mr. SABATH. Will the gentleman yield?

Mr. McKELLAR. I will.

Mr. SABATH. Does the report show where there is such a recommendation?

Mr. McKELLAR. I do not think the Senate report is full, but the report of the House Committee on Military Affairs shows all the facts. The gentleman from Illinois was correct about the report not being in full, and it does not show the numbers that Mr. Campbell lost, but as a matter of fact he did lose about 70 numbers, as can be seen by looking at the Army Register, and he is certainly entitled to go back into the Army, because he had been educated at great expense by the Government—some $19,000 in all—is a robust man, and the Army officials desire his return.

Mr. SABATH. Why did not he remain there if he was educated at this great expense?

Mr. McKELLAR. Because of deaths in his family, and he had to go home to make a living for those who were dependent upon him.

Mr. HOWARD. If the gentleman will permit, I thoroughly agree with him that these able-bodied men under ordinary circumstances ought to go back in the service. Does he go to the tail of the list or is not he a bracketed number and carried up ahead of a whole lot of men who stayed in the service?

Mr. McKELLAR. Oh, no; he is not put ahead of anyone.

Mr. HOWARD. Why does the gentleman specify in this bill that he is to be reinstated next after a certain man if he is not a bracketed number?

Mr. McKELLAR. If the gentleman will examine the Army Register, he will find he is the last of the list.

Mr. HOWARD. That is a complete answer if he is the last.

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

The SPEAKER. The question is, shall the rules be suspended and this bill passed.

The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds having voted in the affirmative——

Mr. SABATH. Division, Mr. Speaker.

The House divided.

The SPEAKER. On this question the ayes are 115, the noes are 39; two-thirds having voted——

Mr. MANN. Reserving the right to make a point of no quorum——

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MANN] rise?

Mr. MANN. To reserve the right to make a point of no quorum for a moment.

Mr. SABATH. Mr. Speaker, the point of no quorum has been made by the gentleman from Ohio [Mr. SHERWOOD].

Mr. MANN. I was going to say, Mr. Speaker, it is a very delicate matter to make a point of no quorum at this time in the session. Probably a quorum would not be secured, and I shall not make the point of no quorum on this bill. But if any other bills of this character come before the House, it will require a quorum to be present in order to pass them.

Mr. SLAYDEN rose.

The SPEAKER. For what purpose does the gentleman from Texas [Mr. SLAYDEN] rise?

Mr. SLAYDEN. Does the Speaker refer to me?

The SPEAKER. The gentleman was addressing the Chair.

Mr. SLAYDEN. But I did not think the Chair recognized that fact. I want to make a suggestion as to the observation made by the gentleman from Illinois. There is behind this bill one other bill that I happen to be advised about, which is not like this in the essential points, but is like it in that it proposes to take a man now on the retired list and put him to work for the Government. He is drawing three-quarters pay.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LINTHICUM. What is the point before the House?

The SPEAKER. Nothing at all.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. The gentleman from Ohio [Mr. SHERWOOD] made a point of order a moment ago that there was not a quorum present.

The SPEAKER. The Chair did not hear the gentleman from Ohio, and the gentleman from Ohio did not rise from his seat.

Mr. COX. Then, Mr. Speaker, I make the point of order on the bill.

Mr. McKELLAR. Is it not too late?

Mr. SPEAKER. Not in the condition of affairs at present.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Did I understand the Speaker a moment ago to say that he did not hear the gentleman from Ohio [Mr. SHERWOOD], who did make the point of order?

The SPEAKER. It does not make any difference whether the Chair heard him or not. The gentleman from Indiana himself has made the point of order.

Mr. COX. If I can not make the point of order on the bill that went through a moment ago I will withdraw——

The SPEAKER. The gentleman has already made the point of order.

Mr. COX. All right; I will make the point of order.

The SPEAKER. The gentleman has already done that, and there is no use of wasting any more time concerning it. The Chair will count to see if there is a quorum present. [After counting:]

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Has a Member the right to make a point of order and ask leave to withdraw it?

The SPEAKER. Certainly.

Mr. COX. That was what I was trying to do a while ago, Mr. Speaker, but the Speaker did not understand it.

The SPEAKER. Does the gentleman want to withdraw it?

Mr. COX. Yes; that is what I wanted to state a while ago.

The SPEAKER. There was so much confusion the Chair could not hear. The Chair wants to state to Members that the rule requires when a gentleman demands a division he shall rise from his seat and demand it, and the same is true as to making a point of order, so as to give the Chair a fair chance to know who the Member is. Some man in the House, not a Member at all, might do it. One day about two weeks ago there was a gentleman sitting here. He was not trying to make a point of order, as he was not a Member of the House. But sitting over here, he remarked to his neighbor, loud enough for the Chair to hear, something as to raising a point of order, and the Chair thought somebody had raised the point of order.

So great is the confusion in the House that the rule ought to be observed. The gentleman from Ohio [Mr. SHERWOOD] was not on his feet and the Chair did not hear him raise the point of order. The Chair supposed the gentleman from Indiana [Mr. COX], after he had made the point of order and had been recognized, was trying to make it over again.

On this vote the ayes are 115 and the noes are 30. Two-thirds having voted in the affirmative, the rules are suspended, and the bill is passed.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia;

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28379. An act granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18787. An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia;

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; and

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill with Senate amendments of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 20193. An act authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing processes or plant; to the Committee on Naval Affairs.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5674. An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California; and

S. 5137. An act for the relief of Alice V. Houghton.

CONTROL OF WATERS OF NIAGARA RIVER.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass House joint resolution 402 with a committee amendment.

Mr. COVINGTON. Mr. Speaker, I demand a second.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. JOHNSON of South Carolina. Mr. Speaker, let the resolution be reported first.

The SPEAKER. Of course, the resolution will be read. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Resolved, etc., That the provisions of an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, be, and they are hereby, extended and reenacted from March 4, 1913, being the date of the expiration of the operation of said act, to March 4, 1914: *Provided*, That the first proviso in section 2 of said act limiting the transmission of electrical power from the Dominion of Canada into the United States to 160,000 horsepower be amended by striking out the words "one hundred and sixty thousand" and inserting in lieu thereof the words "two hundred and fifty thousand."

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] has 20 minutes, and the gentleman from Maryland [Mr. COVINGTON] has 20.

Mr. COVINGTON. Mr. Speaker, I withdraw my demand for a second.

The SPEAKER. The gentleman from Maryland withdraws the demand.

Mr. SMITH of New York. Mr. Speaker, I renew the demand.

The SPEAKER. The gentleman from New York [Mr. SMITH] renews the demand for a second.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. FLOOD] has 20 minutes and the gentleman from New York [Mr. SMITH] has 20 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, this resolution will extend the law that now protects Niagara Falls from the activities of the power companies that desire to take the water which makes the Falls grand and beautiful for the purpose of generating power.

In 1906, owing to the fact that many charters had been granted by the State of New York for the purpose of diverting the water from these Falls to be converted into electric power, Congress passed an act limiting the amount of water that could

be taken. That act was to run for three years. In 1909 it was extended for two years more, and in 1911 it was extended to the 4th day of March, 1913; so that if this act is not extended, and no other law is enacted, there will be no law upon the statute books after next Tuesday to protect Niagara Falls from the diversion of any amount of water that these power companies may desire to take, except the treaty that has been entered into between this country and Great Britain.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HARDWICK. Ought we not to have a permanent law on that subject and not extend this from year to year?

Mr. FLOOD of Virginia. Mr. Speaker, the Committee on Foreign Affairs, to whom was referred this question, has spent much time in dealing with the complicated questions and the engineering problems that are involved in the controversy between those who desire to maintain the scenic beauty and the grandeur of Niagara Falls and the power companies that desire to divert that water for power purposes. That committee has reported a bill to this House—a bill which, we believe, deals in an equitable and just way with every phase of this controversy.

But it is perfectly evident that that bill can not get through this Congress, and therefore it is necessary to extend the existing law for 12 months in order to give the next Congress the first three months of the regular session in which to enact that law.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. FLOOD of Virginia. I do.

Mr. TOWNSEND. Is it not a fact that in the hearings before the committee of which the gentleman is chairman the testimony was to the effect that any further diversion of water would injure the scenic beauty of the Falls?

Mr. FLOOD of Virginia. That undoubtedly is true. The scenic beauty of the Falls has already been injured by the amount of water that has already been taken for power purposes.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. SIMMONS. I would like to ask the gentleman in regard to the question propounded by the gentleman from New Jersey [Mr. TOWNSEND], whether the testimony before the committee had shown that the Falls have been seriously injured. I ask if the preponderance of testimony did not contradict that statement?

Mr. FLOOD of Virginia. There was testimony there that you could take any quantity of water that these power companies might want and that the Falls would not be injured; but all of the disinterested testimony—the testimony that came from the Army engineers, undisputed by any man in that relation to this question—bore out the statement made by Gen. Bixby, that the scenic beauty of the Falls had already been injured, and that on the Canadian side of the Falls the diversion of 26,000 cubic feet per second has already reduced the flow of water about 9 inches.

I want to say to the House that unless this act is extended there will be no protection for the Falls except the treaty, and the treaty allows a greater diversion of water on this side of the Niagara River than is allowed by the law the operation of which we desire to extend.

Mr. Speaker, I reserve the remainder of my time.

Mr. MICHAEL E. DRISCOLL. Why have you allowed an increase in the amount of horsepower that may be imported?

Mr. FLOOD of Virginia. For the reason that power companies have been established on the Canadian side, and the power generated there can be brought to the American side for the purpose of being used in industries on this side; but if we do not allow that to be done then these industries will go on the other side of the river.

Mr. SMITH of New York. Mr. Speaker, I am not absolutely opposed to this resolution. My only purpose in demanding a second is to call attention to the undignified character of this legislation, and to the further fact that two committees of this House have had before them this Niagara River legislation for the last four years. Now, just before the session adjourns, we are obliged to vote once more on a resolution to extend the so-called Burton Act.

I direct the attention of Members to section 4 of the Burton Act, which they are now asked to extend. It reads as follows:

SEC. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

That treaty was actually entered into in 1909, but when we extend the Burton Act we include this provision asking the President to negotiate a treaty which is already in operation and has been for the last five years.

The treaty entered into between the United States and Great Britain provides as follows:

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

It will be seen that the treaty provides for the diversion of 4,400 cubic feet more than is allowed under the Burton Act.

I do not agree with the gentleman from Virginia [Mr. FLOOD] that serious difficulty would occur at Niagara Falls, or that the scenic grandeur would be injured by a further diversion of 4,400 feet, but I will not object to the passage of this resolution. I merely draw the attention of the House to the fact that Congress has been dawdling with this subject for four years, and, if we do not let the Burton Act expire, I can not prophesy when we ever shall get any definite regulation on the subject of this diversion of water from Niagara River.

Mr. COOPER. Mr. Speaker, I am a member of the committee which reported this bill. Under the circumstances nothing remains to be done except to vote in favor of the extension of the Burton Act.

I was opposed to the increase of the amount which may be imported from Canada from 160,000 to 250,000 horsepower. I should have very greatly preferred a simple extension of the original Burton Act, without any further allowance of an increased amount of importation from Canada. I think it should have been so handled as to prevent that, but an emergency is now before us; and inasmuch as this resolution can not be amended, there is nothing to do but to pass it.

Mr. SMITH of New York. I yield three minutes to the gentleman from New York [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, I regret that instead of considering this resolution we could not have before us the bill which has been reported by the Committee on Foreign Affairs, but, as the chairman of that committee has explained, owing to the lateness of the session, it is impossible to get consideration of it.

Therefore I heartily favor the passage of this resolution. It clearly means that we will have the opportunity to use some of the power which has been generated in Canada, and if we do not use it it will be used in Canada. Managers of factories at Niagara Falls have told me they would have to go into Canada unless they could get this permission. I do not suppose there is a Member of this body that will oppose this, inasmuch as it is for the advancement of the industrial conditions of this country instead of Canada. [Applause.]

Mr. FLOOD of Virginia. Mr. Speaker, I yield to the gentleman from Ohio [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I have asked for this brief time in which to discuss the features of the measure under discussion because I know that all are impatient to cease their labors at this late hour of the night. I am greatly pleased that there seems to be so little opposition to the passage of the resolution. I think our action will result in time in the enactment of some just measure that will have as its cardinal features provisions which will protect for all time to come the scenic beauties of the greatest natural attraction on the face of the earth.

I hope the Committee on Foreign Affairs, of which I have the honor to be a member, at the next regular session of Congress will report out a bill in the interest of such conservation of nature's charms, if I may use the expression, and when so reported it will have the same unanimous support that this measure now seems to have.

In drafting the present resolution I had only in mind the purpose of preserving the status quo of the provisions of the law known as the Burton Act; but with much regret, in so far as my own views are concerned, an amendment was adopted by the committee which gives the right to import from Canada a considerable additional amount of power over that as now authorized. This concession was made in deference to the views of those who believe that unless such power is permitted to be used by our own people it is bound in any event to be employed sooner or later on the other side of the line by the right already possessed under existing law. It is only fair to state that this belief alone influenced the committee in conceding any additional importation of power.

The chairman of the committee, Mr. FLOOD of Virginia, who has given considerable thought to the subject, has just stated the most important reasons for continuing the present restrictions and regulations as to the diversion of water above Niagara

Falls, and he has referred to the Government engineers as well as others who appeared at the many hearings had upon this subject before the committee. It is not my purpose or desire to review in detail any of that evidence at this time. There is, however, another phase involved in this subject upon which I wish to address my remarks, because, after all, it is the one which, in my judgment, most powerfully influences the people not only of our own country but of the entire civilized world. It is that which has to do primarily, if not indeed wholly, with the desire and determination to preserve for all time to come the unrivaled scenic beauty and grandeur of the Niagara Falls.

Before proceeding to that discussion, however, may I be permitted to here quote from the opinion of the highest engineering authority in our Government as to the necessity for prompt action upon the part of Congress. This was called out in answer to a letter which I addressed to the Secretary of War in reference to the provisions of the bill which I had introduced, and is self-explanatory:

OFFICE OF CHIEF OF ENGINEERS,
February 21, 1913.

To the SECRETARY OF WAR:

Hon. W. G. SHARP incloses a copy of H. J. Res. 402, Sixty-second Congress, third session, to extend the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; and he requests an expression of views in the matter, more particularly in regard to the time of extension.

Unless the act in question is extended or replaced by like legislation, the question of control over water diversion and power development at Niagara Falls will be left in a state more or less chaotic. If the act expires by limitation, it is probable that all permits granted thereunder will immediately terminate. At any rate, the War Department will find it difficult, if not impossible, to exercise any control over such permits or over the disposition of any unused or unallotted water power, and no executive will be specifically charged with the duty of supervising the use of water for power development on the American side or the transmission of electrical power from or to Canada.

The proposed time of extension is considered judicious.

It is therefore the view of this office that *if other legislation is not to be enacted* on the subject, the proposed resolution should be passed.

W. H. BIXBY,
Chief of Engineers, United States Army.

WAR DEPARTMENT, *February 24, 1913.*

Respectfully returned to Hon. W. G. SHARP, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, in whose views the department concurs.

HENRY L. STIMSON,
Secretary of War.

It would seem as though such an opinion should have much weight with the membership of this House in taking prompt and favorable action upon the measure before us. As to what effect even the present rate of diversion of water above the Falls has already had upon their volume and appearance, let me quote from the report of Maj. Charles Keller, Corps of Engineers, United States Army, who was commissioned a few years ago to conduct a most thorough investigation of this subject, in which he says:

The extremely low water of 1895 was due to natural causes, and such a deficiency in precipitation is sure to recur. When this happens, Lake Erie, if still in its natural unrestrained state, will be lowered approximately 2 feet below the summer elevations of 1907 and 1908. Nature will then reduce the height of the sheet flowing over the American Fall by over 3 inches and that over the west end of the Canadian Fall by over 14 inches, while the water at Terrapin Point will be lowered by 5½ inches. These natural changes, added to those produced by existing authorized diversions, will lower the crest at the west end of the Canadian Fall nearly 2 feet and at Terrapin Point over 8 inches. As a result many shallow places at both ends of the Horseshoe Fall will become dry. Thus natural changes, imposed upon those produced by man, will result in a mutilated Niagara, one shorn of nearly half its flow and of much more than one-half its natural beauty, since many places now overflowed will be made bare, the crest line broken, and unity of effect will be seriously disturbed.

The losses due to the operation of natural laws, though largely avoidable, are perhaps bearable; but this is not true of those due to the work of man, and in consequence I am forced to state that existing diversions have already seriously interfered with and injured the scenic grandeur of Niagara Falls at the Horseshoe, and that this injury and interference will probably soon be emphasized by the effects due to the prevalence of lower stages on Lake Erie and the upper Lakes. * * *

The Falls are the common heritage of the entire civilized world. They are held in trust for posterity by the present generation. To injure them further is a proposition whose mere statement brings its own reply. Accordingly, I earnestly recommend that the minimum limits of diversion authorized on the American side, namely, 15,100 cubic feet per second, be reenacted, and that no greater amount of energy be permitted to be imported into the United States from Canada than 160,000 horsepower.

Like evidence could be produced from others who have made a study of the conditions prevailing at Niagara Falls, and the resulting conclusions are certainly not unwarranted. If these authorities are to be believed we are already at the danger point, beyond which we can not safely go if we would have anything like due regard for the preservation of the charms of Niagara.

It is not my purpose to enter into a discussion of any part of the voluminous hearings with reference to the engineering phases of the question; neither will I take time to outline the history of the antecedent legislation upon this subject. For the information of those interested in such matters, I am pleased to refer my colleagues to the most excellent report of Representative CLINE, of Indiana, who in House Report No. 1488 has so ably given the genesis of the entire legislation down to the present time.

Mr. Speaker, may I devote the remainder of my time to considering what many may term the sentimental side of the question, but one which, nevertheless, as I have said, appeals more strongly to the people at large than all other considerations?

A long time ago a poet little known to fame immortalized the sentiment for the preservation of the things that are old in nature's realms with the stanza beginning with the admonition—

Woodman, spare that tree!
Touch not a single bough!
In youth it sheltered me,
And I'll protect it now.

There is a text in these words which not only expresses a sense of deep loyalty but one full of meaning. In this present day of commercialized activity and the craze for constant change, it should be of some value. The tree may have been old and shaky; its wood may have been sought for lumber or fuel; or it may have stood in the way of newer things to be placed there. But what of these reasons? Was it not planted by a family sire? Did it not shelter the writer as a boy, and was it not a mute participant of the joys of his childhood, its recollections more precious than gold? It was more than this. It was a beautiful creation of nature with its spreading limbs, its sturdy trunk, and lofty top. It was a symbol both of strength and the dignity of age.

That old tree called for respect and veneration. But if the stanzas quoted breathe in their every line this noble sentiment, they do still more. In their very words of command to the woodman not to destroy they concede his power to undo in an hour what nature in her mysterious laboratory has taken a century to produce.

Old tree, the storm still brave!
And, woodman, leave the spot;
While I've a hand to save,
Thy axe shall harm it not!

The writer of these noble verses, so full of charming sentiment, was, to my mind, a conservationist in the highest sense.

Was it not in deference to a sentiment quite as strong which prompted this House in the last Congress to overwhelmingly defeat a proposition which involved the establishment of a penal institution within 3 or 4 miles of the gates of Mount Vernon, the last resting place of George Washington—and this even after a very large tract of land had been actually purchased by the Government for that purpose? The speeches of Members on the measure at that time breathed a patriotic feeling that such a desecration ought not to be permitted. And, though more than a century has passed since Mount Vernon had become so tenderly associated with the last days of the Father of his Country, yet his memory still lives, ever green to posterity. Even the remote environment of those sacred grounds was not to be contaminated by the proximity of an institution of that character. Such was the sentiment expressed by those who participated in the discussion of the measure at that time.

If there is anything of sentiment in historical associations, then the scenes amidst which Niagara forms the center are most celebrated. It was here more than 300 years ago—long before either the settlement at Jamestown or the landing of the Pilgrim fathers—that the intrepid French explorers established their gateway to the trackless West and the waters of the Great Lakes. The names of Champlain, La Salle, Marquette, and Father Hennepin are indissolubly linked with the earliest history of those majestic scenes; and whether it was on a mission of conquest of territory in the name of their King, or the more exalted purpose of winning converts among the Indians through the patient work of the Jesuit fathers, this territory formed for many years their most western outposts for supplies and defense. What must have been the awe and wonderment with which these explorers first gazed upon the magnificent spectacle which on all the earth was nature's grandest. Here was the final plunge of mighty waters—great inland oceans of azure blue. The grandeur and sublimity of the cataract formed indeed a fitting climax to the majesty and extent of that great chain of Lakes which were destined to bear upon their bosoms the commerce of an empire.

But the same measure of delight and admiration has ever come to those who for the first time view the grandeur of this unrivaled attraction. No description, however vivid, quite pre-

pares one for the sight; the stupendous scale upon which the whole scene is laid awes the mind. Its fame is world-wide. No visitor from foreign lands would consider that he had seen America without seeing Niagara Falls, our greatest attraction. A million people from every quarter of the globe annually visit the place.

Surely it is inconceivable that the sublime beauty of this priceless gift of nature is to be sacrificed for the purpose of commercializing its power to save mere dollars. And yet for such use alone does the existing treaty allow a possible diminution of approximately one-third of the entire volume of water which undiverted would flow over the Falls. Shall we not say, my colleagues, in behalf not alone of our own constituents but for the people of all nations who love to do homage at nature's shrine and through her charms gather inspiration from the work of the great World Builder Divine, that never by consent of the American Government shall further diversion of these waters be permitted?

Mr. FLOOD of Virginia. I yield now to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I have no objection to the passage of this resolution. I regret very much that the whole controversy could not be decided here. The important question is whether the State of New York or the Federal Government is entitled to jurisdiction over these waters. I claim that the Federal Government has no jurisdiction over it, except for the purposes of navigation and for international defense.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

COMMITTEE ON ACCOUNTS.

The SPEAKER. Under the statute the Speaker is required to appoint a temporary Committee on Accounts for the Sixty-third Congress, and the Clerk will read the appointments.

The Clerk read as follows:

Temporary Committee on Accounts for the Sixty-third Congress: Mr. LLOYD, Mr. FLOYD of Arkansas, and Mr. HUGHES of West Virginia.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House now take a recess until to-morrow morning at 9.30 a. m.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p. m.) the House took a recess until to-morrow, Monday, March 3, 1913, at 9.30 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, a bill was introduced and referred as follows:

By Mr WARBURTON: A bill (H. R. 28869) to provide for the construction, maintenance, and improvement of a system of national interstate roads, and to provide funds for the same; to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DYER: Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of legislation to make appropriations for investigations to prevent unnecessary loss to the fruit growers; to the Committee on Agriculture.

By Mr. GRIEST: Petition of the general executive committee of the Railway Business Association, favoring the passage of legislation to adopt the national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. POST: Petition of John T. Locklean and many others of Washington Courthouse, Ohio, protesting against the passage of legislation to make it unlawful for any society or fraternal order to hereafter adopt and send or receive through the mail any word or title of the name of any animal or bird that is already being used as a part of its title or name by any fraternal order, society, or association; to the Committee on the Post Office and Post Roads.

Also, petition of the general executive committee of the Railway Business Association favoring the passage of legislation to adopt the national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

SENATE.

MONDAY, *March 3, 1913.*

(Legislative day of Saturday, March 1, 1913.)

AFTER THE RECESS.

The Senate reassembled in executive session at 9 o'clock and 45 minutes a. m., Monday, March 3, 1913, on the expiration of the recess.

The doors were reopened at 12 o'clock meridian, Monday, March 3, 1913.

FAUNA OF BRITISH INDIA (S. DOC. NO. 1132).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of State, transmitting a copy of the Fauna of British India, which was received from the American chargé d'affaires at London as an accompaniment to his dispatch of the 3d of February, which was ordered to be printed, and, with the accompanying volume, was referred to the Committee on the Library.

NATIONAL-BANK DEPOSITORIES (S. DOC. NO. 1136).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, by direction of the President, and in response to a resolution of the 26th ultimo, certain information as to accepted or acceptable securities for Government deposits in national-bank depositories, together with copies of all communications to or from Government officials relating to the recent Treasury Circular No. 5, which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 8000. An act providing for publicity in taking evidence under act of July 2, 1890; and

S. 8589. An act relating to supervision of the Lincoln Memorial.

The House of Representatives has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H. R. 27090. An act for the relief of Cora Evans;

H. R. 28613. An act to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.; and

H. J. Res. 402. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also announced that the House had passed the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5137. An act for the relief of Alice V. Houghton;

S. 5674. An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California; and

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

SENATOR FROM OREGON.

Mr. BOURNE. I take pleasure in presenting the credentials of my successor, Hon. HARRY LANE, Senator elect from the State of Oregon, which I ask may be read and placed on the files.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of HARRY LANE, chosen by the Legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Southern Teachers' Association, praying for the enactment of

legislation affording Federal protection for migratory birds, which was ordered to lie on the table.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Grasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, house joint resolution 13 was duly passed by the 1913 session of the Legislature of the State of South Dakota, approved by the governor, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 25th day of February, A. D. 1913.

[SEAL.] FRANK GLASNER, *Secretary of State.*

House joint resolution 13.

Be it resolved by the House of Representatives of the Legislature of the State of South Dakota (the Senate concurring), That the Congress of the United States be, and the same is hereby, memoralized to submit to the States an amendment to section 1 of Article III of the Constitution of the United States providing that the judges of the Federal district courts shall hold their offices for stated terms, to be fixed by Congress, of not less than 6 nor more than 12 years. To that end the Senators and Representatives in Congress from South Dakota are earnestly requested to lend their aid.

SEC. 2. The secretary of state shall, after the passage of this resolution by both houses, send a certified copy to each of our Senators and Representatives in Congress.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, Senate joint resolution No. 15, was duly passed by the 1913 session of the Legislature of the State of South Dakota, approved by the governor, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 19th day of February, A. D. 1913.

[SEAL.] FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

A joint resolution memorializing Congress in the matter of desert-land entries.

Senate bill 15.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring):

Whereas there is a large body of land lying west of the Missouri River, within the State of South Dakota, subject to entry under the desert-land laws of the United States, whereby the entryman is required by the act of Congress of March 3, 1891, to pay 25 cents per acre at the time of filing and $1 per acre at the time of making final proof, and to expend in labor and material and other improvements the amount of $3 per acre for each acre of his entry; and

Whereas the Department of the Interior has ruled that the entryman upon such desert lands must irrigate all of the irrigable area of said entry with at least 1 acre-foot of water per irrigable acre in each and every year; and

Whereas in the portion of South Dakota subject to desert-land entry the climatic conditions are such as to make compliance with requirements in some years impossible; and

Whereas it has been demonstrated by practical experience that by means of diverting the waters from dry draws during melting snows, floods, or heavy rains, and spreading the same upon lands for irrigation purposes, paying crops have been and can be produced on lands in the western part of South Dakota; and

Whereas it has also been found that storage reservoirs are impracticable and too expensive for the settlers and entrymen as a private enterprise, on account of the great expense incident to the construction of such reservoirs: Therefore be it

Resolved, That the Congress of the United States be memorialized to so modify the rules and regulations of the Department of the Interior as to permit entrymen upon desert lands within this State to reclaim said land by irrigation in such years as the precipitation is sufficient through the diversion of flood waters to irrigate such land, and in case the climatic conditions are such that the precipitation or flood waters are sufficient for the purpose of irrigation that the entryman shall be given an extension of not more than 3 years in which to make annual yearly proof and 10 years to make final proof on his entry; and be it further

Resolved, That any person who has made final proof upon a desert-land entry prior to the adoption of this resolution, and has been unable to irrigate the irrigable portion of the lands embraced in such entry on account of insufficient precipitations, that a patent be granted to such entryman where the claimant has complied with the law in all respects, except failure to irrigate the land on account of lack of precipitation; be it further

Resolved, That in all cases, except where fraud is shown, that all moneys paid on entries or final proof shall be refunded to the entryman or claimant where the entry or proof shall be rejected.

Mr. CRAWFORD. I present a joint resolution passed by the Legislature of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
Department of State.

UNITED STATES OF AMERICA,
State of South Dakota, ss:

I, Frank Glasner, secretary of state of the State of South Dakota, do hereby certify that the annexed bill, to wit, senate joint resolution No. 23, was duly passed by the 1913 session of the Legislature of the State of South Dakota, approved by the governor, and is now in full force and effect.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota this 20th day of February, A. D. 1913.

[SEAL.] FRANK GLASNER,
Secretary of State.
By J. T. NELSON,
Assistant Secretary of State.

Senate joint resolution 23.

A joint memorial and resolution requesting the Congress of the United States to pass the McCumber bill, relating to Federal inspection and grading of grain entering into interstate commerce.

Be it resolved by the senate (the house of representatives concurring):

SECTION 1. That the Congress of the United States is hereby memorialized to enact, during the present session or as soon as possible, the McCumber bill (S. 223) now pending before the United States Senate, it being a bill to provide for the inspection and grading of grain entering into interstate commerce and to secure uniformity of standards and classification of grain.

And the secretary of state is hereby instructed to transmit copies of this resolution to our Senators and Representatives in Congress.

Mr. POINDEXTER presented memorials of sundry citizens of Spokane and Ellensburg, in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SHIVELY presented resolutions adopted at a meeting on February 21, 1913, at Morrison Hall, Indianapolis, Ind., under the auspices of Star Spangled Banner Council, No. 15, Monroe Doctrine League, of Indianapolis, Ind., relative to the extension of the provisions of the arbitration treaty with Great Britain and the appropriation by Congress for the celebration of 100 years of peace with Great Britain; and also favoring the right of the United States to regulate shipping in the Panama Canal and the purchase by the United States of Bermuda, Jamaica, the Bahamas, St. Thomas, and other islands that may be used as a basis of attack on said canal, which were ordered to lie on the table.

Mr. PITTMAN presented resolutions adopted by the Chamber of Commerce of Las Vegas, Nev., favoring the enactment of legislation granting to the State of Nevada 1,000,000 acres of the public land for the creation of a road fund, etc., which were referred to the Committee on Public Lands.

WOMAN SUFFRAGE PROCESSION.

Mr. NELSON submitted the following resolution (S. Res. 498), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia and the superintendent of police of the District of Columbia be, and they are hereby, directed to inform the Senate why the direction of Senate joint resolution 164, that the superintendent of police of the District of Columbia prevent any interference with the suffrage procession on the 3d day of March, 1913, was not complied with.

REPORTS OF COMMITTEES.

Mr. NEWLANDS, from the Committee on Commerce, to which was referred the bill (S. 122) to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies, reported it with amendments and submitted a report (No. 1339) thereon.

Mr. BRISTOW, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 5117) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, reported it without amendment and submitted a report (No. 1340) thereon.

RECEIPTS AND EXPENDITURES IN PANAMA CANAL ZONE.

Mr. BRANDEGEE. I introduce a joint resolution which I ask may lie on the table for the present.

The joint resolution (S. J. Res. 165) providing the method for keeping the accounts of the receipt and expenditure of moneys in the Panama Canal Zone, was read twice by its title.

THE SHERMAN ANTITRUST LAW (S. DOC. NO. 1135).

Mr. SUTHERLAND. I ask to have printed as a document a newspaper article taken from the New York World of this date, by Attorney General Wickersham, on the subject of the Sherman antitrust law.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MEMBER OF PNEUMATIC TUBE COMMISSION.

The PRESIDENT pro tempore. The Chair announces the appointment of the Hon. WILLIAM O. BRADLEY to fill the vacancy created by the resignation of Hon. SIMON GUGGENHEIM on the Commission to Investigate the Pneumatic Tube Postal System.

TITLE OF LANDS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 1137).

Mr. SUTHERLAND. I present the report of the Commission to Investigate the Title of the United States to Lands in the District of Columbia relative to the title of lands on the waterfront of the original city of Washington, and so forth. I ask that the report be printed together with the illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY ACADEMY APPROPRIATION BILL—CONFERENCE REPORT.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. WARREN. If it is proper for me to do so, I will yield for a shorter conference report than the one which I wish to present.

Mr. DU PONT. I ask for the consideration of the conference report on the Military Academy appropriation bill, which was heretofore presented and read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5; that the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 8, and 9, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the matter proposed to be inserted by said amendment down to and including the words "*Provided further,*" in line 16, and in lieu thereof insert "$360,000: *Provided*"; and after the word "President," at the end of the amendment, insert "*Provided further*, That any cadet, or cadets, reinstated under the provisions of this act shall be additional to those otherwise authorized by law"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "$10,000" and in lieu thereof insert "$5,000"; and after the word "construction," in line 6, insert the words "and completion"; and the Senate agree to the same.

H. A. DU PONT,
JOS. M. DIXON,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SMITH of Georgia. Mr. President, I think the conference report ought to be presented to the Senate, so that we can understand what it is.

Mr. DU PONT. It is being presented to the Senate.

Mr. SMITH of Georgia. No; we are about to vote on it.

The PRESIDENT pro tempore. Does the Senator from Georgia ask that the conference report be read?

Mr. SMITH of Georgia. I ask that the report be so presented to the Senate that we may understand what it is before the vote is taken on it.

Mr. DU PONT. The report has already been read and ordered printed.

Mr. SMITH of Georgia. It has already been read?

Mr. DU PONT. It has already been read.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. JONES. I understood that the Senator from Kansas [Mr. BRISTOW] desired to make a statement.

Mr. DU PONT. The Senator withdrew that request.

Mr. JONES. Very well.

The PRESIDENT pro tempore. Without objection, the report is agreed to.

SUNDRY CIVIL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I submit the report of the committee of conference on the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming submits a conference report, which will be read.

The Secretary proceeded to read the report of the committee of conference on the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. SMITH of Georgia. I desire that the amendments referred to may be read so that we can understand them.

Mr. WARREN. I have no objection to their being read, but the Senator will probably not be able to understand the matter much better when they are read. After the reading of the report shall have been concluded, I shall enumerate the subjects which are still in disagreement. I have no objection to the report being read, and of course, I could not object if I desired to do so.

The Secretary resumed the reading of the conference report.

Mr. SMITH of Georgia. Mr. President, I desire each one of those changes read. I can not tell anything about them by numbers.

The PRESIDENT pro tempore. The Secretary is reading everything which the conference report contains.

Mr. SMITH of Georgia. Mr. President, simply to give the numbers and go through the report in that way gives no information.

The PRESIDENT pro tempore. The only explanation that could be given would be by the chairman or some other member of the committee.

Mr. WARREN. The Senator from Georgia may not know it, but that is the only shape in which conference reports are made up, on blank forms prepared for that purpose. I have here in my hand a list of items in disagreement, and I shall be glad to explain them when the reading of the conference report shall have been concluded.

Mr. SMITH of Georgia. Then, Mr. President, the course to pursue will be, when the reading is concluded, to stop and ask that each one of the numbered amendments be read in full; that privilege which exists and also the privilege of voting on each one of them.

Mr. SMITH of South Carolina. Mr. President, a good many of us on this side of the Chamber are in doubt as to which one of the appropriation bills is being considered.

The PRESIDENT pro tempore. It is the conference report on the sundry civil appropriation bill which is now before the Senate, the Chair will say to the Senator.

Mr. NEWLANDS. I suggest to the Senator from Georgia that the sundry civil bill, as it finally passed, has the amendments contained in this conference report numbered, and, if he has that print of the bill before him it will be easy to follow the reading of the report and to understand what amendments are agreed to, what are disagreed to, and what is their substance.

The Secretary resumed and concluded the reading of the report of the committee of conference, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 10, 12, 14, 15, 17, 27, 34, 41, 42, 43, 49, 54, 60, 69, 74, 75, 79, 81, 88, 89, 90, 99, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 127.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 18, 24, 26, 29, 30, 31, 35,

36, 37, 38, 39, 44, 45, 46, 48, 51, 52, 53, 61, 73, 76, 77, 78, 82, 85, 87, 91, 92, 98, 104, 105, 106, 107, 111, 113, 114, 115, 116, and 128; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lines 43, 44, and 45 of said amendment strike out the following: "or which may be contained in appropriation acts now pending for said purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "six hundred and seventy-five thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "two million five hundred and seventy-five thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter commissioned officers and pharmacists, and those employees of the service devoting all their time to field work, shall be entitled to hospital relief when taken sick or injured in line of duty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$220,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and motor-propelled vehicles, $75,000, of which sum $35,000 shall be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Hereafter vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "one-half to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$475,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant in charge of office, to be appointed by the Secretary of Commerce, $2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$75,000, one-half to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "purposes," in line 10; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: On page 160 of the bill, in line 7, strike out "$131,060" and insert in lieu thereof the following: "$132,060"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,464,820"; and the Senate agree to the same

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow line 18 on page 21 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which sum $4,500 shall be available to print and furnish to the States report-form blanks"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In line 2 of said amendment, before the word "Government," insert: "the United States," in and after said word "Government," insert the words "or private"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 3, 8, 9, 16, 19, 20, 21, 22, 23, 28, 33, 47, 50, 55, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 83, 84, 94, 95, 96, 100, 101, 102, 103, 129, and 130.

F. E. WARREN,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
J. G. CANNON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BURTON. Mr. President, I should like to inquire in regard to the provision relating to the Board of Managers of the Soldiers' Home. Is that an entirely new provision in the bill?

Mr. WARREN. A provision regarding the Board of Managers of the Soldiers' Home was put on the last sundry civil bill which provided that no vacancies then existing or hereafter occurring should be filled until the total number, which is now ten should be reduced to five. We were able to insist upon a disagreement; and threw it out. It came in again the same way this year, and the best we were able to do was to agree upon a provision that vacancies occurring hereafter should not be filled until the number of the members of the board of managers had been reduced to five. If this provision is adopted, it will then stand that the present vacancies can be filled, but vacancies hereafter occurring can not be filled until the number is reduced to five.

Mr. BURTON. That is, vacancies now existing can be filled?

Mr. WARREN. Yes.

Mr. BURTON. But thereafter the number must be reduced to five?

Mr. WARREN. Hereafter, as vacancies occur from time to time, the number must be reduced to five.

Mr. BURTON. Suppose there is a vacancy now?

Mr. WARREN. It can be filled.

Mr. BURTON. There are three ex officio members of that board, are there not, including the President, the Chief Justice, and the Secretary of War?

Mr. WARREN. I am of the opinion that there are two, and probably three, regular members whose terms have expired and whose places have not been regularly filled by appointment and confirmation by the two legislative bodies.

Mr. BURTON. Then, do I understand from the Senator from Wyoming that the vacancies which exist now, as to those members of the board whose terms have expired, can be filled?

Mr. WARREN. I think so.

Mr. BURTON. I do not feel, Mr. President, like standing in the way of the adoption of this conference report because of that provision; but I know that the soldiers in different portions of the country have a very strong feeling on this subject. They wish to have as members of the board those who live in the locality or who will be assigned to the localities in which the various soldiers' homes are situated, so that they may look after their wants and be familiar with the management of the several branch homes. This provision, I presume, is brought in with the idea that there will be more efficiency with a less number, and that five members can perform all the duties that pertain to the homes; but whether or not that can be done I question very much.

Mr. WARREN. Mr. President, I think I ought to say that these positions on the board of managers have been filled by old soldiers, and, although it is not a happy subject to mention, they are rapidly passing away, and very soon they will all be gone. Even now, there are very few living who are capable of doing the hard work necessary to perform the duties as mem-

bers of this board. So that, although I was against the provision and resisted it in conference just as far as I could, at the same time there is a reason for eventually reducing the number.

Mr. BURTON. Do I understand from the Senator from Wyoming that this is the exact language of the House provision, or was that modified?

Mr. WARREN. It is a modification. I will ask the Secretary to read the modification of the amendment, it being amendment numbered 40.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Hereafter vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five."

And the Senate agree to the same.

Mr. BURTON. I have no doubt, Mr. President, the Senate conferees performed their duty to the Senate in this matter; but if it were earlier in the session I should certainly object to that provision. I do not feel, however, like opposing the adoption of the conference report at this time.

Mr. JONES. Mr. President, I desire to ask the chairman of the committee a question. I understand that amendments numbered 67 and 68, relating to the Mount Rainier National Park, are still in disagreement?

Mr. WARREN. I was about to state to the Senate, when opportunity permitted, all the amendments that remain unacted upon and their subject matter. I will be brief about it.

Amendment numbered 3 is in regard to the location of the building for the Department of State.

Amendments numbered 8 and 9 refer to the appointment of cadets in Revenue-Cutter Service.

Amendment numbered 16 refers to the dispensaries of the Public Health Service, and more particularly to the diseases of trachoma and pellagra.

Amendment numbered 19 refers to the Columbia Hospital.

Amendments numbered 20 to 25 relate to additional land for the National Zoological Park in Washington.

Amendment numbered 28 relates to the lodge gate at Chickamauga Park.

Amendment numbered 33 to the Crater Lake National Park.

Amendment numbered 47 to the enlargement of the Capitol Grounds.

Amendment numbered 50 to the boundaries of claims in New Mexico.

Amendments numbered 50 to 57 to gauging streams.

I will say that that amendment, put on by the Senate, provides for an additional appropriation.

Amendments numbered 58 and 59 relate to inquiries and investigations by the Bureau of Mines.

Amendment numbered 62 to medical relief in Alaska.

Amendment numbered 63 to the Hot Springs (Ark.) sewerage system.

Amendment numbered 64 to the Glacier National Park.

Amendment numbered 65 and 66 to the Yosemite National Park.

Amendments numbered 67 and 68 to the Mount Rainier National Park.

Amendment numbered 70 to the Crater Lake National Park.

Amendment numbered 71 to the Wind Cave National Park.

Amendment numbered 72 to the Platte National Park.

Amendments numbered 83 and 84 to the Lighthouse Service.

If I may have the attention of the Senator from Minnesota [Mr. NELSON], the conferees are in some doubt about completing that until we hear from the Committee on Commerce as to what has been done of late with reference to lighthouses.

Mr. NELSON. Mr. President, I am informed that the House has just passed an omnibus bill, including all the lighthouse bills which have been passed separately by the Senate and sent over to the House during the last and the present session. The House has included them, as I have said, in an omnibus bill, which I am expecting every moment to come over to the Senate. I shall then ask that the Senate concur in the action of the House.

Mr. WARREN. May I depend upon the Senator to get it to us just as early as possible, as we must hold some one of these appropriation bills open to cover the matter?

Mr. NELSON. Very well; I am expecting the bill here at any moment.

Mr. WARREN. That bill does not carry an appropriation, does it?

Mr. NELSON. No; it does not.

Mr. WARREN. Mr. President, to continue my statement:

Amendments numbered 95 and 96 relate to the two fish-cultural stations.

Amendments numbered 100 and 101 to the International Congress or School of Hygiene.

Amendment numbered 102 relates to the international joint commission—an additional appropriation.

Amendment numbered 103 relates to the payment to persons injured in Mexico.

Amendment numbered 129 is in regard to the Panama-Pacific Exposition.

Amendment numbered 130 relates to the National Conservation Exposition.

Mr. President, I will make the motion that the Senate further insist upon these amendments disagreed to by the House of Representatives; that we ask the House for a further conference; and that the Chair appoint the conferees on the part of the Senate.

The PRESIDENT pro tempore. The first question is upon agreeing to the conference report.

Mr. BRISTOW. May I ask——

The PRESIDENT pro tempore. Does the Senator from Kansas rise to the question of agreeing to the conference report?

Mr. BRISTOW. Yes. Before the report is agreed to, I want to inquire of the Senator from Wyoming what was done with amendment No. 20.

Mr. WARREN. Amendments 20 to 23 are in disagreement. The whole subject is in disagreement.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate further insist upon its amendments, ask for a further conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. PERKINS, and Mr. TILLMAN conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move to take up the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. STONE. Has that report been printed in the RECORD?

Mr. CURTIS. It has, and also as a document.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to consider the conference report on the District of Columbia appropriation bill.

The motion was agreed to, and the Senate proceeded to consider the conference report.

The Secretary read the conference report to amendment No. 131.

Mr. CURTIS. Mr. President, I ask unanimous consent that that amendment be not read. It is what is known as the Gallinger public utilities amendment, and has been read half a dozen times in the Senate. The only change is that of the word "section" to "act" or "paragraph."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the reading of the amendment referred to will be dispensed with.

The Secretary resumed and concluded the reading of the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

PUBLIC BUILDINGS BILL.

Mr. SUTHERLAND. Mr. President, I present the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes.

The PRESIDENT pro tempore. The conference report will be read.

The Secretary proceeded to read the conference report, and continued the reading to amendment No. 171.

Mr. BACON. Mr. President, simply in the interest of time, I call the attention of the Senator from Utah to the fact that the report of the conferees, as it is being read, does not give any definite information as to what the various items are when the amendments are simply mentioned by number, and it will all have to be gone over again. The matter is one in which all Senators are more or less interested, and it seems to me it might be well to accompany it with a statement, so that we may have some definite information as to what the report is.

Mr. SUTHERLAND. Mr. President, the conference report is in the usual form. After it is read I intend to make a statement regarding it, if that will be satisfactory to the Senator from Georgia.

Mr. BACON. If the Senator proposes to do it in that way, I have no objection. The statement will have to be made at some time.

The PRESIDENT pro tempore. The Secretary will continue the reading of the report.

The Secretary resumed and concluded the reading of the conference report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 63, 130, 131, 145, 146, 162.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 8, 12, 13, 14, 15, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 62, 64, 65, 66, 68, 69, 70, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 104, 105, 107, 109, 112, 113, 114, 116, 118, 119, 121, 122, 123, 124, 125, 127, 128, 129, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 153, 154, 155, 156, 157, 159, 160, 161, 163, 164, 165, 166, 167, 168, 169, 172, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 189, 190, 191, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 237, 238, 240, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 258, 259, 260, 261, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$12,500"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$325,000," and in the proviso, after the word "necessary," insert "not exceeding $100,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$13,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: After the words "post office," in the first line of the said amendment, insert "land office, and other Government offices"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$175,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$19,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$80,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$130,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$120,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$80,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$150,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Transpose said amendment to page 43 and insert after line 2 thereon; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$55,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,000"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$125,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$55,000"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147,

and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$7,000"; and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$7,500"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$7,500"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the language proposed by said amendment insert the following:

"That hereafter no authorization shall be made for the construction of a building to be used exclusively for post-office purposes at any town or city where the postal receipts have not reached the sum of $10,000 annually, nor shall any authorization for the purchase of a site for post-office purposes only be made at any town or city where the postal receipts have not reached the sum of $6,000 annually."

And the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the language proposed by said amendment insert the following: "the proceeds of such sale, or so much thereof as may be necessary, are hereby authorized toward the purchase of another site for a post-office building in said city of Pittsburgh"; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: At the end of the second paragraph of said amendment, after the word "Iowa," on page 65, line 13, insert the following: "at not less than $225,000, which shall be covered into the Treasury"; and the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: Strike out all of the said amendment and in lieu thereof insert the following:

"That a commission is hereby created, to consist of the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and the chairman of the Committees on Public Buildings and Grounds of the Senate and House of Representatives, for the purpose of investigating and reporting to Congress a suitable design for a memorial bridge across the Potomac River, from the city of Washington, to a point at or near the Arlington estate in the State of Virginia; and the said commission is hereby authorized to expend the sum of $25,000, in procuring such designs and for making such surveys and estimates of cost as they may deem advisable, and report as early as may be to Congress."

And the Senate agree to the same.

Amendment numbered 257: That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: At the end of the said amendment insert the following proviso: "*Provided*, That the sixth lighthouse district shall continue to occupy the said building without cost to the Government, except for the upkeep, until provision is made for other quarters"; and the Senate agree to the same.

Amendment numbered 262: That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "members," insert "of the Committee on Public Buildings and Grounds"; on line 18 of said amendment, after the word "members," insert "of the Committee on Public Buildings and Grounds"; strike out lines 21 and 22; and the Senate agree to the same.

On the amendments of the Senate numbered 203, 217, 218, 241 the committee of conference have been unable to agree.

GEO. SUTHERLAND,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

JOHN L. BURNETT,
FRANK CLARK,
J. E. ANDRUS,
Managers on the part of the House.

Mr. SUTHERLAND. Mr. President, the items upon which the Senate has receded are very few in number. They are all items where the Senate undertook to increase certain House appropriations.

No. 9 is an item making an increase in the case of Milford, Mass., from $15,000 to $18,000. The House item was $15,000 and the Senate increased it to $18,000. The Senate recedes upon that.

No. 63, Shelby, N. C.: The House item was $55,000, the Senate amended it to $60,000, and the Senate recedes.

Front Royal, Va.: The House item was $50,000, the Senate made it $55,000, and the Senate recedes.

Leesburg, Va.: The House item was $55,000, the Senate increased it to $62,000, and the Senate recedes.

Toccoa, Ga.: The House item provided $5,000 for a site, which the Senate increased to $7,500, and the Senate recedes.

Sandersville, Ga.: The House item was $5,000, the Senate increased it to $7,500, and the Senate recedes.

Paintsville, Ky.: The House item was $5,000, the Senate increased it to $7,500, and the Senate recedes.

It is not necessary to refer to the agreements.

With reference to the amendments where any changes are made in the figures, they are all in the direction of decreasing the amount of the appropriation allowed in the particular case. I shall not undertake to take up these various items, unless

some Senator is interested and desires to be informed upon some particular matter.

The four items that still remain in dispute are the——

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I do.

Mr. CUMMINS. Before the Senator passes to the four items that are still in disagreement, I wish he would state to the Senate what has been done with the amendment proposed by the Senator from Indiana [Mr. KERN] limiting the application of these funds to cities or towns with a post-office revenue of $10,000.

Mr. SUTHERLAND. That amendment has been modified, so that it now provides that hereafter no building shall be authorized in a town where the post-office receipts are less than $10,000, and no site shall be authorized where the post-office receipts are less than $6,000. It will not apply to this bill, therefore, but will apply to future legislation.

Mr. O'GORMAN. Mr. President, will the Senator yield to me for a moment?

Mr. SUTHERLAND. I yield to the Senator from New York.

Mr. O'GORMAN. Do I understand that the Senate conferees have agreed, upon the insistence of the House conferees, that the restriction as to postal receipts in any town being at least $10,000 shall be reduced to a minimum figure of $6,000?

Mr. SUTHERLAND. That is only where a site alone is purchased.

Mr. O'GORMAN. But surely the purchase of a site is to be followed by the erection of a structure.

Mr. SUTHERLAND. Yes; but the Senator very well knows that in the case of a site the purchase is made, and it may be three or four years before anything else can be done. There are quite a large number of these towns that are growing, and it is the part of economy for the Government to acquire these sites.

Mr. O'GORMAN. Do I understand that the Senate conferees have agreed to that change and modification?

Mr. SUTHERLAND. The Senate conferees have agreed to that change—that sites may be purchased where the postal receipts are in excess of $6,000, but buildings can not be erected until the receipts reach $10,000.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SUTHERLAND. I do.

Mr. BRISTOW. If I understand correctly, that does not apply to this bill?

Mr. SUTHERLAND. The Senator understands correctly. It does not apply to this bill; it applies to future legislation.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I will ask that the Senator repeat his statement as to certain small items in the bill relating to my State—Georgia. I could not exactly catch what he said in that respect.

Mr. SUTHERLAND. There were two items, one in Toccoa and one in Sandersville, Ga. In the case of Toccoa the House provision was for a site to cost $5,000. The Senate increased it to $7,500. Upon that item the Senate conferees accepted the House provision.

In Sandersville, Ga., exactly the same thing was done. The House provision was for $5,000, and we increased it to $7,500.

With reference to the four items still in disagreement, they are the armory, $1,750,000; the additions to Rock Creek Park, $2,300,000; the Red Cross item, carrying $400,000; and the item for the purchase of a site for a courthouse in New York City, to cost $3,000,000.

Upon those four items, as I say, the conferees are still in disagreement. I can only, perhaps, speculate as to what might happen. It is intimated to us that if we would yield three items the House conferees would be willing to accept the Red Cross item; but thus far they have signified no intention of accepting the other three items. The Senate conferees would probably be willing to yield the armory item and the New York item, and take the Red Cross item and the Rock Creek Park item. That is the situation in which the conference committee concluded its labors.

I move that the report be accepted, and that the Senate still further insist upon its amendments still in disagreement, ask for a further conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDENT pro tempore. The question is, first, upon agreeing to the conference report.

Mr. SWANSON. Mr. President, I should like to ask the chairman of the committee if he feels satisfied that he will be able to reach an agreement with the House conferees upon the items that are in dispute?

Mr. SUTHERLAND. Mr. President, I do not know. We can try it again.

Mr. SWANSON. I had an item in the bill in which I was deeply concerned, the Memorial Bridge, which I believe the Senate approved as much as any item in the bill. It was hotly contested here, and by a good majority it was agreed to. But I am unwilling to have the whole bill fail simply in an effort to get some particular item. There are buildings that are in process of construction; there are buildings that are being delayed because of the lack of money to complete them. I want to have a vote of the Senate on each item. Some of these items would not have gone on the bill if the Senate had been satisfied that to put them there meant the jeopardy and perhaps the loss of the bill.

Mr. LODGE. Mr. President——

Mr. SWANSON. I yield to the Senator from Massachusetts.

Mr. LODGE. I was going to say that if we are going to take up each item and vote upon it, we shall have to take as many votes as there are items in the bill.

Mr. SWANSON. If we can not take a separate vote on all the items of the bill, I move that the Senate recede from the items upon which there is a disagreement.

Mr. PAYNTER. Mr. President, I should like to ask the chairman of the committee, the Senator from Utah, whether the conferees have receded in the matter of the amendment to the appropriation for a building at Paintsville, Ky.?

Mr. SUTHERLAND. The Senate receded upon that. There were two items coming together, one for Paintsville and one for Pikeville. Upon the Paintsville item the Senate receded. Upon the Pikeville item the House receded.

Mr. PAYNTER. Mr. President, I was very hopeful that the eloquent speech of my colleague [Mr. BRADLEY] had convinced every Member of this body of the importance of Paintsville and the propriety of making this appropriation. I am exceedingly anxious that the amount appropriated for Paintsville shall be $7,500, instead of $5,000 as provided by the House item. I wish to ascertain if it is possible at this stage of the proceedings to try again to get the House conference to agree to that item. Has the conference reached the stage where it is impossible to have the appropriation for Paintsville increased to $7,500, or, in other words, to let the Senate amendment stand?

Mr. SUTHERLAND. No; it is not impossible to do that, but——

Mr. PAYNTER. I hope the Senator will succeed in doing it, because it is very important that it should be done.

Mr. SUTHERLAND. It would be possible only if the Senate disagreed to that part of the conference report and sent it back.

Mr. PAYNTER. I do not like to ask that.

Mr. SUTHERLAND. There is no other way.

Mr. PAYNTER. I hoped the Senator might be able to accomplish it without sending the report back.

Mr. LODGE. Mr. President, I think we are entitled to know what has been done with the various items in the conference report.

The PRESIDENT pro tempore. The Chair understands the Senator from Utah is trying to explain that.

Mr. LODGE. The Senator from Utah has just said that he could not reply about Paintsville. Paintsville has interested the Senate more, probably, than any other post office that has been talked about this year, owing to the speech of the Senator from Kentucky, who, I regret, is not in the Chamber at this moment.

Mr. FLETCHER. Mr. President, may I make a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator may make a parliamentary inquiry.

Mr. FLETCHER. It is this: The Senator from Utah [Mr. SUTHERLAND] moved to adopt the conference report. Is that amended by the suggestion of the Senator from Virginia [Mr. SWANSON], who moved to recede from the items in dispute?

The PRESIDENT pro tempore. The motion made by the Senator from Virginia is in order. That is the motion before the Senate.

Mr. FLETCHER. I think that motion ought to prevail. I believe that is the only way a conclusion can be arrived at. I am heartily in favor of the motion made by the Senator from Virginia, that the conferees on the part of the Senate be instructed to recede from the items in difference between the two Houses.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If the motion of the Senator from Virginia should be adopted,

what effect would it have upon the motion of the Senator from Utah? I mean would the question then be, Shall the conference report be adopted?

The PRESIDENT pro tempore. That is the understanding of the Chair.

Mr. CUMMINS. One more inquiry. In case of a partial report, may there be a vote upon individual items in the report?

The PRESIDENT pro tempore. The Chair would rule that that could not be done. The question is upon agreeing to the report.

Mr. CUMMINS. So that there could be no vote upon the individual items?

The PRESIDENT pro tempore. Not under the rules of the Senate.

Mr. LODGE. Mr. President, on that question I have been unable to find that there is any parliamentary rule, though we make a practice of accepting a partial report and sending it back to conference.

The PRESIDENT pro tempore. The universal practice, so far as the present occupant of the chair is able to state, has been to vote directly upon the acceptance of the report.

Mr. LODGE. I am aware of the practice.

The PRESIDENT pro tempore. Of course, the report may be rejected and may be sent back to conference.

Mr. LODGE. But the proposition here is that we should agree finally to certain items. When we come to disagree we insist on our amendments, and the disagreement goes to the whole report. When it gets into conference the conferees are not bound on those items that they have agreed on already. They can reopen them.

The PRESIDENT pro tempore. The Chair will state to the Senator that that is undoubtedly true. If the conference report is rejected, everything is open, of course.

Mr. SWANSON. My motion was that we accept the conference report of agreements and recede from the items in dispute.

Mr. LODGE. The motion, of course, is to recede.

The PRESIDENT pro tempore. That is the motion.

Mr. LODGE. That motion, of course, is debatable.

The PRESIDENT pro tempore. It is.

Mr. CURTIS. Mr. President, is it not the proper procedure to accept the conference report as far as agreed to, and then move to recede on the four amendments in disagreement?

Mr. LODGE. You can not accept part of a report.

The PRESIDENT pro tempore. The Chair is of opinion that it may be done either way. Part of the report may be first accepted or agreed to, or it may be agreed to after further action is had.

Mr. WARREN. Mr. President——

Mr. SWANSON. I yield to the Senator from Wyoming.

Mr. WARREN. As to these reports, they go back to conference even though we should vote here approval or disapproval of the different items, unless we propose to recede and accept the House bill. If there is a single item that has not been settled on both sides, the bill must go back to conference. As the Senator from Massachusetts says, until the final report is made and the matter is finally closed it must remain open, because under the rules of the Senate, if you send a report back to conference unaccepted, every item is open in a way; that is, nothing in the bill can be of settled value until the final acceptance of a bill in its entirety by both Houses and the expiration of the time of reconsideration.

The PRESIDENT pro tempore. The Senator is right on that matter.

Mr. LODGE. That is my understanding.

Mr. BACON. I do not know that I correctly understood the Senator from Wyoming when he made the proposition to which I understood the Chair to assent, but my understanding of his proposition was that even if the Senate agreed to a partial report the whole report would still be open for the consideration of the conferees. That would be true if the House did not also agree to it; but if the House agrees to a partial report to which the Senate has agreed, the conferees are concluded as to those items.

Mr. LODGE. Oh, no.

Mr. BACON. Pardon me a moment. The Senator from Massachusetts signifies his dissent. What is the purpose of the agreement here? It amounts to nothing if it be true that after the Senate and House have agreed to a report containing 40 items upon which the conferees have recommended an agreement, thereafter the conferees may still reopen it and proceed to try the question and give assent, or rejection, or modification to it.

Mr. WARREN. As the Senator refers to my statement, under our rules, finally, to close a conference report it has to be voted upon as a whole. These other agreements are in the way of a direction to the conferees. If the Senate should adopt the motion of the Senator from Virginia it is of no avail whatever except to give the opinion of the Senate when there comes a time that the Senate disagrees and the House disagrees, and it is moved to adhere, and so forth, and it is a question of the bill failing or passing. But they are all directional until, under the rule, we finally accept the whole report. We settle, so far as the approval of the Senate and the House is concerned, the work as far as they have gone; and then comes the final question, Shall we accept or reject the conference report, as the rule provides?

Mr. ROOT. Mr. President——

Mr. BACON. I did not yield the floor, but I will yield to the Senator from New York.

Mr. WARREN. If the Senator will allow me further——

Mr. BACON. The Senator from Wyoming interrupted me, but with my consent. I will also yield to the Senator from New York. I have not finished.

Mr. WARREN. The idea being that legislation can not be piecemeal, but that there must be a finality to it.

Mr. ROOT. The Senator from Wyoming has touched upon the idea that I rose to express—that the only way in which it is possible for the two Houses to agree is by an act of legislation. There can be no effective agreement except where they agree in a law, and although either House may express a readiness to incorporate a specific item in a law, that does not and can not be a final and effective agreement. Until the agreement is upon a law, every part of the law must still remain open for action by whatever House has possession of the bill.

So when we pass a resolution which expresses agreement on a particular item in a law, it can be nothing but an expression of opinion. We can not, say, by a resolution regarding that partial report of the committee enact a bill which leaves unsettled one of the elements forming an essential part of the bill; and we can not by a resolution do that which is equivalent to a reconsideration of the action already taken by this House upon a part of the bill.

The only effect which any resolution could have must necessarily be by way of an expression of willingness to do something in the future. The conferees, if the matter is sent back to conference, of course, will do the best they can for the amendments that have passed their own House, keeping in mind that expression of willingness.

And, Mr. President, that expression does not have the effect of reconsidering the provision to which it relates. It does not nullify or repeal the formal action of the Senate in adopting an amendment. It can do nothing else than signify the willingness of the Senate, for the sake of an agreement upon a complete law, to yield a position. It does not reverse the action of the Senate upon the provision.

Now, sir, if this bill goes back to conference the conferees must necessarily have free scope to make such arrangement with the managers of the House as in their judgment will best conform to the views and the sense of duty of the body which they represent. When their report comes back incorporating what they propose under their sense of obligation in the performance of their duty, the Senate will have open to them necessarily a full scope in dealing with their report and in acting upon it one way or another, adopting it in whole or in part; and when it finally comes we must either accept or reject the whole. We can not by this process of acting upon the report of the conferees divide and subdivide legislation.

Mr. BACON. Mr. President, the point of difference between the learned Senator and myself, as I understand it, is this: The Senator assumes that my contention is that when the House and the Senate have agreed upon a partial report that enacts as law that which has thus been agreed upon. I make no such contention as that. I am speaking of what is the function and office and jurisdiction of the conferees. When the Senate and the House act upon the same bill and agree upon 10 sections of it and disagree upon the eleventh section of it, that does not enact the 10 sections into law, but when that bill is sent to the conference it does limit the function of the conferees to a consideration of the eleventh section.

In the same way, Mr. President, when a bill has been sent to conference upon certain enumerated and specified differences, and the Senate and House conferees agree upon a recommendation to the Senate and House that there shall no longer be a disagreement upon certain of those differences, but fail to make a similar recommendation as to other differences, and upon that partial report the Senate makes an agreement and the House makes an agreement, and they come together, that eliminates that matter from the further consideration of the conferees in the same way as if the House and Senate had never differed as to those particular items.

The PRESIDENT pro tempore. If the Senator from Georgia will pardon the Chair for a moment, the Chair will state that he meant to rule precisely along that line.

Mr. BACON. I do not think there can be any possible doubt about the correctness of that rule. Otherwise, for us to agree to a partial report specifying certain items upon which there was an agreement would be a piece of utter uselessness. The purpose is to remove from conference certain matters upon which there had been differences and leave for the conference still to consider and act upon the matter upon which there has been no agreement.

Mr. President, it seems to me that is too plain for any possibility of doubt as to the correct construction, and I was quite sure that that was in the mind of the Chair when he assented to the proposition of the Senator from Wyoming.

I understood the Chair to assent to the proposition of the Senator from Wyoming, and it was in reference to that that I desired to direct the attention of the Chair.

The proposition further is that, of course, there must ultimately be a final agreement subsequent to the matters which the House and the Senate have thus come to an agreement upon, either in the original passage of the bill separately by each House or by their subsequent agreement to different items in pursuance of the recommendation of a conference—there must be a final agreement and a final report adopting it all, and so long as there is a single item unagreed to it is not enacted into law. But when we once agree with the House and say that certain matters of difference shall be eliminated that ends the function of the conference as to that particular matter. I do not think there can be any possible question about that. It stands to reason and it is in accordance with precedents.

Mr. CUMMINS. Mr. President, I am not so much interested in the abstract question which is discussed as I am in the immediate situation. The Senator from Utah has moved to adopt the conference report. The Senator from Virginia has moved to recede from the points of disagreement. If we adopt both these motions, the participation of the Senate in this bill at least will have come to an end, because we will have agreed to the House provision or to the Senate suggestion as to the points of agreement and we will have receded from the points of disagreement.

For that reason, Mr. President, I think that the motion of the Senator from Virginia is not in order at this time. We ought, as it seems to me, first to dispose of the motion of the Senator from Utah and ascertain whether we intend to retain these matters in disagreement or whether we intend to recede from the recommendation of the conferees on the part of the Senate. I think the motion of the Senator from Utah ought to be first disposed of before we consider the other motion.

Mr. CURTIS. Mr. President, I desire to read to the Chair and to the Senate what Senator Blaine, while presiding, said upon a similar question. Mr. Blaine said:

> The only usage that I have ever known which justifies a partial report of this kind is where it gives the one body or the other a ground for receding if it chooses. If its judgment is that the only point of disagreement left is not worth insisting upon, it recedes; but if it is worth insisting on, it simply asks another conference.

Mr. SWANSON. Mr. President, I think possibly the better course, and it is also the usual course, is to have the motion made by the Senator from Utah that we agree to the conference report first submitted, and then, after that is adopted, I will make a motion to recede from the disagreement of the Senate to those amendments.

Mr. LODGE. The motion of the Senator from Utah is that the Senate shall insist on its disagreement.

Mr. SWANSON. I propose a substitute for that. I propose to amend it by moving that we recede, which has precedence. If the Senator enters a motion to insist, I shall offer as a substitute that we recede, which has precedence.

The PRESIDENT pro tempore. The Chair is of opinion that the question ought properly to be taken first on agreeing to the report which has been submitted.

Mr. LODGE. One moment, Mr. President.

The PRESIDENT pro tempore. Does the Senator from Massachusetts desire to be heard on the question?

Mr. LODGE. Yes, Mr. President; I desire to be heard on this whole matter.

The PRESIDENT pro tempore. The Chair will recognize the Senator.

Mr. LODGE. It is a very interesting question of parliamentary law to begin with. As to the situation here, I have the sole precedent about partial reports in my hand, and I should like to discuss it.

The PRESIDENT pro tempore. The Chair would be pleased to hear the Senator.

Mr. LODGE. I think that at this late date in the session we might as well be frank. It will only tend to expedite business. There are appropriation bills waiting here. There are two or three Senators at least who stated strongly the other day their views about this public buildings bill. For the first time in all my service here I said that if certain things were done the bill would not pass. I never made such a statement before, and I hope never to make such a statement again.

But this bill has many grave defects. I think there are many appropriations in it that are not defensible. I am not complaining in the least of what was done for my own State; I should be glad to have the appropriations for my own State, but I think the bill in many items is very indefensible.

It was greatly modified and approved by the amendment of the Senator from Indiana [Mr. KERN]. I think that was a very wise provision. That has been whittled away so that it is now only a partial protection.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. LODGE. Certainly; I yield.

Mr. KERN. I inquire of the Senator if the provision in the conference report is any protection at all? Could this Congress bind any future Congress as to a limitation of appropriations? It might as well have wiped it all out.

Mr. LODGE. I dare say if that is the case, it only makes it worse. I understood that they had cut it down in such a way that it was of very little further consequence.

Mr. KERN. The cutting down that is provided for takes effect only at some other time in the future. It does not apply to existing conditions at all.

Mr. LODGE. Oh, I see.

Mr. KERN. It is simply an attempt to fool the people a little more.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. I yield to the Senator from New York.

Mr. ROOT. I rose to state my understanding of the agreement with regard to the amendment introduced by the Senator from Indiana [Mr. KERN]. It is, in effect, that that agreement, which was in order because it was a limitation upon the appropriations of this bill, has been rejected. So there is no longer any limit upon these appropriations of the character proposed by the Senator from Indiana. But as a means of softening, by cuttle-fish operation, the harsh lines of that rejection it is proposed to put into the bill a provision regarding future appropriation bills, a provision that will have no more binding force and effect when those bills come before future Congresses than the expression of opinion in an editorial in a morning newspaper.

That is the whole of the treatment of the amendment of the Senator from Indiana, as I understand it. What is proposed now is that we shall abandon the limitation which establishes some relation between the cost of the public buildings and sites and the amount of business done in post offices, on the one hand, and abandon all the items put into the bill by the Senate in which the public is interested, and the public only is interested, on the other hand, and leave nothing but private interests in the bill.

Mr. WARREN. I want only a moment to say that the greater part of the remarks of the Senator from New York are such as I can agree with; but, as to this limitation, the only difference is that if the limitation goes into this bill as to the particular appropriations proposed, if the bill passes, which is very doubtful, it would hold as to two or three dozen possible projects—mostly sites only—and the next time it would come up just the same. If it is placed in the bill now as legislation, it would require only a repeal hereafter. If the bill passes—which, as I said before, is very doubtful—with the proposed limit eliminated, it would amount to the purchase of 20 or 30 sites and small buildings only.

I am not taking ground either way, but that is the real difference. If the Senator from New York or any other Senator thinks that if we should put that provision in this bill it would have any effect whatever on those bills which come hereafter, he is mistaken. This same bill, with millions and millions more added, without such a restriction, will come up next year and will pass.

Mr. LODGE. Mr. President, this shows the importance of considering in a bill an item of amendment so serious as this one in the amount which it takes from the Treasury. It had not occurred to me that its whole force had been destroyed by making it applicable to the future. This is the form in which

it comes back from conference. This is what we are asked to agree to:

That hereafter——

Mr. SMITH of South Carolina. On what page is the Senator reading?

Mr. LODGE. I am reading from the conference report which I have in my hand.

Mr. SWANSON. Will the Senator permit me to interrupt him?

Mr. LODGE. Yes.

Mr. SWANSON. I understand the Senator favors agreeing to that amendment and insisting on the disagreement to the other items.

Mr. LODGE. Never; I never knew what it was until this minute.

Mr. SWANSON. Is the Senator willing to vote for the proposition to agree to the report and insist on the amendments still in disagreement?

Mr. LODGE. I want to insist on a disagreement to the report and send it back to conference.

Mr. SWANSON. Are you willing to confirm the report as made?

Mr. LODGE. As far as it has gone?

Mr. SWANSON. As far as it has gone.

Mr. LODGE. Certainly not with this amendment treated as it is.

Mr. SWANSON. Not with this amendment?

Mr. LODGE. No; this amendment as it is now reads:

That hereafter no authorization shall be made for the construction of a building to be used exclusively for post-office purposes at any town or city where the postal receipts have not reached the sum of $10,000 annually, nor shall any authorization for the purchase of a site for post-office purposes only be made at any town or city where the postal receipts have not reached the sum of $6,000 annually.

The last part, as I recall, lowers the limit, even for the future, but of course it takes away the whole purpose of the amendment, as I understood it, as offered by the Senator from Indiana, which was to cut out certain appropriations in this bill.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly; gladly.

Mr. BORAH. If the amendment of the Senator from Indiana should prevail, how much would it cut out of the bill altogether?

Mr. LODGE. I do not know, Mr. President.

Mr. BORAH. Perhaps twenty-five or thirty thousand dollars.

Mr. LODGE. It would cut out more than that, I know.

Mr. KERN. It cuts out, as I understand, about 90 of the buildings and sites.

Mr. BORAH. How much altogether, in dollars and cents, would be cut out?

Mr. KERN. I do not know.

Mr. LODGE. As this debate proceeds we will examine and find out precisely what it does cut out.

Mr. BORAH. And as it proceeds we will find out that it cuts out an amount so small that it does not amount to anything at all.

Mr. LODGE. That, of course, is to be determined by an examination of the amendment.

Mr. SWANSON. Will the Senator permit me?

Mr. LODGE. Certainly; with pleasure.

Mr. SWANSON. The amendment, as stated by the Senator from Wyoming, fixes up a future policy for the Government in accordance with the wishes of the Senator from Indiana, and when amendments come in in the future, if they are not estimated for by a department and in pursuance of the general law, they would be subject to a point of order.

Mr. LODGE. No; not on this bill. This bill requires no estimate.

Mr. SWANSON. But there is a rule which requires that any amendment not in pursuance of existing law or not estimated for by a department is subject to a point of order.

Mr. LODGE. That applies only to general appropriation bills. This is not a general appropriation. No point of order lies against it.

Mr. SWANSON. I am satisfied it would fix the policy for the future; that no building and no site that did not measure up to it would be considered in the future; and it is wise legislation.

Mr. BACON. I wish to make a suggestion to the Senator. Suppose the item were in the original bill and not an amendment, the general law would control in that regard; it would not be open to a point of order. I agree with the Senator from Massachusetts, but I am answering the suggestion of the Senator from Virginia. An amendment might be subject to a point of order because it would be subject to those limitations which are put upon amendments, but if the original bill passed in the House should contain the item, certainly a point of order would not lie against it.

Mr. LODGE. Certainly not.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. ROOT. I rise to ask for the reading of the rule to which the Senator from Virginia has referred. I do not like to have the matter rest in uncertainty as to the effect upon any future legislation of the treatment that has been given to the limitation clause.

The PRESIDENT pro tempore. The Chair will venture to suggest that it is not necessary to read the rule. A public buildings bill is not an appropriation bill under our rule, and hence the provisions relating to appropriation bills do not apply.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move to substitute in place of this pending matter the conference report on the agricultural appropriation bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate proceed to the consideration of the conference report upon House bill 28283, the agricultural appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The conference report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 12, 34, 38, 39, 45, 64, 66, 69, 73, 75, 76, 77, 80, 81, 88, 101, 104, 107, 108, 113, 114, 115, 116, 120, 121, 128, 129, 130, 135, 140, 141, 157, 158, 159, 160, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 181, 182, 189, 190, 193, 194, 200, 205, 208, 211, 213, 215, 216, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 237, 240, 243, 244, 245, 246.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 25, 29, 32, 35, 37, 41½, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, 67, 70, 71, 84, 89, 92, 93, 96, 97, 98, 99, 100, 102, 109, 111, 112, 122, 123, 125, 127, 136, 138, 139, 142, 146, 147, 148, 149, 150, 152, 153, 154, 156, 162, 163, 180, 184, 185, 186, 187, 188, 191, 192, 195, 198, 202, 203, 204, 207, 209, 210, 212, 233, 235, 239, 242, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$303,820"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of "37 messengers, messenger boys or laborers at $600 each," insert "31 messengers, messenger boys or laborers at $600 each"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$325,860"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$120,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$45,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,356,750"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,707,610"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert in lieu thereof "One," so it will read: "One chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$359,250"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the language proposed by said amendment insert the following: "That of this sum not less than $75,000 shall be set aside for demonstrating the best method of preventing and eradicating hog cholera"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,371,046"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,031,196"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert "One," so it will read: "One physiologist and pathologist, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$427,090"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from the disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$33,380"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$38,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: After "$50,960" insert: "*Provided*, That of this amount $10,000 may be used to investigate the diseases, cultivation, and acclimating of potatoes, and the development of improved and disease-resistant types thereof"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,944,305"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,667,995"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Strike out the words "There shall be one" and insert in lieu thereof "One," so that it will read: "One Forester, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Strike out "fourteen," in line 3, and insert the word "thirteen"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,239,560"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$160,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$140,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 37, in lines 8, 9, and 10, strike out the words "That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913," and insert "That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,160,119"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,399,679"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the words "There shall be," so as to make it read: "One chemist, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$109,280"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,038,140"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One soil physicist, who shall be chief of bureau, $4,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$53,620"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$280,400"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$334,020"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "One entomologist, who shall be chief of bureau, $4,500"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,960"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "$45,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "$45,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$381,250"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$742,210"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: Strike out "There shall be one," so it will read "One biologist, who shall be chief of bureau, $3,500"; and the Senate agreed to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$29,990"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$141,000"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,990"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One editor, who shall be chief of division, $3,250"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,100"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Strike out the word "five" and insert the word "eight"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$166,410"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$184,660"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "One statistician, who shall be chief of bureau, $4,000"; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "one librarian, $2,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One director, $4,500"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,920"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$66,160"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,500"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,613,560"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,901,260"; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: Strike out the words "There shall be," so that it will read: "One director, who shall be a scientist and have charge of all scientific and technical work, $4,000"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$105,000"; and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$232,000"; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$279,400"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$17,376,945"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows:

"To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000," and add the words "of which sum $10,000 shall be immediately available."

And the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236,

and agree to the same with an amendment as follows: After the comma following the end of the parenthesis insert the words "and any amendments thereto"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the language used in said paragraph substitute the following:

"And hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified."

And the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of $200,000 insert "$75,000," and strike out the words "to be available until the end of the fiscal year 1915"; and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the language in said amendment insert the following:

"That the President of the United States shall appoint a commission composed of not more than seven persons, who shall serve without compensation, to cooperate with the American commission assembled under the auspices of the Southern Commercial Congress to investigate and study in European countries cooperative land-mortgage banks, cooperative rural-credit unions, and similar organizations and institutions devoting their attention to the promotion of agriculture and the betterment of rural conditions; and for the purpose of its investigations the commission shall be authorized to incur and have paid upon the certificate of its chairman such expenses in the city of Washington and elsewhere for the payment of the salaries of employees, clerks, stenographers, assistants, and such other necessary expenses as the commission may deem necessary: *Provided*, That the total expenes incurred for all purposes shall not exceed the sum of $25,000, and the said commission shall submit a report to Congress as early as practicable embodying the results of its investigations and such recommendations as it may see fit to make."

And the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the sum inserted insert "$17,986,945"; and the Senate agree to the same.

HENRY E. BURNHAM,
F. E. WARREN,
T. P. GORE,
Managers on the part of the Senate.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. ROOT. Mr. President, it is quite impossible to appreciate the effect of the various concessions which are reported without having the terms of the amendments before the Senate. I am aware that this conference report is in the usual form, and I make no criticism whatever upon the managers of the conference on the part of the Senate, but we should be passing upon this conference report without any real understanding of what it is if we were to vote now upon it without having the amendments presented to the Senate; and I ask that the amendments be read, to which this report refers, by numbers.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from New York requests that the amendments referred to in the conference report be read separately. The Secretary will state the first amendment. [A pause.] The Chair will say to the Senator from New York that the amendments themselves are not at the desk, but only the conference report is here. Word has been sent to the Secretary's office to have the amendments sent to the desk.

Mr. LODGE. Mr. President, the amendments that are disposed of simply by number are all in the print of the bill as printed in the House after the bill left the Senate. The amendments which are agreed to and those which have been agreed to with amendments are all contained in that copy.

The PRESIDING OFFICER. The Chair was stating what the Secretary had informed the Chair. The Chair will suggest that the conference report has been read in full.

Mr. LODGE. I know that, Mr. President.

The PRESIDING OFFICER. The Secretary will state the first amendment to the Senate in full.

Mr. LODGE. Very well; but simply to save time I suggested that we take the House print of the agricultural appropriation bill and have the amendments read as numbered there, which are either accepted or refused, without further action. I repeat they are all in the House print of the bill as it passed the Senate.

The PRESIDING OFFICER. But the House print is not at the desk. It will have to be sent for.

Mr. LODGE. It can easily be procured.

Mr. SMITH of South Carolina. May I ask the Senator from New York [Mr. ROOT] what is the purport of his request—that the amendments as amended or rejected or adopted by the conference committee be read in full and whatever changes have been made shall be read as well?

Mr. ROOT. Precisely, Mr. President, so that we may know what we are acting on.

Mr. SMITH of South Carolina. Is it the Senator's desire to merely have those amendments read which are affected by the conference report?

Mr. ROOT. Yes.

Mr. GRONNA. Mr. President, while the Senate is waiting for the amendments to be sent to the desk I should like to hear from the chairman of the Committee on Agriculture, and I desire to ask him what was done with a certain provision on page 54 of the Senate print of the bill?

Mr. BURNHAM. Let me inquire of the Senator the number of the amendment?

Mr. GRONNA. I do not know what the number is, so I shall have to read the provision. The committee inserted, beginning with line 23 of the Senate bill, on page 54, the following provision:

For the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced within the boundaries of the Sullys Hill National Park in the State of North Dakota, to be used as a permanent national range for elk, deer, and such other game animals and birds as may be placed therein, $10,000, to be available until expended, and the Secretary of Agriculture is authorized to inclose the said game preserve with a good and substantial fence, to construct thereon all necessary sheds, buildings, and corrals for the proper care and maintenance of the animals, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals placed therein.

Mr. President, that provision was inserted at my request and with the recommendation of the Secretary of Agriculture. There could be no possible objection to this item, so far as it would go toward establishing a new precedent, because we have now four or five of such game preserves. We have one in the State of Montana, another in the State of South Dakota, another in the State of Oklahoma, another in the State of Wyoming, and I believe there is a fifth one in the State of Nebraska. I am at a loss to understand why an item so infinitesimal, only involving an expenditure of about $10,000, should be stricken from the bill, when the Secretary of Agriculture, under whose control this matter would go, so strongly recommends that this game preserve should be established and that this appropriation should be made.

The land proposed to be taken is now owned by the Government as a national park. It is peculiarly fitted and most suitable for a game preserve, a place where game animals could be kept. I only want to take up the time of the Senate by having the Secretary read a letter from Secretary Wilson on this very provision. I have marked the portions in the copy of the hearings which I desire to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

FEBRUARY 1, 1913.

Hon. HENRY E. BURNHAM,
Chairman Committee on Agriculture and Forestry,
United States Senate.

SIR: I have the honor to acknowledge the receipt of the Senate amendment to the Agriculture appropriation bill (H. R. 28283), proposed by Senator GRONNA for the establishment of a national game preserve in North Dakota, on which you request a report.

This amendment proposes to appropriate $10,000 for the erection of fences, headquarters, and other buildings, and the construction of roads and trails necessary for the establishment and maintenance of the North Dakota national game preserve on the land in Sullys Hill National Park, N. Dak.

I inclose herewith a map showing the boundaries of this park. From information on file in the Biological Survey it appears that Sullys Hill Park, on the south shore of Devils Lake, N. Dak., was established in 1904, and has an area of about 780 acres. The land is partially wooded, well watered, and contains some excellent grazing ground. The highest point on the reservation, and the one from which it takes its name, Sullys Hill, attains an elevation of about 1,000 feet above the lake. Apparently no appropriation has ever been made for this reservation or any effort put forth to develop the park for any purpose. If inclosed with a suitable fence it would provide an excellent location for big game of various species characteristic of North Dakota and the northern plains region, such as buffalo, elk, mule and white-tailed deer, and antelope. The reservation is ample for a herd of moderate size and

affords abundant grass and water. The amount proposed is sufficient to construct the fence and necessary buildings. If the appropriation is made at this time the department is prepared to place on the reservation a herd of elk and can doubtless provide a few deer, so that no part of this sum need be expended for the purchase of animals. Once established, the preserve can be maintained at very moderate expense.

I especially call the attention of the committee to the fact that experience in the Yellowstone Park and the Wichita Game Preserve shows the importance of having herds of buffalo and other big game located at several widely separated points in order to prevent the spread among them of contagious diseases which may break out from time to time. The department has already under its jurisdiction small herds of buffalo and elk on the Wichita Game Preserve in Oklahoma, the National Bison Range in Montana, and the Niobrara Preserve in Nebraska. Congress has recently authorized the establishment of a preserve in the Wind Cave Park in South Dakota. The North Dakota game preserve is smaller than any of the others and can be established and maintained at less cost. If Sullys Hill Park can be used for this purpose it will afford an opportunity of establishing a herd of big game, which can be utilized as a center of distribution for stocking other parks. It will also be a refuge for birds, including two species of grouse native to the region, will provide for the utilization of a reservation hitherto undeveloped, and will afford a park which will be a point of attraction for visitors from North Dakota and other States. The project has my approval, as it is entirely feasible, economical, and is desirable from every point of view.

Respectfully, JAMES WILSON, *Secretary.*

Mr. GRONNA. Mr. President, I understand the Secretary has only read the letter of the Secretary of Agriculture on page 60.

The PRESIDING OFFICER. That is what the Secretary read.

Mr. GRONNA. I should like also to have a part of the hearings down at the bottom of the other page read.

The PRESIDING OFFICER. The Chair will state that the Secretary has read that. The Secretary will proceed with the reading of the separate amendments whenever it will suit the convenience of the Senator from North Dakota.

Mr. GRONNA. I should like to have the matter I desire to present to the Senate all go in together.

The PRESIDING OFFICER. Very well. The Secretary will read the matter referred to by the Senator.

The Secretary read as follows:

Senator GRONNA. This land on which we would like to have this reserve established is now a national park.

The CHAIRMAN. I understand so.

Senator GRONNA. It is now under the control of the Interior Department, and what we want to do by this amendment is simply to make it a game preserve and put it under the control of the Secretary of Agriculture. If you will pardon a little diversion, I will say that right across from this park we hold our chautauquas of the State; it is just across the lake, and of course we are very anxious to have it. It would be a very good thing, not only for our State but for several neighboring States. We could have elk, deer, and have a place for birds, where they would not be disturbed.

Secretary WILSON. We approve of that in our letter to Mr. BURNHAM.

Senator GRONNA. I am glad of that.

The CHAIRMAN. The expense of fencing would be substantially that amount, Senator? I see you have $10,000.

Senator GRONNA. I have a statement here prepared for me.

MEMORANDUM BY MR. GRONNA.

Sullys Hill National Park was created by act of Congress April 27, 1904 (33 Stat., 323). It comprises 680 acres on the south of Devils Lake, part of which is well wooded. The tract was established largely on account of its historic association, but thus far Congress has appropriated little or nothing for its maintenance or development. If inclosed with a suitable fence, it will be admirably adapted for a game preserve and will become a point of attraction for visitors from all parts of the State and from other States. The number of visitors is now about 200 a year, but this number would be largely increased if there were any provision for their accommodation or for the proper development of the present attractive features of the park.

During the past 10 years Congress has appropriated for several similar projects in several other States, as follows:

1906. For the Wichita Game Preserve in Oklahoma.
1908–10. For the Montana National Bison Range.
1912. For an elk refuge in Wyoming.
1912. For the Wind Cave National Game Preserve in South Dakota.

Provision has also been made for a game preserve on the Niobrara Reservation in Nebraska.

Thus in recent years Congress has provided liberally for the establishment of similar projects in five Western States, while North Dakota, with a suitable park already within its boundaries, has received no appropriation for the development of this park during the nine years of its existence.

The appropriation necessary for the proper development of the preserve is approximately as follows:

For inclosing the preserve with a suitable woven-wire fence	$5,000
For erecting a building for headquarters	1,500
For constructing roads, trails, etc	1,500
For incidental expenses, including purchase of miscellaneous supplies, feed, payment of transportation for game, and salary of warden	2,000
	10,000

Of course that is a very small amount, but I did not feel like asking for a great deal. I would be glad to have a little more. I had letters from the Commercial Club of Devils Lake, in which they told me the amount was not sufficient. They told me I should have asked for $15,000, anyway.

Secretary WILSON. I think what you have asked for would make a very good beginning. It takes some time to build those fences.

Mr. GRONNA. Mr. President, I have asked to have these extracts read for the purpose of showing that there are now 5 or 6 game preserves in the United States for which we appropriate money in this bill. The people of my State wish to have this land, which is now a national park, set aside as a game preserve; and so long as that is the desire of and is satisfactory to the people of the State, it seems to me that Congress should not object. If it were a new matter for which there were no precedent at all, I should not take up the time of the Senate even to ask the chairman of the committee why this provision was stricken out; but it seems to me that I am at least entitled to an explanation from the chairman of the committee, and I ask him now why this small appropriation for this desirable purpose was stricken from the bill by the committee of conference. It was passed by the Agricultural Committee unanimously, and was passed by this body unanimously, and I ask the chairman to explain why it was taken out of the bill.

Mr. BURNHAM. Mr. President, I wish to say, in explanation, that this amendment which was adopted, as has been stated, by the committee and by the Senate, was one of the last amendments from which the Senate conferees receded. For something like 24 hours this and other amendments were held in dispute. I should like to say to the Senator that every effort was made to retain this particular amendment, because it was a Senate amendment, and because it had, I think, the support of the Senate conferees individually; but we found it to be the fact that the House conferees were very determinedly opposed to the amendment; they were, in fact, opposed to game preserves in general; they believed that it was the beginning of a continuous expense to the Government, and stated that they did not approve of the policy. While there was no particular objection to this one game preserve, they regarded the fact to be that it was time to stop that business. That was the position which the House conferees took.

That was contrary to the view of the conferees on the part of the Senate. Not only were all the arguments which have been presented here by the Senator from North Dakota, together with the statement from the hearings, presented to the conferees, but we had the benefit of the presence of the Senator himself, who went over this whole matter and argued it before the House conferees. Yet, notwithstanding all that, notwithstanding every effort to retain this particular amendment to the last, we were unable to do so; and it did not seem to your committee that they would be justified in holding back a conference report upon such an important bill as this because of a single provision, such as the one to which the Senator from North Dakota has referred, however much we might have been interested in it, and notwithstanding our desire to have it retained in the bill.

Mr. GRONNA. Mr. President, I was just about to say that I am sure the chairman of the committee has done all that anyone could do to retain this particular item. I find no fault with the action of the members of the conference committee on the part of the Senate; and I shall not try to delay the passage of the bill simply because I do not get what I am justly entitled to and what was unanimously inserted in the bill.

I fully appreciate the value of time at this particular moment. We only have a few hours left until this Congress shall be at an end. For that reason I shall let it go at this time, in the hope that during the next Congress those who will then be members of the conference committee to which this matter may be referred will take the time to look into it and see that it is not establishing a new precedent, and also do justice to this particular locality the same as they have done in five other instances in this particular bill.

The SECRETARY. Amendment numbered 1 to the bill is——

Mr. JONES. The Senator who asked for the reading of the amendments is not present, and I suggest that it be dispensed with. We can very easily follow the amendments by looking at the report.

Mr. FALL. I ask that the amendments be read.

The PRESIDENT pro tempore. The amendments will be read.

The SECRETARY. Amendment numbered 1 is on page 1, line 10, where it is proposed, before the words "Secretary of Agriculture," to insert the words "there shall be a."

Amendment numbered 2 is on page 1, line 11, where it is proposed to strike out "$5,000" and insert "$6,000."

Amendment numbered 3 is on page 1, line 12, where it is proposed to strike out "$2,000" and insert "$3,000, and $500 additional as custodian of buildings."

Amendment numbered 4 is on page 2, line 5, where it is proposed to strike out "$2,000" where it occurs the first time and insert "$2,250."

Amendment numbered 5 is on page 2, line 7, where it is proposed, after the words "$2,500 each," to insert "six law clerks, at $2,250 each."

Amendment numbered 6 is on page 2, line 8, where it is proposed, before the words "law clerks," to strike out "ten" and insert "eight."

Amendment numbered 7 is on page 2, line 9, before the words "law clerks" where it occurs the first time, where it is proposed to strike out the word "eight" and insert "four."

Amendment numbered 8 is on page 2, line 11, where it is proposed, before the word "clerks," to strike out "two" and insert "three."

Amendment numbered 9 is on page 2, line 12, where it is proposed to strike out, before the word "clerks," the word "ten" and insert "nine."

Amendment numbered 10 is on page 2, line 16, where it is proposed, after the word "engineer," to strike out "who shall be captain of the watch."

Amendment numbered 11 is on page 3, line 12, where it is proposed to strike out "$301,120" and insert "$305,070."

Amendment numbered 12 is on page 3, line 15, where it is proposed, before the words "chief of bureau," to strike out "One" and insert "There shall be one."

Amendment numbered 13 is on page 3, line 15, where it is proposed to strike out "$4,500" and insert "$6,000."

Amendment numbered 14 is on page 3, line 18, where it is proposed, before the words "chiefs of division," to strike out "two" and insert "three."

Amendment numbered 15 is on page 3, line 19, where it is proposed, before the words "clerks, class 4," to strike out "eight" and insert "seven."

Amendment numbered 16 is on page 4, line 12, where it is proposed, before the word "messengers," to strike out "twenty-seven" and insert "thirty-seven."

Amendment numbered 17 is on page 4, line 17, where it is proposed to strike out "$323,260" and insert "$329,460."

Amendment numbered 18 is on page 5, line 22, where it is proposed to strike out "$585,000" and insert "$590,500."

Amendment numbered 19 is on page 4, line 25, where it is proposed to strike out "$105,500" and insert "$106,500."

Amendment numbered 20 is on page 6, line 2, where it is proposed to strike out "$42,500" and insert "$43,500."

Amendment numbered 21 is on page 6, line 7, where it is proposed to strike out "$99,000" and insert "$100,000."

Amendment numbered 22 is on page 6, line 13, where it is proposed to strike out "$305,000" and insert "$306,000."

Amendment numbered 23 is on page 6, line 21, where it is proposed to strike out "$115,000" and insert "$126,000."

Amendment numbered 24 is on page 7, line 9, where it is proposed to strike out "$40,000" and insert "$50,000."

Amendment numbered 25 is on page 7, after line 9, where it is proposed to insert:

Hereafter officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by existing laws applicable to said bureau, notwithstanding any changes in appointments that may be required by such transfers.

Amendment numbered 26 is on page 7, line 16, where it is proposed to strike out "$1,337,250" and insert "$1,367,750."

Amendment numbered 27 is on page 7, line 17, where it is proposed to strike out "$1,685,510" and insert "$1,722,210."

Amendment numbered 28 is on page 7, line 20, where it is proposed before the words "chief of bureau," to strike out "One," and insert "There shall be one."

Amendment numbered 29 is on page 7, line 20, where it is proposed to strike out "$3,000" and insert "$5,000."

Amendment numbered 30 is on page 7, line 21, where it is proposed to strike out "$1,500" and insert "$2,750."

Amendment numbered 31 is on page 9, line 2, where it is proposed to strike out "$359,250" and insert "$359,500."

Amendment numbered 32 is on page 11, line 13, where it is proposed to strike out "$620,000" and insert "$654,000."

Amendment numbered 33 is on page 11, line 14, where it is proposed to strike out after the word "*Provided*," down to and including the word "cholera," in line 16, and insert:

That of this sum not less than $3,000 may be used for the erection of a superintendent's dwelling on the ground of the United States animal quarantine station for the port of Boston at Littleton, Mass.;

Amendment numbered 34 is on page 12, line 8, where it is proposed to strike out "$177,900" and insert "$200,000."

Amendment numbered 35 is on page 12, after line 16, to insert:

That from and after July 1, 1913, it shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized. That the importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are hereby prohibited. The Secretary of Agriculture is hereby authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous products are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer. That the Secretary of Agriculture be, and hereby is, authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid. The Secretary of Agriculture is hereby authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful. All licenses issued under authority of this act to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of this act, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals. That any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under this act where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid. That any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended as the Secretary of Agriculture may direct, for the purposes and objects of this act, the sum of $25,000, which appropriation shall become available on July 1, 1913, and may be expended at any time before July 1, 1914.

Amendment numbered 36 is on page 16, line 14, where it is proposed to strike out "$1,310,446" and insert "$1,334,046."

Amendment numbered 37 is on page 16, after line 14, where it is proposed to insert:

And hereafter the Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts.

Amendment numbered 38 is on page 16, line 23, where it is proposed after the word "breeding" to insert "and the exhibition of animals and animal products."

Amendment numbered 39 is on page 17, line 13, where it is proposed to strike out "$200,000" and insert "$250,000."

Amendment numbered 40 is on page 17, line 14, where it is proposed to strike out "$1,969,696" and insert "$2,103,546."

Amendment numbered 41 is on page 17, line 18, where it is proposed before the words "plant physiologist" to strike out "one" and insert "there shall be one."

Amendment numbered 41½ is on page 17, line 19, where it is proposed after the words "chief clerk" to strike out "$2,500" and insert "$2,750."

Amendment numbered 42 is on page 17, line 20, where it is proposed after the word "distribution" to strike out "$2,250" and insert "$2,500."

Amendment numbered 43 is on page 17, line 21, where it is proposed after the word "publications" to strike out "$2,000" and insert "$2,250."

Amendment numbered 44 is on page 17, line 23, where it is proposed, after the word "records," to strike out "$2,000" and insert "$2,100."

Amendment numbered 45 is on page 17, line 25, where it is proposed, before the words "executive clerks," to strike out "three" and insert "four."

Amendment numbered 46 is on page 18, line 8, where it is proposed, before the word "messengers," to strike out "thirty-six" and insert "twenty-eight."

Amendment numbered 47 is on page 18, line 8, where it is proposed, after the word "messengers," to strike out "gardeners."

Amendment numbered 48 is on page 18, line 22, where it is proposed, after "$600," to strike out "one gardener, $1,440," and insert "two gardeners, at $1,440."

Amendment numbered 49 is on page 18, line 22, where it is proposed, before the word "gardeners," to strike out "two" and insert "four."

Amendment numbered 50 is on page 18, line 22, where it is proposed, after the word "each," to strike out "one gardener, $1,100" and insert "eight gardeners, at $1,100 each."

Amendment numbered 51 is on page 18, line 23, where it is proposed, after the word "each," to strike out "two gardeners or assistants, at $1,000 each."

Amendment numbered 52 is on page 18, line 24, where it is proposed, before the word "gardeners," to strike out "seven" and insert "fifteen."

Amendment numbered 53 is on page 18, line 25, where it is proposed, after the word "each," to strike out "four gardeners, at $840 each."

Amendment numbered 54 is on page 19, line 1, where it is proposed, before the word "gardeners," to strike out the word "four" and insert "nineteen."

Amendment numbered 55 is on page 19, line 1, where it is proposed, after the word "each," to strike out "eight gardeners, at $720 each."

Amendment numbered 56 is on page 19, line 2, where it is proposed, after the word "each," to strike out "five gardeners, at $660 each."

Amendment numbered 57 is on page 19, line 2, where it is proposed, after the word "each," where it occurs the second time, to strike out "two gardeners, at $600 each."

Amendment numbered 58 is on page 19, line 4, where it is proposed, before the word "skilled," to strike out "four" and insert "three."

Amendment numbered 59 is on page 19, line 4, where it is proposed, after the word "laborers," to strike out "or gardeners."

Amendment numbered 60 is on page 19, line 15, where it is proposed to strike out "$418,920" and insert "$429,670."

Amendment numbered 61 is on page 20, line 17, where it is proposed to strike out "$30,380" and insert "$35,740."

Amendment numbered 62 is on page 20, line 23, where it is proposed to strike out "$33,300" and insert "$43,300."

Amendment numbered 63 is on page 21, line 6, where it is proposed to strike out "$26,000" and insert "$46,120: *Provided*, That of the sum thus appropriated, $10,000 is to be used for testing the waste, tensile strength, and bleaching qualities of the different grades of cotton as standardized by the Government."

Amendment numbered 64 is on page 21, line 13, where it is proposed to strike out "$65,000" and insert "$75,640."

Amendment numbered 65 is on page 21, line 15, where it is proposed to strike out "$18,000" and insert "$23,655."

Amendment numbered 66 is on page 22, line 7, where it is proposed to strike out "$25,000" and insert "$35,000."

Amendment numbered 67 is on page 23, line 6, where it is proposed to strike out "$125,000" and insert: "$130,000: *Provided*, That the limitation of this act as to the cost of farm buildings shall not apply to this paragraph."

Amendment numbered 68 is on page 23, line 18, where it is proposed to strike out "$73,000" and insert "$78,000."

Amendment numbered 69 is on page 23, line 20, where it is proposed after the word "handling" to insert "marketing."

Amendment numbered 70 is on page 23, line 23, where it is proposed to strike out after "$92,000" down to and including the word "industry" in line 25.

Amendment numbered 71 is on page 24, line 3, where it is proposed to strike out "$12,410" and insert "$11,690."

Amendment numbered 72 is on page 24, line 12, where it is proposed to strike out "$40,000" and insert "$50,000."

Amendment numbered 73 is on page 24, after line 23, where it is proposed to insert:

For continuing the study of rice production and investigating the acclimatization, adaptation, cultivation, irrigation, and development of high yielding types of rice, and for experimenting with new methods of controlling red rice, and for developing and putting into practice the methods of control already discovered, $10,000.

Amendment numbered 74 is on page 25, line 11, where it is proposed to strike out "$1,892,245" and insert "$1,989,260."

Amendment numbered 75 is on page 25, line 21, where it is proposed to strike out "$296,000" and insert "$295,100, or so much thereof as may be necessary."

Amendment numbered 76 is on page 25, after line 22, where it is proposed to strike out down to and including the words "And provided also," on page 27, line 19.

Mr. ROOT. Mr. President, I shall not interfere with the reading now; but, as I think this amendment is one of the best ones in the bill, I may take occasion to make some remarks upon it hereafter before it is acted upon.

The PRESIDENT pro tempore. The Secretary will continue the statement of the amendments.

The SECRETARY. Amendment numbered 77 is on page 28, line 4, where it is proposed to strike out "$39,000" and insert "$50,000."

Amendment numbered 78 is on page 28, line 9, where it is proposed to strike out "$2,607,165" and insert "$2,714,030."

Amendment numbered 79 is on page 28, line 13, where it is proposed, before the word "Forester," to strike out "One" and insert "There shall be one."

Amendment numbered 80 is on page 28, line 14, where it is proposed, after the word "assistant," to strike out "$2,000" and insert "$2,250."

Amendment numbered 81 is on page 29, line 1, where it is proposed, after the word "auditor," to strike out "$1,800" and insert "$2,000."

Amendment numbered 82 is on page 29, line 3, where it is proposed, after the word "clerks," to strike out "eleven" and insert "fourteen."

Amendment numbered 83 is on page 30, line 13, where it is proposed to strike out "$2,235,960" and insert "$2,241,810."

Amendment numbered 84 is on page 39 line 9, where it is proposed, after "$3,800," to insert "and not to exceed $2,000 may be expended in the erection of a headquarters building."

Amendment numbered 85 is on page 41, line 7, where it is proposed to strike out "$155,000" and insert "$168,000."

Amendment numbered 86 is on page 41, line 13, where it is proposed to strike out "$120,000" and insert "$170,000."

Amendment numbered 87 is on page 41, line 17, where it is proposed to strike out "$20,180" and insert "$25,820."

Amendment numbered 88 is on page 42, where it is proposed to strike out lines 3, 4, 5, 6, and 7.

Amendment numbered 89 is on page 42, line 16, where it is proposed, after "$400,000," to insert:

Provided, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines.

Amendment numbered 90 is on page 43, line 8, where it is proposed, before the words "per centum," to strike out "10" and insert "20."

Amendment numbered 91 is on page 43, line 19, where it is proposed to strike out "$3,110,299" and insert "$3,115,211."

Amendment numbered 92 is at the top of page 44, where it is proposed to insert:

That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable.

Amendment numbered 93 is on page 44, after line 6, where it is proposed to insert:

That hereafter the employees of the Forest Service who are assigned to permanent duty in Alaska may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year.

Amendment numbered 94 is on page 44, line 15, where it is proposed to strike out "$5,346,259" and insert "$5,357,021."

Amendment numbered 95 is on page 44, line 17, where it is proposed, after the word "Chemistry," to insert "There shall be one chemist, who shall be chief of bureau, $5,000."

Amendment numbered 96 is on page 44, line 19, where it is proposed, before the words "chief clerk," to strike out "One" and insert "one."

Amendment numbered 97 is on page 45, line 1, where it is proposed, before the word "food," to strike out "ten" and insert "thirteen."

Amendment numbered 98 is on page 45, line 2, where it is proposed, before the word "food," to strike out "fourteen" and insert "thirteen."

Amendment numbered 99 is on page 45, line 4, where it is proposed, before the word "food," to strike out "thirteen" and insert "eleven."

Amendment numbered 100 is on page 45, line 20, where it is proposed to strike out "$272,860" and insert "$273,860."

Amendment numbered 101 is on page 46, line 12, where it is proposed to strike out "$65,000" and insert "$70,000."

Amendment numbered 102 is on page 46, line 16, where it is proposed to strike out "$35,000" and insert "$40,000."

Amendment numbered 103 is on page 47, line 1, where it is proposed to strike out "$104,280" and insert "$114,280."

Amendment numbered 104 is on page 47, line 15, where it is proposed to strike out "$675,000" and insert "$700,000."

Amendment numbered 105 is on page 47, line 17, where it is proposed to strike out "$1,052,140" and insert "$1,088,140."

Amendment numbered 106 is on page 47, line 21, where it is proposed, before the words "soil physicist," to strike out "One" and insert "There shall be one."

PUBLIC BUILDINGS BILL.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of the conference report on House bill 28766, the public buildings bill.

Mr. BURNHAM. May I ask the Senator from Utah if he thinks it will take much time?

Mr. SUTHERLAND. I think we can dispose of it in a very few minutes. I will ask to have the conference report on the agricultural appropriation bill laid aside temporarily.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the conference report under consideration on the disagreeing votes of the two Houses upon the amendments of the Senate to the agricultural appropriation bill be temporarily laid aside. Is there objection? The Chair hears none.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of the conference report on House bill 28766.

The motion was agreed to.

Mr. SUTHERLAND. I ask the Senate to agree to the report.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Colorado suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Lodge	Smith, S. C.
Bankhead	du Pont	McLean	Smoot
Borah	Fall	Martin, Va.	Stephenson
Bourne	Fletcher	Martine, N. J.	Stone
Brady	Gallinger	Myers	Sutherland
Brandegee	Gamble	Nelson	Swanson
Bristow	Gardner	Newlands	Thomas
Burnham	Gronna	Oliver	Thornton
Burton	Guggenheim	Overman	Tillman
Catron	Jackson	Page	Warren
Chilton	Johnston, Ala.	Perkins	Watson
Clark, Wyo.	Jones	Pittman	Webb
Clarke, Ark.	Kenyon	Pomerene	Wetmore
Crane	Kern	Richardson	Williams
Crawford	La Follette	Root	
Culberson	Lea	Sheppard	
Cummins	Lippitt	Smith, Md.	

The PRESIDENT pro tempore. On the call of the roll, 65 Senators have answered to their names. There is a quorum present.

Mr. SUTHERLAND. I ask the Senate to agree to the report of the conference committee, and I will move that the Senate further insist upon its amendments still in disagreement, and ask for a further conference, and that the Chair appoint the conferees.

Mr. SWANSON. Mr. President, I wish to say in this connection that I made a motion to recede from the disagreement of the Senate to certain items in the bill, but I am satisfied from the debate which would be precipitated and the delay that would be occasioned by the consideration of those amendments that the chances of the passage of the bill would be enhanced by sending it back to conference. I am assured that the conferees will make another report of some kind before the adjournment of the present Congress.

Mr. LODGE. I want it understood, of course, that the amendment of the Senator from Indiana [Mr. KERN] is still in conference. I do not agree to that change.

The PRESIDENT pro tempore. The Senator from Virginia withdraws his motion?

Mr. SWANSON. My motion has been withdrawn.

The PRESIDENT pro tempore. It is withdrawn. The Senator from Utah moves that the report be agreed to, and that the Senate further insist on the amendments in controversy and ask for a further conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

Mr. LODGE. If that carries an agreement to the change in the amendment offered by the Senator from Indiana [Mr. KERN], I do not want to have that done. Under the only precedent we have an agreement was made to each item. I think we can properly disagree on that item and agree on the rest, leaving that in conference with the other items still in disagreement.

Mr. SUTHERLAND. I will modify my motion accordingly and move that the Senate further insist on its amendments reported as being in disagreement, and, in addition, upon the amendment with reference to the limitation upon the authorization for the erection of buildings and purchase of sites.

The PRESIDENT pro tempore. Will the Senator from Utah put his motion in writing?

Mr. NEWLANDS. I wish to inquire as to the disposition of amendment 262, regarding a commission to be composed of the Secretary of the Treasury, the Postmaster General, the Attorney General, two Members of the Senate, and two Members of the House, who shall, with the aid of the Supervising Architect of the Treasury, the Commission of Arts, and a member of the Engineer Corps of the Army to be appointed by the President, with a view to presenting a connected scheme for public buildings involving standards, adaptability, and so forth. I ask the Senator what changes have been made in that amendment?

Mr. SUTHERLAND. The amendment has been amended by the conferees so as to provide that two members of the Committee on Public Buildings and Grounds of the Senate and two members of the Committee on Public Buildings and Grounds of the House shall be appointed, striking out the provision with reference to the Commission of Arts and a member of the Engineer Corps of the Army to be appointed by the President.

Mr. NEWLANDS. Does the provision with reference to the aid of the Supervising Architect of the Treasury remain?

Mr. SUTHERLAND. That remains.

Mr. NEWLANDS. Let me suggest to the Senator that there is some question as to whether the Commission of Arts under the law authorizing it has the power to study questions outside of the District of Columbia. The reason why I inserted that clause in the amendment was in order to give the commission the opportunity of securing the aid of that commission. So far as the Engineer Corps of the Army is concerned, we all know that there are several very distinguished Army engineers who have been intrusted with great public works and public buildings, and that one of those men would be of great service in aiding this commission. Was there any special reason why the Commission of Arts and the Engineer Corps of the Army should not be availed of?

Mr. SUTHERLAND. It was thought that as that commission consists of a number of persons it might be difficult to get them together. I will say to the Senator from Nevada that I will modify my motion once more so that the bill can go back to conference.

I move that the Senate further insist upon its amendments, ask for a further conference, and that the Chair appoint the conferees.

Mr. NEWLANDS. Let me call the attention of the chairman to the importance of securing full cooperation of the Commission of Arts and the Engineer Corps of the Army. The Commission of Arts, as the Senator knows, is composed of leading artists and architects in the country. Among the architects are some of the greatest constructors in the country, men of very large administrative capacity, for instance, Mr. Cass Gilbert.

The PRESIDENT pro tempore. Will the Senator from Nevada allow the Chair to state the question? The Chair will suggest to the Senator from Utah that if the report is rejected it goes back without the necessity of appointing conferees; that it goes back automatically and has the same standing it had before the report was made.

Mr. SUTHERLAND. It does not seem to me, then, that the bill would automatically go to conference.

The PRESIDENT pro tempore. The Chair will put the question in this form: That the Senate disagree to the report, further insist upon its amendments, and ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SUTHERLAND, Mr. WARREN, and Mr. CULBERSON conferees on the part of the Senate.

Mr. NEWLANDS. I should like to call the attention of the Senator from Utah, if I may have his attention, to the importance of having the Commission of Arts collaborate in this work. I was referring to Mr. Cass Gilbert, who is the architect of some of the greatest public structures in the country, and is consulted not only with reference to great public buildings but with reference to great public works. He is consulted by the large railway systems regarding their traffic arrangements in great cities, and so forth, and his experience and observation will be of the greatest value in a work of this kind. There are other members of the commission who have had large experience in architecture and construction whose aid would be most valuable.

Then there is Mr. Frederick Law Olmsted on that commission, who is a landscape architect and who has been engaged in civic planning, and has recently undertaken the great work of re-

forming plans of the city of Pittsburgh. It seems to me that his advice and cooperation would be of the greatest importance. I am aware of the fact that the commission can, if it chooses, consult this commission.

Mr. STONE. Mr. President, what is before the Senate?

ADJOURNMENT OF LEGISLATIVE DAY.

Mr. LODGE (at 2 o'clock and 50 minutes p. m., Monday, March 3). The Senate is still in the legislative day of Saturday. It is necessary that we should take an adjournment in order that we have a new legislative day. I therefore move that when the Senate adjourns it be to meet at 20 minutes before 3 o'clock.

The motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to.

SENATE.

MONDAY, *March 3, 1913.*

The Senate met at 2 o'clock and 40 minutes p. m.

Mr. LODGE. I ask that the reading of the Journal of the proceedings of Saturday be dispensed with.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the reading of the Journal be dispensed with. Without objection, it is so ordered, and the Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1653. An act to provide American register for steam yacht *Diana*;

S. 8377. An act to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.;

S. 8429. An act to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal.;

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State;

S. 8443. An act to extend the time for constructing a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.;

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota;

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri; and

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 24266) to authorize the sale of burnt timber on the public domain.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

The message further announced that the House had passed the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., with an amendment, in which it requested the concurrence of the Senate.

MINOR MERIWETHER, JR.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., which was, in line 4, after the word "waived," to insert "for one year."

Mr. THORNTON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

JOSEPH BOURGERET.

Mr. STONE. I ask unanimous consent to take from the table House bill 28613, and that it be put upon its passage. It will take about two minutes to pass it.

The PRESIDENT pro tempore. The Chair lays the bill before the Senate.

The bill (H. R. 28613) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo., was read the first time by its title.

Mr. STONE. I ask for the present consideration of the bill.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the name of E. T. Bourger, as the same appears in the report of the Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, shall be construed as referring to Joseph Bourgeret, who now resides in Osage County, Mo.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, simply a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FALL. Is the conference report on the Agriculture appropriation bill the unfinished business coming over until today? This is a new legislative day, I understand.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate proceed to the consideration of the conference report. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. CATRON. The Secretary had not finished reading the amendments.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the amendments of the Senate to the bill.

The SECRETARY. Amendment numbered 107 is on page 47, line 25, where it is proposed, before the word "clerks," to strike out "eight" and insert "nine."

Amendment numbered 108 is on page 48, line 1, where it is proposed, after "$1,800," to insert "one soil cartographer, $1,600."

Amendment numbered 109 is on page 48 line 3, where it is proposed, before the word "draftsmen," to strike out "three" and insert "four."

Amendment numbered 110 is on page 48, line 7, where it is proposed to strike out "$52,420" and insert "$56,420."

Amendment numbered 111 is on page 49, line 12, where it is proposed, before the word "possible," to strike out "a."

Amendment numbered 112 is on page 49, line 12, where it is proposed, before the word "of," to strike out "source" and insert "sources."

Amendment numbered 113 is on page 49 line 13, where it is proposed, after the word "supply," to insert "and methods of utilization."

Amendment numbered 114 is on page 49, line 14, where it is proposed, after the word "other," to strike out "natural fertilizers, $25,000," and insert "fertilizer material, $35,000."

Amendment numbered 115 is on page 49 after line 15 where it is proposed to insert: "For the investigation of the relation of soils to drainage and seepage waters, $5,000."

Amendment numbered 116 is on page 49, line 20, where it is proposed to strike out "$175,000" and insert "$195,000."

Amendment numbered 117 is on page 50, line 1, where it is proposed to strike out "$280,400" and insert "$315,400."

Amendment numbered 118 is on page 50, line 2, where it is proposed to strike out "$332,820" and insert "$371,820."

Amendment numbered 119 is on page 50, line 4, where it is proposed, after the word "Entomology," to insert "There shall be one entomologist, who shall be chief of bureau, $4,500."

Amendment numbered 120 is on page 50, line 6, where it is proposed, after "$4,500," to strike out "one executive assistant, $2,250" and insert "one chief clerk, $2,500."

Amendment numbered 121 is on page 50, line 7, where it is proposed, after "$2,500," to strike out "one chief clerk, $1,800" and insert "one executive clerk, at $2,000."

Amendment numbered 122 is on page 50, line 8, where it is proposed, before the words "class four," to strike out "one clerk" and insert "two clerks."

Amendment numbered 123 is on page 50, line 17, where it is proposed, after "$840," to strike out "one mechanic, $750."

Amendment numbered 124 is on page 50, line 19, where it is proposed to strike out "$59,910" and insert "$61,410."

Amendment numbered 125 is on page 51, line 9, where it is proposed, before the word "nuts," to insert "and."

Amendment numbered 126 is on page 51, line 9, where it is proposed, after the word "nuts" to strike out down to and including "$45,000" and insert "including insects affecting the apple, pear, peach, plum, cherry, grape, cranberry, pecan, walnut, and so forth, $50,000."

Amendment numbered 127 is on page 51, line 16, where it is proposed to strike out "$80,000" and insert "$90,000, of which amount not to exceed $10,000 shall be expended for the investigation of the range caterpillar."

Amendment numbered 128 is on page 51, line 22, where it is proposed to strike out "$44,750" and insert "$50,000."

Amendment numbered 129 is on page 52, line 3, where it is proposed to strike out "$15,000" and insert "$16,000."

Amendment numbered 130 is on page 52, where it is proposed to strike out "$21,500" and insert "$25,000."

Amendment numbered 131 is on page 52, where it is proposed to strike out "$30,000" and insert "$55,000: *Provided*, That $25,000 of said sum shall be expended in investigating the Rocky Mountain spotted-fever tick."

Amendment numbered 132 is on page 52, line 16, where it is proposed to strike out "$356,250" and insert "$406,000."

Amendment numbered 133 is on page 53, line 3, where it is proposed to strike out "$716,160" and insert "$767,410."

Amendment numbered 134 is on page 53, line 6, where it is proposed, before the word "biologist," to strike out "One" and insert "There shall be one."

Amendment numbered 125 is on page 53, line 7, where it is proposed, after the word "clerk," to strike out "$1,800" and insert "$2,000."

Amendment numbered 136 is on page 53, line 8, where it is proposed, after the word "preservation," to strike out "$2,000" and insert "$2,250."

Amendment numbered 137 is on page 53, line 14, where it is proposed to strike out "$29,740" and insert "$30,190."

Amendment numbered 138 is on page 54, after line 17, where it is proposed to insert:

For the establishment and maintenance of a winter elk refuge in the State of Wyoming, $5,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to include in said refuge and to inclose not more than 1,000 acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge.

Amendment numbered 139 is on page 55, line 6, where it is proposed to strike out "$55,000" and insert "$60,000."

Amendment numbered 140 is on page 55, line 12, where it is proposed to strike out "$15,000" and insert "$20,000."

Amendment numbered 141 is on page 55, after line 12, where it is proposed to insert:

For the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced within the boundaries of the Sullys Hill National Park in the State of North Dakota, to be used as a permanent national range for elk, deer, and such other game animals and birds as may be placed therein, $10,000, to be available until expended, and the Secretary of Agriculture is authorized to inclose the said game preserve with a good and substantial fence, to construct thereon all necessary sheds, buildings, and corrals for the proper care and maintenance of the animals, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals placed therein.

Amendment numbered 142 is on page 56, after line 6, where it is proposed to insert:

All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding, habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than 90 days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions the sum of $10,000.

Amendment numbered 143 is on page 57, line 23, where it is proposed to strike out "$121,000" and insert "$156,000."

Amendment numbered 144 is on page 57, line 24, where it is proposed to strike out "$150,740" and insert "$186,190."

Amendment numbered 145 is on page 58, line 3, where it is proposed, after the word "Disbursements," to insert "There shall be one chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000."

Amendment numbered 146 is on page 58, line 5, where it is proposed, before the word "assistant," to strike out "One" and insert "one."

Amendment numbered 147 is on page 58, line 9, where it is proposed, after the word "clerk," to strike out "$2,000" and insert "$2,250."

Amendment numbered 148 is on page 58, line 12, where it is proposed, before the word "clerks," to strike out "eleven" and insert "twelve."

Amendment numbered 149 is on page 58, line 13, where it is proposed, before the word "clerks" where it occurs the first time, to strike out "eighteen" and insert "seventeen."

Amendment numbered 150 is on page 58, line 18, where it is proposed, to strike out "$104,170" and insert "$104,370."

Amendment numbered 151 is on page 58, line 21, where it is proposed, before the word "editor," to strike out "One" and insert "There shall be one."

Amendment numbered 152 is on page 58, line 24, where it is proposed to strike out "$1,800" and insert "$2,000."

Amendment numbered 153 is on page 58, line 25, where it is proposed to strike out "$1,600" and insert "$1,800."

Amendment numbered 154 is on page 58, line 25, where it is proposed, after the word "editor," to strike out "$1,500" and insert "$1,600."

Amendment numbered 155 is on page 59, line 3, where it is proposed to strike out "$2,000" and insert "$2,250."

Amendment numbered 156 is on page 59, line 4, where it is proposed to strike out "$1,500" and insert "$1,600."

Amendment numbered 157 is on page 59, line 10, where it is proposed, after "$1,500," to insert "one assistant foreman, miscellaneous distribution, $1,100."

Amendment numbered 158 is on page 59, line 12, where it is proposed, after "$1,100," to insert "one foreman, Farmers' Bulletin distribution, $1,500."

Amendment numbered 159 is on page 59, line 13, where it is proposed, after "$1,400," to insert "one forewoman, $1,200."

Amendment numbered 160 is on page 59, line 14, where it is proposed, after the word "three," to insert "three clerks, class 2."

Amendment numbered 161 is on page 59, line 15, where it is proposed, before the word "clerks," to strike out "seven" and insert "five."

Amendment numbered 162 is on page 59, line 16, where it is proposed, before the word "clerks," to strike out "thirteen" and insert "fourteen."

Amendment numbered 163 is on page 59, where it is proposed, in line 16, before the word "clerks," where it occurs the second time, to strike out "one."

Amendment numbered 164 is on page 59, line 18, where it is proposed, before the word "skilled," to strike out "nine" and insert "twenty."

Amendment numbered 165 is on page 59, line 19, where it is proposed, before the word "skilled," to strike out "four" and insert "thirteen."

Amendment numbered 166 is on page 59, line 20, where it is proposed, before the word "skilled," to strike out "sixteen" and insert "twenty-six."

Amendment numbered 167 is on page 59, line 20, where it is proposed, after "$1,000," to insert "one assistant chief folder, $960."

Amendment numbered 168 is on page 59, line 22, where it is proposed, before the word "folders," to strike out "two" and insert "three."

Amendment numbered 169 is on page 59, line 22, where it is proposed, after "$1,100," to strike out "one skilled laborer, $1,000," and insert "two skilled laborers, at $1,000 each."

Amendment numbered 170 is on page 59, line 24, where it is proposed, before the word "messengers," where it occurs the second time, to strike out "two" and insert "four."

Amendment numbered 171 is on page 60, line 3, where it is proposed, after "$840," to insert "one laborer, $660."

Amendment numbered 172 is on page 60, line 6, where it is proposed to strike out "$165,010" and insert "$199,380."

Amendment numbered 173 is on page 60, line 11, where it is proposed, after the word "machinery," to insert "for addressing and mailing documents."

Amendment numbered 174 is on page 60, line 12, where it is proposed to strike out "$1,500" and insert "$3,000."

Amendment numbered 175 is on page 60, line 14, where it is proposed to strike out "$6,000" and insert "$11,500."

Amendment numbered 176 is on page 60, line 22, where it is proposed to strike out "$500" and insert "$1,000."

Amendment numbered 177 is on page 61, line 1, where it is proposed to strike out "$18,250" and insert "$25,750."

Amendment numbered 178 is on page 61, line 2, where it is proposed to strike out "$183,260" and insert "$225,120."

Amendment numbered 179 is on page 61, line 5, where it is proposed, after the word "Statistics," to insert "There shall be one statistician, who shall be chief of bureau, $4,000."

Amendment numbered 180 is on page 61, line 7, where it is proposed, before the word "assistant" where it occurs the first time, to strike out "One" and insert "one."

Amendment numbered 181 is on page 62, after line 7, where it is proposed to insert:

That hereafter there shall be in the Bureau of Statistics, in the Department of Agriculture, a division to be known as the Division of Markets. The chief of said division shall receive a salary of $4,000 per annum, and the assistant chief a salary of $2,500 per annum. There shall also be in said division such special agents, clerks, and other employees as may be necessary to fulfill the duties thereof in or out of the District of Columbia.

The Chief of the Bureau of Statistics shall have power and authority to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation as to the systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States and in foreign countries, and shall collect data in reference thereto. The information and data thus collected shall be distributed to farmers, farmers' organizations, and societies of consumers throughout the various agricultural sections of the country and made available for the use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of said bureau. It shall also be the duty of said Chief of the Bureau of Statistics to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation of demands for farm products in various trade centers and the current movement of such products, giving specific data as to the supply, normal demand, and price thereof, with the view of furnishing information as to the best available markets, which information shall be distributed under the direction of the Secretary of Agriculture.

It shall be the duty of the Chief of the Bureau of Statistics to collect, through the said Division of Markets, by any expeditious method, as by telegraph, telephone, mail, or otherwise, compile, and report to farmers, farmers' organizations, and societies of consumers daily bulletins or telegraphic reports of such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at a minimum cost: *Provided*, That when such reports or statistics are requested to be furnished by telegraph or telephone, or methods other than the United States mail, the person or association making such request must advance the fee for the cost of transmission, which shall be deposited to the appropriation for the maintenance of the said Division of Markets. It shall be the duty of the Secretary of Agriculture to make an annual report to Congress regarding the work of the said Division of Markets, with any recommendations that may enable Congress to enact any additional necessary legislation.

The Secretary of Agriculture shall make all necessary arrangements for offices and supplies for the use of said Division of Markets, including office equipment, rent in or out of the District of Columbia, stationery, telegraphing, and all other necessary expenses. The compensation of clerks and employees not otherwise specifically provided for in this act shall be fixed by the Secretary of Agriculture subject to the restrictions of existing law.

The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of such division, to be available during the fiscal year ending June 30, 1914.

Amendment numbered 182 is on page 64, line 18, where it is proposed to strike out "$243,680" and insert "$293,680."

Amendment numbered 183 is on page 64, line 20, where it is proposed, after the word "Agriculture," to insert "There shall be one librarian, $2,000."

Amendment numbered 184 is on page 64, line 22, where it is proposed, before the word "clerk" where it occurs the first time, to strike out "One" and insert "one."

Amendment numbered 185 is on page 65, line 10, where it is proposed to strike out "$15,500" and insert "$16,500."

Amendment numbered 186 is on page 65, line 11, where it is proposed to strike out "$42,520" and insert "$43,520."

Amendment numbered 187 is on page 66, line 3, where it is proposed, after "$106,066," to insert ": *Provided*, That of this amount not exceeding $1,000 may be used for the purchase of an oil painting of Hon. James Wilson, former Secretary of the Department of Agriculture, which portrait shall not be accepted until it shall have been approved by the Commission of Fine Arts."

Amendment numbered 188 is on page 66, line 14, where it is proposed to strike out "$2,940" and insert "$2,220."

Amendment numbered 189 is on page 66, line 21, where it is proposed, before the word "of," to strike out "Office" and insert "Bureau."

Amendment numbered 190 is on page 66, line 22, where it is proposed, before the word "of," to strike out "Office" and insert "Bureau."

Amendment numbered 191 is on page 66, line 24, where it is proposed to strike out "$7,608" and insert "$11,328."

Amendment numbered 192 is on page 66, line 25, where it is proposed to strike out "$95,329" and insert "$98,329."

Amendment numbered 193 is on page 76, line 1, where it is proposed, before the word "of," to strike out "Office" and insert "Bureau."

Amendment numbered 194 is on page 67, line 2, where it is proposed, before the word "of," to strike out "Office" and insert "Bureau."

Amendment numbered 195 is on page 67, line 2, where it is proposed, after the word "experiment," to strike out "station" and insert "stations."

Amendment numbered 196 is on page 67, line 4, where it is proposed, before the word "director," to strike out "One" and insert "There shall be one."

Amendment numbered 197 is on page 67, line 5, where it is proposed, after the word "draftsman," to strike out "$1,800" and insert "$2,000."

Amendment numbered 198 is on page 67, line 9, where it is proposed, after "$900," to insert "one clerk, class 4."

Amendment numbered 199 is on page 67, line 16, where it is proposed to strike out "$64,240" and insert "$66,240."

Amendment numbered 200 is on page 67, line 17, where it is proposed, before the word "of," to strike out "Office" and insert "Bureau."

Amendment numbered 201 is on page 68, line 18, where it is proposed to strike out "$38,400" and insert "$42,500."

Amendment numbered 202 is on page 69, line 3, where it is proposed to strike out "$105,000" and insert "$110,000."

Amendment numbered 203 is on page 69, line 4, where it is proposed to strike "$30,000" and insert "$35,000."

Amendment numbered 204 is on page 69, line 5, where it is proposed, after "$15,000." to insert "including not to exceed $2,000 for the purchase of land."

Amendment numbered 205 is on page 69, line 10, where it is proposed, after the word "Guam," to insert "and to apply the money received from the sale of such products to the maintenance of said stations."

Amendment numbered 206 is on page 69, line 24, where it is proposed to strike out "$1,606,400" and insert "$1,615,500."

Amendment numbered 207 is on page 70, line 8, where it is proposed, after the word "elsewhere," to insert "supplies."

Amendment numbered 208 is on page 70, line 9, where it is proposed to strike out "$16,000" and insert "$19,000."

Amendment numbered 209 is on page 70, line 14, where it is proposed, after the word "water," to insert "at home and abroad."

Amendment numbered 210 is on page 70, line 21, where it is proposed, after the words "District of Columbia," to insert "supplies."

Amendment numbered 211 is on page 70, line 22, where it is proposed to strike out "$108,000" and insert "$116,250."

Amendment numbered 212 is on page 71, line 5, where it is proposed, after the words "District of Columbia," to insert "supplies."

Amendment numbered 213 is on page 71, line 7, where it is proposed, before the words "of Experiment Stations," to strike out the word "Office" and insert "Bureau."

Amendment numbered 214 is on page 71, line 8, where it is proposed to strike out "$1,892,240" and insert "$1,914,590."

Amendment numbered 215 is on page 71, line 9, where it is proposed, before the words "of Public Roads," to strike out "Office" and insert "Bureau."

Amendment numbered 216 is on page 71, line 10, where it is proposed, after the word "Salaries," to strike out "Office" and insert "Bureau."

Amendment numbered 217 is on page 71, line 11, where it is proposed, after the word "director," to strike out "One" and insert "There shall be one."

Amendment numbered 218 is on page 71, line 13, where it is proposed, before the words "class four," to strike out "one clerk" and insert "two clerks."

Amendment numbered 219 is on page 71, line 14, where it is proposed, after the words "class three," to strike out "one clerk, $1,500" and insert "two clerks, at $1,500 each."

Amendment numbered 220 is on page 71, line 16, where it is proposed, after "$1,440," to strike out "one clerk, $1,380" and insert "two clerks, at $1,380 each."

Amendment numbered 221 is on page 71, line 17, where it is proposed, after the word "clerks," to strike out "two" and insert "three."

Amendment numbered 222 is on page 72, line 3, where it is proposed to strike out "$47,400" and insert "$53,400."

Amendment numbered 223 is on page 72, line 4, where it is proposed, after the word "expenses," to strike out "office" and insert "bureau."

Amendment numbered 224 is on page 72, line 7, where it is proposed, after the word "expenses," to insert "for membership and participation in the permanent International Association of Road Congresses."

Amendment numbered 225 is on page 72, line 23, where it is proposed to strike out "$100,000" and insert "$125,000."

Amendment numbered 226 is on page 72, line 25, where it is proposed to strike out "$30,000" and insert "$35,580."

Amendment numbered 227 is on page 73, line 9, where it is proposed to strike out "$45,000" and insert "$50,000."

Amendment numbered 228 is on page 73, after line 9, where it is proposed to insert:

For membership and participation of the United States in the permanent International Association of Road Congresses, and for such expenses as may be incident thereto, $3,000, which shall be immediately available.

Amendment numbered 229 is on page 73, line 16, where it is proposed to strike out "$12,000" and insert "$15,100."

Amendment numbered 230 is on page 73, line 17, where it is proposed to strike out "$227,000" and insert "$268,680."

Amendment numbered 231 is on page 73, line 18, where it is proposed to strike out "$274,400" and insert "$322,080."

Amendment numbered 232 is on page 73, line 5, where it is proposed to strike out "$17,103,275" and insert "$17,723,202."

Amendment numbered 233 is on page 76, line 9, where it is proposed, after "$40,000," to insert:

of which sum $10,000 shall be immediately available: *Provided*, That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 7 of the plant quarantine act approved August 20, 1912 (37 Stats., p. 315), may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe.

Amendment numbered 234 is on page 77, after line 2, where it is proposed to strike out down to and including line 9.

Amendment numbered 235 is on page 77, after line 9, where it is proposed to insert:

Secretary of Agriculture, and the salaries or compensations of persons engaged in addressing, wrapping, mailing, or otherwise dispatching such publications, and necessary expenses for materials and supplies to be used in the work, shall be paid out of the appropriations for the Department of Agriculture. And the Public Printer shall return to the Department of Agriculture the machines, equipment, and unused materials, if any, transferred to the Government Printing Office in compliance with section 8 of the act of August 23, 1912 (37 Stat., p. 414).

Amendment numbered 236 is on page 77, after line 20, where it is proposed to insert:

That hereafter section 7 of the act approved August 26, 1912 (37 Stat., p. 626), shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary.

Amendment numbered 237 is on page 78, after line 6, where it is proposed to insert:

That on and after July 1, 1913, all publications issued by the Department of Agriculture shall be distributed under the direction and supervision of the Secretary of Agriculture, and the salaries or compensations of persons engaged in addressing, wrapping, mailing, or otherwise dispatching such publications, and necessary expenses for materials and supplies to be used in the work, shall be paid out of the appropriations for the Department of Agriculture. And the Public Printer shall return to the Department of Agriculture the machines, equipment, and unused materials, if any, transferred to the Government Printing Office in compliance with section 8 of the act of August 23, 1912 (37 Stat. p. 414).

Amendment numbered 238 is on page 78, after line 20, where it is proposed to insert:

And hereafter every officer or employee whose rate of compensation is specified herein shall receive compensation at that rate or such other rate as may be fixed from time to time by law.

Amendment numbered 239 is at the top of page 79, where it is proposed to insert:

To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Tulsa, Okla., during the fiscal year ending June 30, 1914, illustrative of the investigations, products, and processes relating to farming in the subhumid region of the United States, including labor and all expenses in the city of Washington and elsewhere, $20,000, to be immediately available.

Amendment numbered 240 is on page 79, after line 9, where it is proposed to insert:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary, to be expended in the discretion of the President of the United States for all expenses of a National Institute of Agriculture, to consist of not less than 5 and not more than 10 members, in addition to the Secretary of Agriculture, to be appointed by the President of the United States, who shall perform such duties and make such investigations and reports as he may direct.

Amendment numbered 241 is on page 79, after line 18, where it is proposed to insert:

For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams, under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $200,000, to be available until the end of the fiscal year 1915: *Provided*, That any and all unused balance of the sum of $200,000 heretofore appropriated by the act of March 1, 1911, to enable the Secretary of Agriculture to carry out the purposes mentioned in said section 2, remaining unexpended July 1, 1913, shall continue available until the end of the fiscal year 1915 for the purpose for which it was appropriated.

Amendment numbered 242 is on page 80, after line 11, where it is proposed to insert:

That section 9 of the act of March 1, 1911 (36 Stat., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," be amended to read as follows:

"That such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of the act: *Provided*, That such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed."

Amendment numbered 243 is on page 81, after line 11, where it is proposed to insert:

That the National Forest Reservation Commission is hereby authorized and directed to investigate and report to Congress at as early a date as practicable upon the feasibility and cost of acquiring land for a national forest for experimental and administrative purposes on the watershed of the Potomac River and its tributaries and upon the watersheds of streams flowing into Chesapeake Bay, situated within 40 miles of the District of Columbia, and said commission is hereby authorized to expend for said purposes any funds appropriated in section 14 of the act of March 1, 1911 (36 Stats., 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

Amendment numbered 244 is on page 82, after line 4, where it is proposed to insert:

To enable the Secretary of Agriculture to demonstrate the practicability of suppressing and eradicating the swine disease commonly called hog cholera, and for this purpose to invite the cooperation of the several States, through such means and agencies as may be found practicable by the department and such States, to suppress and eradicate said disease; and for this purpose there is appropriated the sum of $100,000 or so much thereof as may be necessary, including labor and all expenses in the city of Washington and elsewhere.

Amendment numbered 245 is on page 82, after line 13, where it is proposed to insert:

To enable the Secretary of Agriculture to investigate the cultivation, acclimating of potatoes, and the development of improved and disease-resistant types, and for the investigation of leaf roll, dry rot, or other new diseases, and the investigation of causes leading to their decay, $20,000, of which the sum of $5,000 shall be immediately available; and the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals, and to pay all necessary expenses for the employment of investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent in the District of Columbia and elsewhere, as may be required.

Amendment numbered 246 is on page 83, after line 2, where it is proposed to insert:

To enable the Secretary of Agriculture to continue explorations in the steppe regions of western Siberia for specimens and seeds of yellow-flowered hardy alfalfa for use in experimental tests in semiarid regions in the Northwest, including labor and all expenses in the city of Washington and elsewhere, $5,000.

Amendment numbered 247 is on page 83, after line 8, where it is proposed to insert:

That the President of the United States is hereby authorized to appoint a commission, as a part of and to cooperate with the American commission assembled under the auspices of the Southern Commercial Congress, to investigate the operations of cooperative land-

mortgage banks and of cooperative rural credit unions and other institutions for the purpose of increasing agricultural credit facilities in other countries, and to fix the compensation of the members of the commission. Said commission is hereby authorized to employ such clerks, stenographers, and other assistants as may be necessary in the city of Washington and elsewhere, which employees shall be paid such compensation as the commission may deem just and reasonable, upon a certificate to be issued by the chairman of the commission. For the purposes of its investigations the commission shall be authorized to incur, and have paid upon the certificate of its chairman, such expenses as the commission shall deem necessary: *Provided, however,* That the total expenses authorized or incurred for compensation, employees, and otherwise shall not exceed the sum of $30,000. Said commission shall submit a report as early as practicable to Congress embodying therein recommendations as to how the systems of such land-mortgage banks and rural credit unions may best be adapted to the needs and requirements of the people of the United States.

Amendment numbered 248 is on page 84, line 10, where it is proposed to strike out "$17,593,275" and insert "$18,553,202."

The PRESIDENT pro tempore. That completes the reading of the amendments. The question is on agreeing to the conference report.

Mr. KENYON. I should like to inquire of the chairman of the committee if the amendment with reference to the distribution of free seeds was taken out in conference?

Mr. BURNHAM. I wish to make a very brief reply to that, and it is simply this: We found that it was impossible to retain the free-seeds amendment inserted by the Senate and pass the bill.

Mr. KENYON. Then, is it fair to say that the House conferees insisted on striking out the amendment?

Mr. BURNHAM. They insisted upon it; and from information we had from them, which was just as positive as anything could be, and from information outside, we became fully satisfied that the bill could not be passed with that provision in it.

Mr. KENYON. I was anxious to have the RECORD show the economy practiced by the House in insisting in keeping in the bill a wasteful, foolish, nonsensical provision requiring the expenditure of public funds. I am not going to proceed to jeopardize in any way the passage of the bill. I simply want to say that it may act as a notice that next year I am going to make that fight even to the extent of defeating the bill, if it be necessary. I regard it as a foolish and wasteful expenditure of money; and I am glad the RECORD now shows that the party in control at the other end of the Capitol, the party which is coming into power and talking economy, are insisting that the provision shall remain in the bill.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. GAMBLE. I ask for the adoption of the conference report on House bill 26874, the Indian appropriation bill.

Mr. BRISTOW. If the Senator will yield a moment, I wish to make a statement in regard to the amendment for the direct election of United States Senators. I think it is well to put in the RECORD the status of the proposed constitutional amendment so far as the various State legislatures are concerned.

The State of Alabama has taken no action, the legislature of that State not being in session.

The State of Arizona ratified the amendment June 3, 1912.

The States of Arkansas, California, and Colorado have ratified it.

The State of Connecticut has failed to ratify it, although the legislature is now in session. So far as I have been able to learn, it has not been taken up in either branch of the legislature of that State.

In Delaware the resolution ratifying the amendment has passed the house, but has failed to pass the senate. It is now pending, I am advised, before the senate committee.

The State of Florida has not ratified it. I am advised that the legislature has not yet assembled, but will assemble early this summer.

Mr. FLETCHER. In April.

Mr. BRISTOW. It will meet in April, and the Senators from that State advise me that the sentiment there is strongly in favor of its ratification.

The State of Georgia has not ratified the amendment, and the legislature, when it was in session last year, passed an unfriendly resolution. This is one of the two States that have shown some hostility to the amendment. The legislature, I understand, meets again this summer, and I hope it may change its attitude. The State of Idaho has ratified the amendment; so has Illinois. I have been informed by the junior Senator from Indiana [Mr. KERN] that the State of Indiana has ratified the amendment, but the information I had received from other sources is to the effect that it has not been ratified. If either of the Senators from Indiana is in the Chamber, I should like to inquire as to the fact. [A pause.] I see neither of them here. Probably one of the Senators from that State will appear before I am through.

I see that the junior Senator from Indiana [Mr. KERN] has entered the Chamber. I was presenting to the Senate the situation as to the ratification of the amendment for the direct election of Senators, and reciting the action of the legislatures of the various States. I was advised that the junior Senator from Indiana had stated that the Indiana Legislature had taken favorable action. My information has been that it has not taken any action, and I should like to inquire what information the Senator has in regard to that matter.

Mr. KERN. I have no information, Mr. President, except what I have obtained from the newspapers. I have a distinct recollection that the State senate passed the joint resolution and an indistinct recollection that I saw an account of the adoption of the joint resolution by the house of representatives. So I have had it in mind for some days that the Indiana Legislature had ratified the amendment. I can ascertain the fact this afternoon. I am quite sure it will be ratified. I will say to the Senator from Kansas there is no opposition in Indiana from any persons, so far as I know, to the ratification of the amendment. Both political parties have declared in favor of it.

Mr. BRISTOW. I bring this up because it may be that the information which I have been collecting is not wholly complete. I wrote a letter, I will say, to the presiding officers of each branch of the legislatures of all the States; and the response that I received from Indiana was that nothing had been done. That, however, was some days ago, and possibly the joint resolution may have been passed since that time. If convenient to the Senator from Indiana, I should be glad if he could advise the Senate before we adjourn whether or not the amendment has been ratified by the Legislature of Indiana.

Mr. KERN. I can state with a great deal of certainty that I think the amendment will be ratified by the Indiana Legislature.

Mr. BRISTOW. The State of Iowa has ratified the amendment and Kansas also. Kentucky has not, the legislature not being in session; neither has Louisiana, her legislature not being in session. The Legislature of the State of Maine has ratified the amendment. The State of Maryland has not ratified it, her legislature not being in session until next year.

Mr. KERN. Mr. President, since the colloquy with the Senator from Kansas a moment ago, I have received definite and positive information that the constitutional amendment has been ratified by the Legislature of Indiana.

Mr. BRISTOW. I am very glad to learn of that. The State of Massachusetts has ratified the amendment, and so have Michigan and Minnesota. Mississippi has not ratified it. In Missouri the amendment has passed the lower house, but has not yet passed the senate; at least, I had a letter from the lieutenant governor of Missouri yesterday stating that no action had yet been taken in the senate. It passed the lower house in January.

Montana has ratified it; so have Nebraska, Nevada, and New Hampshire. In the State of New Jersey the house of representatives ratified it on February 4, but up to this time there has been no action taken by the State Senate of New Jersey, although, about 10 days ago, I think, a newspaper statement was made that the senate of New Jersey would ratify it, and I have been patiently waiting for that statement to be verified.

New York has ratified it; so have North Carolina, North Dakota, and Ohio. Oklahoma, my information is, has ratified it, the senate passing upon it last week, it having passed the house in January. Oregon has ratified it, and the Pennsylvania Legislature passed the joint resolution through the house with, I think, but three dissenting votes. That was on February 3. It is still before the senate committee of the legislature of that State and the senate has taken no action as yet.

In Rhode Island the legislature is in session, but has taken no action. South Carolina has taken no action. South Dakota has ratified the amendment. Tennessee has not ratified the amendment, its legislature having adjourned, I think, until the 18th of March. The Senators from that State have advised me that public sentiment is strongly in favor of the ratification of the amendment and that it will doubtless be ratified early after the legislature reconvenes this month. Texas has ratified the amendment. In Utah the resolution passed the house of representatives, but failed in the senate.

Mr. SUTHERLAND. Mr. President, the resolution, as I am informed, passed the house in the Legislature of Utah with practically a unanimous vote. The resolution was voted upon some time ago in the State senate. The vote in favor of it was 9, and the vote against it was 7. The number of members of our State senate is 18, and under the constitution a majority of the 18 is required. Two members of the State senate were absent,

so that I do not know how it would have fared if the membership had been full.

I understand from a newspaper statement that a day or two ago another vote was taken while five members of the State senate were absent, and the resolution again failed to receive a majority. A motion was entered, as the newspaper accounts state, to reconsider the vote on the resolution, but whether that has been taken up I am not advised. That is the present status of the matter in that State.

Mr. BRISTOW. I should have said that in New Mexico the house has ratified the amendment, but it is still hung up in the senate, as I am advised. Is that correct?

Mr. CATRON. That is true.

Mr. BRISTOW. Vermont has ratified the amendment, but Virginia has not, the legislature of that State, as I understand, not being in session. Washington has ratified it; so have West Virginia, Wisconsin, and Wyoming, making, up to date, 30 States having ratified the amendment, and it has passed one of the houses of 6 other States. If it should pass the other houses of these 6 States, then 36 States will have ratified the amendment. If it should fail in any one of those and be not ratified by either Florida or Tennessee or Georgia, then it would not be ratified this year; but if it shall be ratified by Tennessee and Florida, as I am advised it will be, then it will become a part of the Constitution, unless it should be rejected by 3 of the 6 States one branch of the legislature of which has already ratified the amendment. So it seems to me that the chances are that a sufficient number of States will have ratified the amendment this year to make it a part of the Constitution; but in the event that three of these States should fail to ratify it, then next year in the States of Kentucky, Maryland, and a number of others the legislatures will be in session, and the amendment will doubtless then be ratified.

I have brought this matter to the attention of the Senate, because I thought it would be of special interest, and also with the view of directing the attention of Senators and others interested in the ratification of the amendment to the fact that a number of legislatures have not yet acted upon it, and it has been suggested to me that in some of these instances the failure to act was probably due to lack of attention, a number of Senators having told me that action had not been taken in their States until they had taken up the subject with the members of the State legislature.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Dakota?

Mr. BRISTOW. I do.

Mr. CRAWFORD I suggest another thought to the Senator from Kansas, which is that if this amendment is ratified it will be necessary for those States to make some change in their form of ballot for the next general election, and those legislatures that are in session may avoid a meeting of an extraordinary session of the State legislature by making that provision now.

Mr. BRISTOW. That matter has been discussed somewhat, and it is the opinion of some lawyers with whom I have talked that while it would be desirable to have the legislatures take this action, if the Senate situation requires that a Senator shall be elected by the people, the election officers of those States will be justified in making preparations for the people to vote for candidates for Senator as they do for State officers. Of course, that is a legal question with which I am wholly incompetent to deal.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Dakota?

Mr. BRISTOW. I do.

Mr. CRAWFORD. If the Senator will permit me, in many of the States the election laws specifically name the offices for which candidates have a right to have their names placed upon the ballot, and they exclude all others; so that unless the legislatures shall amend such provisions of the statute, the placing of the name of a candidate for United States Senator on the ballot would be entirely without authorization and might be such a violation of the statutes of the State as to involve the validity of the election unless provision is made for placing on the ballots the names of candidates for United States Senator.

Mr. BRISTOW. I am not a lawyer, but it has been suggested that if the Constitution of the United States requires this to be done, it probably can be done in some way, even if the State has not provided the specific means of doing it. I do not know about that. Of course, it would be better if the legislatures should remove all doubt on the subject. In a number of States the names of candidates for Senator go on the ballot in any event, and are voted for at the election as instructions to the legislature.

The point that the Senator from South Dakota suggests is an important one, and I have taken this occasion to bring the matter before the Senate.

During the delivery of Mr. BRISTOW'S speech,

Mr. WARREN. Mr. President, I judge the Senator from Kansas expects to occupy some time. Would he mind yielding to me in order that I may make a conference report?

Mr. BRISTOW. That is all right.

Mr. WARREN. Would the Senator from New Mexico also kindly yield for that purpose?

Mr. FALL. With pleasure.

LEGISLATIVE, ETC., APPROPRIATION BILL—CONFERENCE REPORT.

Mr. WARREN. Mr. President, I am sorry to say that I am compelled to report, as to the legislative, executive, and judicial appropriation bill (H. R. 26680), that the managers are unable to agree. The Senate by a vote of five to one, after we had obtained a full agreement, sent the bill back to conference on the House proposition to discontinue several assay offices. The conferees on the part of the House will not only not consent to report the bill back in a way to remedy the complaint, but they refuse to report it back even on the terms that we had been previously able to obtain. They went so far, in fact, as to state at first that they would not file any report whatever, but would let the bill die in conference; but, upon the representation that it seemed necessary that the record should be kept to show what the House would do, that they ought to report it to the House and get the action of the House upon it, they consented to sign, or at least two members of the conference committee on the part of the House consented to sign, the report, the other conferee being absent; but we parted with the statement that they would not present a report to the House.

Now, in strict parliamentary practice they should report to the House first, but I am unwilling to allow this session to close and this bill to die without having it reported to the Senate. I therefore send the report to the desk.

Mr. OVERMAN. Mr. President, I think I ought to say that the Senate conferees yielded to the House conferees on this item at the last moment.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. BRISTOW. I will yield for a statement if it will take only a short time; but I desire to get through with my remarks, and this matter can be taken up and discussed later.

Mr. WARREN. We want to get to work on another bill.

Mr. BRISTOW resumed and concluded his speech, which appears in full above.

The PRESIDENT pro tempore. The question is on agreeing to the conference report upon the legislative, and so forth, appropriation bill, submitted by the Senator from Wyoming [Mr. WARREN].

The report was agreed to.

CITIZENSHIP OF PORTO RICANS.

The PRESIDENT pro tempore. The Chair presents three cablegrams from citizens of San Juan, P. R., in reference to legislation relating to that island now pending, and asks that they be printed in the RECORD.

The cablegrams were ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., *March 2, 1913.*

UNITED STATES SENATE,
Washington, D. C.:

Respectfully I transmit the following resolution of the House of Delegates of Porto Rico: The House of Delegates of Porto Rico considers it a very high honor for any human being of this world to be invested with American citizenship, but under present circumstances it prays that Congress take no action upon this matter without direct consultation and in accordance with the will of Porto Rican people, because there exist tendencies favorable and adverse to United States citizenship. For the Porto Ricans this resolution of the house of delegates does not affect its sentiments of adhesion and friendship toward the noble American people, but is inspired by its sentiments of respect and love for natural sovereignty of the people of Porto Rico.

JOSÉ DE DIEGO, *Speaker.*

SAN JUAN, P. R., *March 2, 1913.*

UNITED STATES SENATE,
Washington:

Workers Federacion Regional of Porto Rico, representing great number of workers of island, request no declaration citizenship without consulting will of Porto Ricans.

AUQUINO, *Presidente.*

SAN JUAN, P. R., *March 2, 1913.*

SENATE, *Washington:*

Porto Ricans Civic Association petitions Senate not to legislate American citizenship without previously consulting Porto Rican people through plebiscite. Majority Porto Ricans wish to be only Porto Rican citizens.

HERNANDEZ LOPEZ, *Presidente.*

Mr. ROOT. I ask, in connection with the cablegrams relating to Porto Rico, to which the Chair has just referred, that there be also printed in the RECORD a letter from the Resident Commissioner from Porto Rico to myself, with an inclosure of a letter from him to the chairman of the Committee on Pacific Islands and Porto Rico.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

COMMITTEE ON INSULAR AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, February 24, 1913.

Hon. ELIHU ROOT,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Senate Committee on Pacific Islands and Porto Rico on the 20th instant had a meeting and agreed to report favorably to the Senate the bill to grant American citizenship to Porto Ricans.

As per information that has reached me, this step was taken with a view to have the Senate pass the bill during the present session, perhaps to-morrow or day after to-morrow. And in this connection I deem it opportune to send you copy of a brief I submitted before the said committee a few days ago and which, I suppose, was read at the meeting last Friday. My purpose in sending you this copy is to acquaint you with the true opinion of my country regarding this matter.

In expressing my personal view on the subject, suffice it for me to say without going deep into it, that it would seem untimely to hasten the grant of citizenship when there are conflicting opinions among the people to whom it is to be granted.

Very sincerely,

L. M. RIVERA,
Resident Commissioner from Porto Rico.

FEBRUARY 7, 1913.

To the honorable CHAIRMAN AND MEMBERS OF THE
COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO,
United States Senate.

GENTLEMEN: I have this day received from the House of Delegates of Porto Rico the following cablegram:

SAN JUAN, P. R., *February 7, 1913.*

LUIS MUÑOZ RIVERA,
Commissioner, Washington, D. C.:

In accordance with resolution of the house I am to-day forwarding to the chairman Committee on Pacific Islands and Porto Rico, Senate, the following cable: "The House of Delegates of Porto Rico considers it a very high honor for any human being of this world to be invested with American citizenship, but under present circumstances it prays that Congress take no action upon this matter without direct consultation and in accordance with the will of the Porto Rican people, because there exist tendencies favorable and adverse to United States citizenship for Porto Ricans. This resolution of the house does not affect its sentiments of adhesion and friendship toward the noble American people, but is inspired by its sentiments of respect and love for the natural sovereignty of the people of Porto Rico.

JOSÉ DE DIEGO, *Speaker.*

On January 18, 1912, when the bill to grant citizenship to the people of Porto Rico was being considered by the Committee on Insular Affairs of the House of Representatives, in executive session, I had the opportunity to lay before its members a cablegram that had just been received by me from the House of Delegates of Porto Rico, dated January 17, 1912, and reading as follows:

"MUÑOZ RIVERA, *Washington:*

"The house of delegates in yesterday's session resolved to ask you to petition the Committee on Insular Affairs of the House of Representatives in Washington not to consider any bill relative to the granting of American citizenship to Porto Ricans unless said concession comes accompanied by a broad and just law for self-government for Porto Rico, with both houses elective and absolute power to legislate on local matters.

"JOSÉ DE DIEGO, *Speaker.*"

In view of the contents of the above message, I made on that occasion the following statement before the said committee:

"For 13 years the people of Porto Rico have been asking to be granted American citizenship. No doubt the great majority of my countrymen would feel proud to call themselves American citizens. But they know that citizenship is almost wholly a sentimental matter, and that it does not solve the fundamental problem of the island, which is her self-government. Citizenship, unless it is accompanied by a liberal reform, will be an honorable title, but not a practical solution. We Porto Ricans prefer self-government without citizenship to citizenship without self-government. It would be a plain injustice to deny us citizenship. It would be a greater injustice yet to deny us an effective participation in the affairs under the control of the insular administration. The dissatisfaction now felt in Porto Rico will prevail until the most essential question be settled; that is, the one affecting our right to govern ourselves. On the other hand, we fear that if the reforms we are asking to be made are separated by introducing a bill on sanitation, as it was done some time ago, and now a bill for citizenship, and later on a bill containing general amendments to the Foraker Act, the first two might pass in Congress while the third one might not, the result being a greater centralization of authority in the executive branch of the government and a decrease of power in the people. In short, self-government, by itself, would produce the effect of a just and important concession; citizenship alone would engender a greater uneasiness, as proven by the telegraphic appeal from the house of delegates there, and also a stronger tendency toward pessimism, already manifesting itself, the existence of which could be justified if it is insisted upon governing us from the War Department, and on submitting us to an inferiority against which we protest.

"The Porto Ricans have a high interest in cooperating to the Americanization of Porto Rico. And this end will be rapidly reached if Congress does legislate in a way in accordance with the autonomic aspirations of the country, and if the local executive power complies with the laws, as it is its duty to do. If citizenship is granted and the general modification of the Foraker Act is delayed, my countrymen and myself will feel disappointed as to the hopes we always had in the American Nation and its republican institutions. I pray the committee to consider this matter and to settle it in a satisfactory way."

The committee, which I am honored to address, will see by the above documents that the people of Porto Rico, represented by the House of Delegates, the only elective body in the island, still persist upon their attitude and wish that the bill granting American citizenship to them be not considered at this time. As it seems that the gentlemen of the committee will soon take up this matter, I deem the precedent information of interest to them. My countrymen, having waited since 1898 for a measure of absolute and ample self-government, do expect to-day more than ever before that their hopes will soon be realized, Congress granting them American citizenship together with a law creating two elective houses, and investing them, through their representatives in both chambers, with power to make their laws to regulate all their local matters.

Very respectfully,

L. M. RIVERA,
Resident Commissioner from Porto Rico.

INTERSTATE SHIPMENT OF LIQUOR.

The PRESIDENT pro tempore. The Chair presents a telegram from the Methodist Episcopal Sunday School of Philadelphia in reference to the Kenyon bill, which the Chair will likewise ask to have printed in the RECORD.

The telegram was ordered printed in the RECORD, as follows:

PHILADELPHIA, PA., *March 2, 1913.*

The honorable the SENATE AND
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C.

Resolved, That we commend the moral courage of the Congress of the United States in passing the Webb-Kenyon bill, congratulating them on having performed a valuable service for the youth of the country.

Members of the Intermediate Department of the Port Richmond Methodist Episcopal Sunday School, Philadelphia, Pa., in session assembled, Sunday afternoon, March 2, 1913.

LESTER FELIX, *Secretary.*

F. H. WAKEFIELD.

Mr. CURTIS. Mr. President, will the Senator from New Mexico yield to me, that I may offer a Senate resolution?

Mr. FALL. The Senator from New Mexico apparently has not had the floor for half an hour or so, but he will yield again with pleasure.

Mr. CURTIS. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the present consideration of a resolution, which will be read for the information of the Senate.

The Secretary read the resolution (S. Res. 497), as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate to F. H. Wakefield, for preparing the history of legislation for the Senate in the third session of the Sixty-second Congress, for carrying out his tracing and notification plan to Members of the Senate and clerks of committees, $1,200.

The PRESIDENT pro tempore. Under the statute the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CURTIS. I understood that it had gone to that committee, and that an amendment had been offered on the floor in response to that reference, and that it was objected to, the Senator who made the objection not understanding that this man had not been on the roll.

The PRESIDENT pro tempore. Does the Senator say that the Committee to Audit and Control the Contingent Expenses of the Senate have reported on this resolution?

Mr. CURTIS. I understood from the chairman, over the telephone, that the committee had reported on the subject and offered it the other evening as an amendment to the general deficiency appropriation bill.

Mr. CLARKE of Arkansas. Not the same resolution, Mr. President, but a similar one.

Mr. CURTIS. A similar one.

Mr. CLARKE of Arkansas. This one must go to the committee.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRIGGS, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent, and agreed to.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, I have no desire to debate the motion made by the chairman of the Committee on Indian

Affairs that the report of that committee be now taken up, but first——

DONATION OF CONDEMNED CANNON.

Mr. DU PONT. Will the Senator from New Mexico yield to me for a moment?

Mr. FALL. Certainly.

Mr. DU PONT. I ask the Chair to lay before the Senate a message from the House of Representatives in regard to Senate bill 8273, which is the bill donating condemned cannon, after which I shall submit a motion in regard to the matter.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which were, on—

(1) Page 4, after line 12, insert:

To the city of Oregon, in the State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls.

(2) Page 4, after line 12, insert:

To the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc., the same to be used on the site of the Newtown Battlefield Monument to Gen. Sullivan, of Revolutionary fame.

(3) Page 4, after line 12, insert:

To the Wallkill Valley Cemetery Association, of Orange County, N. Y., two condemned bronze or brass cannon for use in connection with a monument in memory of the men of Company H, One hundred and twenty-fourth New York Volunteer Infantry, who died in the service of the United States during the Civil War.

(4) Page 4, after line 12, insert:

To the city of Augusta, in the State of Georgia, certain bronze cannon and cannon balls, and now located at the arsenal at Augusta, Ga., to be mounted on either side of the Archibald Butt Memorial Bridge in the said city of Augusta, in the State of Georgia.

(5) Page 4, after line 12, insert:

To the town of Adams, Mass., for the adornment of the grounds of the State armory in that town, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls.

(6) Page 4, after line 12, insert:

To the State of Arizona, three bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and used in the State capitol grounds in the city of Phoenix.

(7) Page 4, after line 12, insert:

To the State of New York, the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga, for the purpose of mounting them on the battlefield of Saratoga as suitable trophies of the battle.

(8) Page 4, after line 12, insert:

To Porter Military Academy, Charleston, S. C., two bronze or brass condemned cannon, with suitable outfits of cannon balls, the same to be used on the campus of Porter Military Academy, at Charleston, S. C.

(9) Page 4, after line 12, insert:

To the county of Clay, in the State of Arkansas, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and used in the county courtyard in the town of Piggott.

(10) Page 4, after line 12, insert:

To the town of Summit Hill, in the State of Pennsylvania, for the use of the E. T. Conner Post, No. 177, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

(11) Page 4, after line 12, insert:

To the city of Baltimore, in the State of Maryland, one small bronze cannon or fieldpiece, with its carriage and six cannon balls.

(12) Page 4, after line 12, insert:

To the city and county of San Francisco, State of California, for the use of the Pioneer Women's Cabin, in Golden Gate Park, in said city and county, one condemned bronze or brass cannon or fieldpiece, with its carriage and suitable outfit of cannon balls.

(13) Page 4, after line 12, insert:

To the city of Selby, in the State of South Dakota, for the use of John Mangan Post, No. 150, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

(14) Page 4, after line 12, insert:

To the city of Sheffield, in the State of Alabama, a bronze cannon, with its carriage, not needed for present service.

(15) Page 4, after line 12, insert:

To Princeton Post, No. 111, Grand Army of the Republic, of Princeton, Kans., for ornamental purposes, one 12-pounder or larger cannon or fieldpiece, together with its mounting or carriage and six cannon balls.

(16) Page 4, after line 12, insert:

To donate two bronze or brass guns to the Stanton Monument Association, Steubenville, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892.

(17) Page 4, after line 12, insert:

To donate two bronze or brass guns to the J. S. McCready Post, Grand Army of the Republic, of Cadiz, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892.

(18) Page 4, after line 12, insert:

To the Lieutenant David H. Nissley Post, No. 478, Grand Army of the Republic, of Mount Joy, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls.

(19) Page 4, after line 12, insert:

To the city of Tarkio, in the State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls.

(20) Page 4, after line 12, insert:

To the municipality of Goshen, N. Y., two condemned bronze or brass cannon, the same to be placed within the county courthouse grounds in connection with a monument in memory of men who died in the service of the United States during the Civil War.

(21) Page 4, after line 12, insert:

To the Hannah Weston Chapter, Daughters of the American Revolution Society, of Machias, in the State of Maine, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and placed by direction of the Hannah Weston Chapter, Daughters of the American Revolution Society, in the towns of Machias and Machiasport.

(22) Page 4, after line 12, insert:

To the town of Fincastle, Va., two cannon or fieldpieces, with their carriages, to be mounted on either side of the Confederate monument in the said town of Fincastle, in the State of Virginia.

(23) Page 4, after line 12, insert:

To the town of Cumberland, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Cumberland, in the State of Virginia.

(24) Page 4, after line 12, insert:

To the town of Buckingham, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Buckingham, in the State of Virginia.

(25) Page 4, after line 12, insert:

To the Grand Army of the Republic Association of Painted Post, in the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls.

(26) Page 4, after line 12, insert:

To the city of Savannah, in the State of Georgia, two bronze or brass cannons, with a suitable outfit of cannon balls, the same to be placed in a public park or square in said city.

(27) Page 4, after line 12, insert:

To the city of Pembroke, Bryan County, Ga., two bronze or brass cannons, with a suitable outfit of cannon balls, the same to be placed in a public park or square in the town of Pembroke, Ga.

(28) Page 4, after line 12, insert:

To the city of Sylvania, in the State of Georgia, two bronze or brass cannons, with a suitable outfit of cannon balls, the same to be placed in a public park or square in said city.

(29) Page 4, after line 12, insert:

To the city of Sheboygan, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, and a suitable outfit of cannon balls.

(30) Page 4, after line 12, insert:

To the city of Alturas, in the State of California, for the use of the General Canby Post, No. 165, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls.

(31) Page 4, after line 12, insert:

To the city of Red Bluff, in the State of California, for the use of the Mansfield Post, No. 75, Grand Army of the Republic, two condemned fieldpieces or cannon, with a suitable outfit of cannon balls.

(32) Page 4, after line 12, insert:

To the town of Corning, Cal., for the use of the Maywood Post, No. 184, Grand Army of the Republic, two condemned bronze or brass fieldpieces, with their carriages, with a suitable outfit of cannon balls.

(33) Page 4, after line 12, insert:

To the city of Atlanta, in the State of Georgia, two bronze or brass cannons, with a suitable outfit of cannon balls, the same to be placed in a public square or park in said city.

(34) Page 4, after line 12, insert:

To the village of Fort Johnson, N. Y., for the use of the Montgomery County Historical Society, two cannon or fieldpieces with their carriages and outfit of cannon balls.

(35) Page 4, after line 12, insert:

To the city of Alexandria, Va., for the use of R. E. Lee Camp of Confederate Veterans, two bronze or brass cannon, with their carriages and a suitable outfit of cannon balls.

(36) Page 4, after line 12, insert:

To the city of Beloit, Kans., for the use of Beloit Post No. 147, Grand Army of the Republic, Department of Kansas, two bronze or brass cannon, with their carriages and a suitable outfit of cannon balls.

(37) Page 4, after line 12, insert:

To the city of Dayton, in the State of Kentucky, two condemned bronze or brass cannon and a suitable outfit of cannon balls.

(38) Page 4, after line 12, insert:

That the Secretary of War be authorized to furnish two gun carriages with cannon, one to be placed on each side of the bowlder with

a bronze tablet erected by the Commonwealth of Massachusetts in the town of Swansea, as a memorial for the Myles Garrison, who defended the people in the Indian war under King Philip.

(39) Page 4, after line 12, insert:

To donate to Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, of Scranton, Pa., two condemned brass or bronze cannon, with suitable outfit of cannon balls.

Mr. DU PONT. Mr. President, I move that the Senate concur in the House amendment numbered 1 with an amendment as follows:

At the end of the matter proposed in said amendment insert:

To the city of Berlin, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls.

That the Senate disagree to the amendments of the House numbered 2, 3, 7, 30, and 32, and that the Senate agree to the other amendments of the House.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. Certainly.

Mr. CLARK of Wyoming. It is too late now. My remarks were to have been addressed to the matter before the Senate which has now been disposed of.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On March 2, 1913:

S. J. Res. 143. Joint resolution authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine to be held at Dallas, Tex., in May, 1913;

S. 271. An act to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication;

S. 8565. An act to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.; and

S. J. Res. 164. Joint resolution stopping traffic and preventing interference with the suffrage procession.

On March 3, 1913:

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes;

S. 7802. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 1142. An act to protect the monuments already erected on the battle fields of Bull Run, Va., and other monuments that may be there erected; and

S. 8575. An act to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River.

RURAL CREDITS IN EUROPE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe, which was to strike out all after the resolving clause and insert:

That the Secretary of State be authorized and requested to bespeak for the proposed American commission to investigate the European systems of rural credits, the diplomatic courtesies of the various European Governments.

Mr. NEWLANDS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, I have no desire to debate the motion of the chairman of the committee to take up the conference report on the Indian appropriation bill. I will perhaps debate an amendment very fully. However, before this matter is taken up I should like to know just what the parliamentary situation is at the present time. We have had no morning business, I believe. Some days ago I gave notice that immediately after the morning business on the following day I should address the Senate on a resolution at that time presented to the Senate. I still desire to address the Senate upon that subject. May I inquire what is the regular order? I make that as a parliamentary inquiry. The conference report on the Indian appropriation bill is not the unfinished business, is it?

The PRESIDENT pro tempore. The Chair will inquire of the Senator from South Dakota precisely what motion he made. There has been so much intervening business that the Chair does not recall the exact terms of the motion.

Mr. GAMBLE. The motion I made was that the Senate adopt the conference report on House bill 26874, being the Indian appropriation bill.

The PRESIDENT pro tempore. The conference report was submitted, the Chair understands, and that was the privilege of the Senator. The conference report is now before the Senate.

Mr. FALL. The motion to agree to the report brings the report before the Senate?

The PRESIDENT pro tempore. The conference report is before the Senate and open to discussion.

Mr. FALL. Very well, Mr. President. I should like to have the conference report read and the amendments proposed to be read in full.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read the conference report on the Indian appropriation bill.

Mr. CATRON. Mr. President, I suggest that there is no quorum present.

The PRESIDENT pro tempore. The Senator from New Mexico suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lea	Smith, Md.
Borah	Dillingham	Lodge	Smith, Mich.
Bourne	du Pont	McCumber	Smith, S. C.
Bradley	Fall	McLean	Smoot
Briggs	Fletcher	Myers	Stephenson
Bristow	Gallinger	Nelson	Sutherland
Bryan	Gamble	Newlands	Swanson
Burnham	Gardner	Oliver	Thomas
Burton	Gore	Owen	Tillman
Catron	Guggenheim	Page	Warren
Chamberlain	Jackson	Perkins	Webb
Clark, Wyo.	Johnson, Me.	Pittman	Wetmore
Clarke, Ark.	Johnston, Ala.	Pomerene	Works
Crane	Jones	Richardson	
Crawford	Kern	Sheppard	

The PRESIDENT pro tempore. On the call of the roll 58 Senators have answered to their names. A quorum of the Senate is present. The Senator from New Mexico requests that the conference report be read, and that procedure will be had.

The Secretary read the conference report on the Indian appropriation bill, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses for the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 18, 19, 20, 21, 27, 29, 30, 31, 39, 40, 42, 45, 46, 50, 57, 59, 60, 61, 71, 74, 77, 83, 84, 86, 88, 89, 90, 92, 93, 94, 95, 96, 97, 99, 101, 103, 104, 106, 108, 110, 112, 128, 129.

That the Senate recede from its amendments numbered 6, 7, 13, 14, 22, 24, 25, 26, 28, 33, 35, 36, 37, 38, 41, 44, 47, 52, 53, 56, 58, 62, 63, 64, 65, 66, 69, 70, 76, 78, 79, 82, 85, 87, 100, 107, 111, 113, 114, 116, 119, 120, 121; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$335,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$345,700"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the suppression of the traffic in intoxicating liquors and peyote among Indians, $75,000."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out the following: "$480,000, to remain available until expended" and insert in lieu thereof the following: "$400,000: *Provided*, That out of the above amount the following expenditures shall be made, to wit, for the construction of employees' quarters at the Pine Ridge Agency in South Dakota, $10,000, and for repair and improvement of agency buildings at Pine Ridge Agency in South Dakota, $5,000"; and after the word "*Provided*," in line 1 of the Senate amendment, insert the word "*further*"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$400,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: At the beginning of the amendment strike out the figures "$325,000" and insert in lieu thereof "$300,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "$105,000; $20,000 to be immediately available"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: At the end of the amendment proposed, after the word "Interior," strike out the figures "$100,000" and insert in lieu thereof the following: "$50,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, after the word "crops," strike out the figures "$250,000" and insert in lieu thereof the following: "$100,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$146,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 8 of the amendment proposed, after the word "of," strike out the figures "$150,000" and insert in lieu thereof the following: "$100,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "Indians," strike out the figures "$100,000" and insert the following: "$15,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"SEC. 8. For support and education of three hundred and twenty-five Indian pupils at the Indian school, Mount Pleasant, Michigan, and for pay of superintendent, $56,275; for general repairs and improvements, including equipment of two lavatories, and for changing and improving heating system, including purchase of new one hundred horsepower steam boiler, $15,000; in all, $71,275."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: At the end of line 2 of the amendment, after the word "employees," strike out the figures "$20,000" and insert in lieu thereof the figures "$15,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$275,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreemnt to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: After the word "buildings" in the amendment strike out the figures "$25,000" and insert in lieu thereof the following: "$15,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,900"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,500"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate insert a comma and the following: "which said sum shall be reimbursed to the United States by the Navajo Indians, and shall remain a charge and lien upon the lands, property, and funds belonging to said Navajo Indians until paid in full"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the amendment insert the following:

"For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $26,500; for general repairs and improvements, $5,000; for addition to barn $2,500; for dairy cows, $1,000; in all, $35,000."

And the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In line 16 of the amendment proposed, after the word "twelve," strike out the colon and insert in lieu thereof a period, and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 3 of the amendment proposed, after the word "lands," insert the following: "In Oklahoma"; and in line 7 of the amendment proposed, after the word "available," strike out the following: "and to remain available until expended"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: At the end of the amendment proposed, after the word "Act," strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That not to exceed $3,000 may be used from funds belonging to the Seminole Tribe for the purpose of defraying the expenses of such payments"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: At the end of the amendment proposed, after the word "court," strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That this shall not apply to contracts with tribal attorneys for said tribes entered into and approved by the President in accordance with existing law"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$162,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to pay to the attorneys of record in the case entitled 'Mary Sully and others against the United States and John H. Scriven, allotting agent,' and in the case entitled 'Narcissus Drapeau and others against the United States and John H. Scriven, allotting agent,' in the United States Circuit Court for the District of South Dakota, the sum of $780.70 to reimburse said attorneys for costs paid and disbursements in the above-named cases: *Provided*, That before said amount is paid the said attorneys shall file with the Secretary of the Treasury a receipt in full for the costs so paid and disbursements in said cases and in full of all claims."

And the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In line 4 of the amendment proposed, after the word "their," strike out the word "private"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows:

After the last word in the amendment proposed, to wit, the word "twelve," strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That before said payment is made a receipt for said sum and in full of all claims on or against said minor Indian children shall be filed with the Secretary of the Treasury, signed by the party designated in the award hereinbefore mentioned"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For a commission to investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system on the Yakima Indian Reservation to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation and for the use and benefit of the Indians of said reservation, such an amount as may be necessary, to be paid as hereinafter directed: *Provided*, That said commission shall consist of two members of the Senate Committee on Indian Affairs to be appointed by the chairman of said committee and two Members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and said commission shall have full power to make the investigation herein provided for and shall have authority to administer oaths, take testimony, incur expenses, and do and perform all acts necessary to determine upon a definite plan for the construction of said proposed irrigation system and shall report to Congress thereon on or before the first Monday in December, 1913: *Provided further*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of this commission, shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission."

And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In line 29 of the proposed amendment, after the word "thirty-five," strike out all the remainder of said amendment; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,670"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "for heating plant, $10,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$63,450"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: At the end of the proposed amendment, after the word "allotments," strike out the period and insert a colon and the following: "*Provided*, That before said per capita distribution is made the Secretary of the Interior shall, and he is hereby authorized and directed to, make a roll of the names of the Indians who are entitled to receive allotments on the Bad River Reservation, Wis., and said per capita payments shall be made in accordance with the roll herein provided for after the same has been approved by the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the purchase of allotments for the individual members of that portion of the Wisconsin Band of Pottawatomie Indians now residing in the States of Wisconsin and Michigan, $150,000, said sum to be reimbursed to the United States out of the appropriation, when made, of $447,339, the said sum last named being the proportionate share of the said Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in House Document No. 830, Sixtieth Congress, first session, and the Secretary of the Interior is hereby authorized to expend the said sum of $150,000 in the purchase of land within the States of Wisconsin and Michigan, the title to such land to be taken in trust by the Government for the use and benefit of said Indians, said land to be situated in organized school districts, and to be purchased in bodies of not more than one section, which said bodies shall not adjoin each other: *Provided*, That the land so purchased, except such part thereof as may be necessary for administrative purposes, shall be divided equitably among the Indians entitled thereto, and patents therefor shall be issued in accordance with the general allotment laws of the United States: *Provided further*, That the Secretary of the Interior may, in his discretion, withhold allotments from any Indian or Indians belonging to this band who, owing to advanced age or other infirmities, are deemed by him incapable of making beneficial use thereof, and in lieu of formal allotments to Indians falling within this class, tentative allotments of land may be made to such Indians for occupancy and use during the remainder of their natural lifetime."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In line 5 of the amendment proposed, after the word "reappropriated," insert a period, and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For repairs at the old abandoned military post of Fort Washakie, on the Wind River Reservation, Wyo., $1,427, from the amount heretofore collected as rentals of the buildings at said post."

And the Senate agree to the same.

JNO. H. STEPHENS,
CHAS. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

ROBERT J. GAMBLE,
MOSES E. CLAPP,
WM. J. STONE,
Managers on the part of the Senate.

Mr. GAMBLE. Mr. President, I do not think it is necessary to read the statement of the managers on the part of the House appended to the conference report.

Mr. FALL. No; I do not ask that that be done.

Mr. GAMBLE. That is not part of the report.

SERVICE PENSIONS.

Mr. McCUMBER. Mr. President, will the Senator from New Mexico yield to me long enough to permit me to put through a very small bill?

Mr. FALL. Yes.

Mr. McCUMBER. I ask unanimous consent for the present consideration of House bill 28093, to amend the general pension act of May 11, 1912. It will take only a moment. I will state that the purpose of the bill is that soldiers who are now drawing pensions instead of having to file a new application when they reach an age at which they would be entitled to an additional amount may receive it automatically without the refiling of an application. While there is a little more in the bill, it simply restates the old law with that amendment.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the consideration of a bill which will be read.

The Secretary read the bill, which proposes to amend the general pension act of May 11, 1912, by striking out section 5 and adding in lieu thereof a new section, to read as follows:

SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension filed under this act is adjudicated, to cause to be kept a record showing the name, length of service, and age of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year 1914 tabulate the records so obtained by States and counties, and to furnish certified copies thereof upon demand and payment of such fee therefor as is provided by law for certified copies of records in the executive departments; and that further increase of rate under this act on account of advancing age shall be made without further application by pensioner and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by this act as a basis of rating: *Provided*, That where a claim has been heretofore adjudicated and the record therein does not sufficiently establish the date of birth of the soldier or sailor pensioner nothing herein shall prevent such further investigation as is deemed necessary, in order to establish a record upon which future increases of rate under this act, on account of advancing age, may be possible, the object being to advance automatically the rate of pension, as provided for by this act, without unnecessary expense to the pensioner.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JOHNSTON of Alabama. I should like to ask the chairman of the Senate Committee on Pensions to state what changes were made in the section.

Mr. McCUMBER. The only change made is in this provision:

And that further increase of rate under this act on account of advancing age shall be made without further application by pensioner, and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by this act as a basis of rating—

So that the law will act automatically, without the refiling of an application.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act to amend an act entitled 'An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico,' approved May 11, 1912."

JUDICIAL DISTRICTS IN GEORGIA.

Mr. BACON. Mr. President, I do not recall that I have asked for present consideration of anything at this session, but there is one bill here for which I would like present consideration. It will take only a moment.

The PRESIDENT pro tempore. Does the Senator from New Mexico yield for that purpose?

Mr. FALL. I do.

Mr. BACON. I ask unanimous consent for the present consideration of House bill 25781. As I say, it will take but a moment.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of a bill, which will be read.

The Secretary read the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after line 6, page 1, and insert:

Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October, and at Gainesville on the fourth Mondays in April and November, and it shall be the duty of the judge of said court to assign for trial at Gainesville such cases, both civil and criminal, as may in his judgment be most convenient to the parties to said cases and as may be in the interest of economical expenditures by the Government.

So as to make the bill read:

Be it enacted, etc., That section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October, and at Gainesville on the fourth Mondays in April and November, and it shall be the duty of the judge of said court to assign for trial at Gainesville such cases, both civil and criminal, as may in his judgment be most convenient to the parties to said cases and as may be in the interest of economical expenditures by the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BACON subsequently said: The Senate a few moments ago, upon my request, passed a bill the amendment to which was inaccurately copied.

I move to reconsider the votes by which the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The bill is now before the Senate.

Mr. BACON. I ask that the amendment as it was put into the report of the committee, but not correctly copied in the bill, may be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In lieu of the amendment as printed in the bill, after the following words in said section, to wit, "terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October," add the following:

and at Gainsville on the fourth Mondays in April and November, and it shall be the duty of the judge of said court to assign for trial at Gainsville such cases, both civil and criminal, as may in his judgment be most convenient to the parties to said cases and as may be in the interest of economical expenditures by the Government.

So that said sentence in said section 77, when so amended, will read as follows:

Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October and at Gainsville on the fourth Mondays in April and November, and it shall be the duty of the judge to assign such cases, both civil and criminal, as may in his judgment be most convenient to the parties to said cases, and as may be in the interest of economical expenditures by the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ROBERT N. CAMPBELL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, which was, on page 2, line 3, after the word "appointment" to insert: "but nothing in this bill shall be construed to increase the total authorized commissioned strength of the Army."

Mr. JOHNSTON of Alabama. This is a bill which was introduced by the Senator from Utah [Mr. SMOOT]. I have referred the matter to him, and he says he desires the Senate to concur in the amendment of the House. I therefore make that motion.

The amendment was agreed to.

CORA EVANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, and calls the attention of the Senator from Pennsylvania [Mr. OLIVER] to it.

The bill (H. R. 27090) for the relief of Cora Evans was read the first time by its title.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cora Evans, widow of Joseph E. Evans, the sum of $1,320, this being the amount of the annual salary of the said Joseph E. Evans, who at the time of his death was an employee of the Bureau of Mines and came to his death on April 7, 1911, in a mine at Throop, Lackawanna County, Pa., while engaged,

under the direction of the Bureau of Mines, in the hazardous employment of leading a rescue party, following a mine fire, in an attempt to rescue miners supposed to be barricaded at the face of the mine.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHTHOUSE SERVICE.

Mr. FALL obtained the floor.

Mr. NELSON. Mr. President——

Mr. GAMBLE. There is a privileged report before the Senate, and I will feel constrained to object to any further requests.

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. Certainly.

Mr. NELSON. A lighthouse bill has just come over from the House involving aids to navigation along our navigable waters. We passed separate bills here in the Senate many months ago. The House has put them into an omnibus bill, and if anything can be done with the bill it ought to pass so that the appropriations may be put into a deficiency appropriation bill. I ask unanimous consent for its present consideration.

Mr. GAMBLE. In view of the statement made by the Senator from Minnesota and the importance of the measure to which he refers, if it does not lead to discussion, I will withdraw objection.

Mr. NELSON. It will lead to none at all.

Mr. GAMBLE. But I give notice that I shall be compelled to insist upon the consideration of the conference report on the Indian appropriation bill.

Mr. NELSON. I ask that the bill from the House may be laid before the Senate.

The bill (H. R. 27789) to authorize aids to navigation and other works in the Lighthouse Service was read the first time by its title and the second time at length, as follows:

An act (H. R. 27789) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce and Labor is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded.

To construct and equip a lighthouse tender for general service at a cost not exceeding $250,000.

FIRST LIGHTHOUSE DISTRICT.

To construct and equip a light vessel to be placed near Monhegan Island, off the entrance to Penobscot Bay, Me., at a cost not to exceed $125,000.

THIRD LIGHTHOUSE DISTRICT.

To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., at a cost not exceeding $23,000.

SIXTH LIGHTHOUSE DISTRICT.

Purchase of a site and construction of a wharf and buildings, and purchase of the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000.

EIGHTH LIGHTHOUSE DISTRICT.

Aids to navigation in Atchafalaya Entrance Channel, La., at a cost not to exceed $50,000.

To construct and equip a light vessel for the Southwest Pass Entrances to the Mississippi River, La., at a cost not to exceed $125,000.

NINTH LIGHTHOUSE DISTRICT.

Light station on Navassa Island, in the West Indies, at a cost not to exceed $125,000.

Purchase for lighthouse purposes of approximately one-half acre of land in the vicinity of the lighthouse reservation at Fort Ferro Light Station, P. R., for the purpose of constructing a watershed and cistern, and the appropriation "General expenses, Lighthouse Service," for the fiscal year in which the purchase is effected, is hereby made available for the purchase of said site.

TENTH LIGHTHOUSE DISTRICT.

Rearrangement, rebuilding, and improvement of the aids to navigation at Ashtabula Harbor, Ohio, at a cost not to exceed $45,000.

Removal, reconstruction, and improvement of the fog-signal station at Cleveland, Ohio, at a cost not to exceed $17,600.

Light and fog-signal station and improvement of aids to navigation at Lorain Harbor, Ohio, at a cost not to exceed $35,000.

ELEVENTH LIGHTHOUSE DISTRICT.

Additional aids to navigation at Ashland, Wis., at a cost not to exceed $25,000.

A pierhead light and lighted buoy at Oconto Harbor, Wis., at a cost not to exceed $5,000.

TWELFTH LIGHTHOUSE DISTRICT.

Establishment of aids to navigation in the harbor of Manistique, Mich., at a cost not to exceed $20,000.

SIXTEENTH LIGHTHOUSE DISTRICT.

Light and fog signal at or near Cape St. Elias, Alaska, at a cost not to exceed $115,000.

SEVENTEENTH LIGHTHOUSE DISTRICT.

Aids to navigation and improvements of existing aids in Puget Sound and adjacent waters, Washington, at a cost not to exceed $30,000.

Improvement of Warrior Rock Light Station, Columbia River, Oreg., including the purchase of additional land, at a cost not to exceed $2,000.

EIGHTEENTH LIGHTHOUSE DISTRICT.

To authorize the completion of the unfinished portion of the Government road from Rollerville to the Point Arena Lighthouse, Mendocino County, Cal., at a cost not to exceed $3,000.

For establishing a light and fog-signal station on or near North Farallon Island, Cal., $100,000.

Hereafter the purchase of necessary additional land for light stations and depots is authorized under rules prescribed by the Secretary of Commerce and Labor: *Provided*, That no single acquisition of such additional land shall cost in excess of $500.

Hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special works.

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service the same shall be appraised and sold, either by sealed proposals for the purchase of the same or by public auction after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interests require, the proceeds of such sales, after the payment therefrom of the expenses of making the sales, to be deposited and covered into the Treasury as miscellaneous receipts as now provided for by law in like cases.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, it will be necessary for me to occupy some considerable time of the Senate in the discussion of the conference report on the Indian appropriation bill now under consideration. I will, before concluding my arguments, possibly have an opportunity to comment upon more than one provision in the bill. In opening my argument, however, I shall direct my attention—and ask the attention of the Senate to what I shall have to say—particularly to amendment 81, providing for and continuing the appropriation for the removal of the Fort Sill Apaches from Oklahoma or from the Fort Sill Reservation in Oklahoma as prisoners of war, now under jurisdiction of the Secretary of War, and the placing of these Indians upon lands to be selected for them by the Secretary of the Interior.

Mr. President, these Fort Sill Apaches were known as the Geronimo Apaches. They were renegade Indians from various reserves in the then Territory of Arizona and the northern part of the Republic of Mexico, particularly the State of Sonora. Prior to the year 1886 nearly every year Indians from the San Carlos, Chiricahua, Aguacaliente, or Ojo Caliente (or Hot Springs), and other reserves in the then Territory of Arizona and the new State of Arizona left the reservations and, attacking everyone whom they met, joined their brothers who lived on the Chiricahua Reservation, particularly those who lived on the border line between Arizona and old Mexico, and some of whom lived in old Mexico, going down through Sonora and making their way into the eastern portion of the State of Chihuahua, through the little Mexican settlements in those two States, making the present town and the then old town of Casas Grandes largely their headquarters, or ultimate point of attack.

These Indians were in the habit not only of depredating upon the Mexicans in the Republic of Mexico, but also of coming back across the line into the then Territory now State of New Mexico and into the then Territory now State of Arizona. When they were on the warpath these Indians made their headquarters as a general thing in the Republic of Mexico. Whenever they took the warpath and started on their career of depredation and of murder, as fast as it was possible for them to travel they made their way to the friendly shelter of old Mexico.

The northern part of Sonora, a great portion of the present State of Sonora, in the Republic of Mexico, and large areas of the present State of Chihuahua were depopulated by these Indians. Where the present settlements of the Mormons, 10 to 15 in number, exist or existed up to two years ago in Chihuahua and Sonora no Mexican dared to go because of these Apaches.

There are yet some 12 or 13 of them living near a mining camp, in which I have a small interest, in the Sierra Madres, near the line of Chihuahua and Sonora, at the junction of what is known as the Bonita and the Rio Verde de Aros. These 13 are the remnant of the old Geronimo Band of Indians who were not captured by Lawton and Miles, or at least they constituted a large portion of the number who were not captured. Some 9 of them were captured a few years ago, and within the last

five years, against the protest of the people of New Mexico, were sent to the Mescalero reserve in New Mexico.

The raids of these Indians from old Mexico back into New Mexico caused much trouble. So many hundreds of lives were lost that finally the Government of the United States determined that it would pursue these Indians when they made their next raid into New Mexico, with the armed forces of the United States, which theretofore had been compelled to stop at the border of old Mexico, and to pursue them to their lair in the Sierra Madre Mountains of old Mexico, leave was sought from the Mexican Government and finally, with reluctance, it was agreed that our armed forces might cross the border.

The first result of this policy was that Capt. Crawford was killed by regular Mexican soldiers while pursuing the Geronimo band of Indians into the State of Sonora. Crawford was followed by Lawton, with whom was, as a volunteer, the present head of the Army of the United States, then Capt. Leonard Wood. These Indians were brought back by the armed forces of the United States from Mexico, brought into Arizona, and taken from thence to Fort Marion, Fla., and afterwards to Fort Sill, in Oklahoma, in the now State of Oklahoma. There they have been guarded.

They were placed upon the military reservation at Fort Sill. Large additions have from time to time, or at least twice, been made to that reserve for the accommodation of those Indians.

Mr. President, just picture the conditions existing on the border in 1886 and the action of the soldiers of the United States in pursuing these renegade Apaches across the Mexican border, there surrounding them, and bringing them back to be dealt with to some extent at least as the law provided, at any rate placing them as prisoners of war in Fort Marion and later at Fort Sill, where it was impossible for them to continue in their career of murder.

In contrast to this action of our Government, in contrast to this position of the armed forces of the United States at that time, I want to call the attention of Senators to present-day conditions, and conditions as they have existed for the last two years, just across the border of Arizona and New Mexico in the Republic of Mexico.

Armed forces of the United States have been along the border of the United States, in Arizona, Texas, California, and New Mexico, just north of the line dividing these States from Sonora, Chihuahua, Coahuila, Tamaulipas, and Lower California; but those soldiers have been placed there, Mr. President, upon an entirely different mission. When they went to the line or went across the line in 1886 they were sent there for the purpose of protecting American citizens and for the purpose of protecting the helpless Mexicans in Sonora and Chihuahua from outrage at the hands of these Indians, from having their property stolen, from having their homes devastated and their children carried off into captivity or worse than captivity.

Mr. President, at the last session of Congress, having had its attention called to the present-day conditions just across the line of Arizona and New Mexico and Texas, the Senate of the United States appointed a committee to deal with certain matters which were supposed possibly to have excited or led up to some of the conditions, at least, existing in Mexico. That committee during the recess of Congress was engaged, in pursuance of the resolution under which it was appointed, in collecting evidence. Incidental to the chief matter of inquiry under the resolution to which I have referred—and, I might say, as directly bearing upon it, because it was necessary for the committee to go into the particular character of evidence, to which I shall refer—in pursuing the main line of its investigation a great mass of testimony was taken along the border and from San Diego, in California, to New Orleans, San Antonio, and El Paso, in Texas, and at various other places, including Washington. The result—or a portion, at any rate, of the result—of this investigation has been placed on the desks of Members of the Senate, and embraces fully 900 pages of printed matter.

During this investigation, Mr. President, your committee came in contact with the armed forces of the United States ranged along the border, and through evidence offered incidentally to the main purpose of its examination ascertained from the testimony of witnesses the purpose, or apparent purpose, animating the placing or bringing about the placing of the armed forces of the United States upon the Mexican border.

I am going to refer, Mr. President, to some of the evidence taken in this investigation as showing the conditions in Mexico as existing to-day, and I am going to refer to some of the evidence taken in this case as showing how the armed forces of the United States, instead of being used to protect American citizens, have been used to arrest American citizens in their own homes on this side of the border, have been used to search American citizens illegally under the Constitution of the United States, have been used to oppress American citizens in their own country, and not to protect them here nor elsewhere, not to render them necessary assistance when they were being murdered and robbed and outraged and calling for help to their countrymen on this side of the border and that the American soldiers were standing within a mile in some instances, and even a shorter distance, when American citizens were being seized and held for ransom, robbed, and their property taken away from them, their lives threatened, and deprived of their liberty. The American soldiers on the border, at the dictation of a Mexican consul on this side, have been searching and arresting American citizens charged with no offense and proceeding quietly along the streets of an American city of 50,000 population; and this not upon a single occasion, not by a mistake in orders. This has been the condition on the border of Mexico since practically the 14th day of March of last year, within 10 days of one full year.

Mr. President, in July of last year in this Chamber I made some remarks concerning the conditions as they existed in Mexico at that time and what I conceived to be the position of the American people on this side of the line interested in those conditions.

In the course of my remarks upon that occasion I referred to certain acts of this administration, and particularly of the State Department of this administration, citing instances in which, as I claim, the records showed that this Government has not extended to the Americans in Mexico not only the protection to which they are entitled, but the protection which could have been extended to them without causing any difficulty between the United States and Mexico.

I know that I was criticized in some quarters for my statement then. It was asserted that I was extremely radical. But I notice that while I made here openly statements, claiming them to be from the record, which were resented apparently by some of the officials of this administration, no attempt whatsoever has been made to answer them by these officials of the Government. So I must conclude that the statements were unanswerable, or else that no attention was being paid by the Government of the United States to the interests of Americans who happened, temporarily or permanently, to be located across the border in some other country. I must then infer that it was the determination of the present administration to let the world know that it might compete with the foreign trade of the United States in any country in which our business men sought trade or business, with the understanding that where our business men sent their representatives, for instance, to Japan, China, Mexico, one of the Central American Republics, or anywhere else, to obtain business such representatives of our firms and business men would under no circumstances receive protection from this country. It apparently has been the policy of this Government to say to those other nations that "you may go there and get business; Great Britain may protect her citizens there if attacked; but that even when our citizens, the representatives of our business men, attending to their business, obeying the laws of the country, are willfully attacked, even because of their American citizenship, the American Government will under no circumstances resent such attack or extend to these citizens the protection which our forefathers at least thought that we would always give to American citizens wherever found."

Mr. President, about the time to which I referred at the last session, when I made remarks upon the Mexican situation, or just after, the matter of the then conditions in Nicaragua came up. I remember that those conditions were discussed by the Senator from Georgia [Mr. BACON] particularly, who, in the course of some remarks which he made upon this subject, said that the conditions in Mexico were far worse than in Nicaragua, and that if we were justified in going into Nicaragua with the marines and the sailors of the United States Navy for the purpose of keeping open communication between Corinto and Managua, and for the purpose of protecting American lives, we were much more justified in sending the forces necessary from the United States into Mexico to protect American lives and property in that Republic. I agreed with him then and I agree with him now.

Mr. President, in view of the fact that our marines were sent into Nicaragua, that our armed forces restored order and took part in a revolution there, upon one side of it, and it has been refused to permit them to do so in Mexico, so as to extend protection to American citizens and to demand of the Mexican Government payment for American property destroyed, I should like to know why some report has not been made to the only body which can legally and finally act in matters of this kind

in the event any action of the administration brought on a war with another country?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. FALL. With pleasure.

Mr. THOMAS. I have heard that the marines of the United States who were used to interfere in the Nicaraguan troubles are still being used for that purpose. I should like to inquire of the Senator from New Mexico if he has any information as to whether or not that rumor is true?

Mr. FALL. I am informed that some of the marines were sent into Nicaragua for purposes of which we know nothing except as reported by the newspapers, and also am informed that some marines yet remain there. I have no information except from newspapers and certain private correspondence with persons in the so-called Republic of Nicaragua. I have no other information, because none had been furnished this body before the Senator from Colorado came into it or since by any officer of the Government so far as I know. No message or information upon this subject has been sent in here.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I beg to occupy a few moments to make a statement in regard to the status of the naval appropriation bill (H. R. 28812).

That bill was referred to your committee of conference, Mr. President, some three or four days since, containing 58 amendments. We gave it careful consideration, and the committee of conference have agreed on all except one of the amendments. That amendment provides for two battleships, while the House bill provides for only one battleship. We desire to make a report to the Senate on what we have done. The conferees on the part of the other House decline to make any further report of the disagreement, for the reason, they say, that the question has already been passed upon by the House. I therefore, Mr. President, submit a statement of the Senate managers of the conference, which I ask to have read by the Secretary.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

STATEMENT.

The conferees on the naval appropriation bill have been unable to agree upon one of the principal items in the bill, and there seems to be no hope of coming to an agreement.

On the amendments to the bill not affected by this item, the situation is as follows:

Amendments Nos. 1 and 2: Make the dentist now on duty at the United States Naval Academy an officer in the Dental Corps of the Navy with the corresponding rank of the dental surgeon now at the United States Military Academy, and provide that he shall not be eligible to retirement before reaching 70 years of age, except for physical disability incurred in the line of duty.

Amendment No. 3: Provides that the service of a midshipman at the Naval Academy, or that of a cadet at the Military Academy, shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

Amendment No. 4: Provides that officers entering the Navy from civil life hereafter shall not be credited with five years' constructive service for the purpose of computing their pay on with six years' service in determining their precedence.

On page 3 of the bill, line 25, an increase of pay of 35 per cent for officers detailed as actual fliers of heavier-than-air craft is allowed, instead of 50 per cent, as passed by the House.

Amendment No. 5: The House recedes with an amendment authorizing the accounting officers of the Treasury to allow disbursements heretofore made in accordance with regulations of the Secretary of the Navy for commutation of subsistence to the members of the Nurse Corps of the Navy at the rate of 75 cents per day, but does not authorize such an allowance in the future.

Amendment No. 6: Allows the pay and allowances of officers to date from the date stated in their commissions.

Amendment No. 7: The Senate recedes.

Amendment No. 8: The Senate recedes.

Amendment No. 9: The Senate recedes.

Amendment No. 10: Authorizes the Secretary of the Navy to credit the accounts of Paymaster John W. Morse, United States Navy, with the sum of $17,838.28, being the amount stolen from United States funds by Pay Clerk Edward V. Lee, United States Navy, and charged in the accounts of Paymaster Morse.

Amendment No. 11: Authorizes the Auditor for the Navy Department to credit the account of Pay Director John N. Speel, United States Navy, with the sum of $263.54, this amount being advanced in accordance with the provisions of law by Pay Director Speel to Paymaster's Clerk Edward V. Lee, who deserted from the service before the amount could be deducted from his salary.

Amendment No. 12: The Senate recedes.

Amendment No. 13: Provides authority for advertising for recruits in the Navy.

Amendment No. 14: Is to the same purpose.

Amendments 15, 16, and 17: Provide for an increase of $2,000 in the appropriation for the Naval War College.

Amendment No. 18: Removes certain restrictions on the Navy Department for the purchase of projectiles of an experimental nature, and authorizes the Secretary of the Navy to make emergency purchases of war material abroad, to be admitted free of duty.

Amendment No. 19: Increases by $50,000 the appropriation for modernizing 6-inch guns.

Amendment No. 20: Makes available until expended the appropriation for procuring ammunition for ships of the Navy.

Amendment No. 21: Provides for the purchase of land for necessary sites for radio shore stations, with an amendment limiting the amount to be expended for such purpose to $50,000.

Amendment No. 22: Increases the appropriation for "coal and transportation" by $75,000, which is to be used for procuring coal from Alaska to be tested for Navy purposes; and repeals section 1552, Revised Statutes, which authorizes the Secretary of the Navy to establish suitable depots for coal and other fuel at such places as he may deem necessary.

Amendment No. 23: Provides for an appropriation of $20,000 for a central administration building, Portsmouth, N. H.

Amendment No. 24: Is a change of total.

Amendment No. 25: Appropriates $100,000 for a 150-ton crane at Norfolk Navy Yard.

Amendment No. 26: Is a change of total.

Amendment No. 27: Limits the cost for the torpedo boat berths at the navy yard, Charleston, S. C.

Amendment No. 28: The Senate recedes.

Amendment No. 29: The Senate recedes.

Amendment No. 30: Provides $40,000 for the purchase of land for the extension of landing facilities at the naval station, Narragansett Bay, R. I.

Amendment No. 31: Appropriates $400,000 for barracks for the Marines on the Isthmus of Panama.

Page 29 of the bill, line 8, changes the total.

Amendment No. 32: Provides an appropriation of $70,000 for a new power plant for the naval hospital at Chelsea, Mass.

Amendment No. 33: Provides a Navy Dental Reserve Corps to be organized and operated under the provisions which established the Naval Medical Reserve Corps last year and perfects that legislation, and further provides that the age of retirement for officers of that corps shall be 64 years, as in the Army.

Page 31 of the bill, line 17, changes the total.

Amendment No. 34: Provides that the appropriation for "Provisions, Navy," shall be available until the close of the fiscal year 1915, and that thereafter awards of contracts for provisions for the Navy shall be made by individual items, the contract being awarded to the lowest responsible bidder.

Amendment No. 35: The Senate recedes.

Amendment No. 36: Provides $100,000 for the purchase of necessary land and buildings for a Naval Academy dairy, with a proviso that the land shall not cost more than $75,000 and that the Treasury of the United States be reimbursed for the full amount from the profits of the midshipman's store fund.

Amendment No. 37: The Senate recedes.

Amendment No. 38: Provides $300,000 for the construction or purchase of a testing and wrecking pontoon for submarine boats.

Amendment No. 39: Provides that two professors at the Naval Academy, with 30 years or more of service, shall be commissioned as lieutenants in the corps of professors of mathematics in the Navy, not in the line of promotion, allowing previous service to count in the computation of pay, without limitation as to age at the time of appointment or age as to retirement, and creating no claim for back pay.

Amendment No. 40: Authorizes the appointment of A. J. Corbesier, a swordmaster at the Naval Academy, as a first lieutenant in the Marine Corps, as an extra number not in the line of promotion.

Amendment No. 41: Provides for seven members of the Committee on Naval Affairs of the Senate, instead of five, as members of the Board of Visitors to the Naval Academy.

Amendment No. 42: Provides for an increase of salary of $200 of the draftsman in the quartermaster's office of the Marine Corps.

Amendment No. 43: Provides for an increase of $400 for the chief clerk to the assistant quartermaster of the Marine Corps, San Francisco, Cal.

Amendment No. 44: Provides for an increase of $200 for the chief clerk to assistant quartermaster of the Marine Corps, Philadelphia, Pa.

Page 45 of the bill, lines 19 and 24, are changes of totals.

Amendment No. 45: Provides that the ration of the enlisted men of the Marine Corps on shore duty in the United States shall be the Army ration; where marines are serving on shore duty in the island possessions and foreign stations they may be allowed the Navy ration, or commutation thereof, where the Army ration is impracticable or the expense is found greater. It also provides for the sale to officers, enlisted men, and civilian employees of such articles of subsistence as may from time to time be designated in the regulations prescribed by the Secretary of the Navy.

Page 51 of the bill, line 6, is a change of total.

Amendment No. 51: Provides for one transport, to cost, exclusive of armor and armament, not to exceed $1,850,000.

Amendment No. 52: Provides for one supply ship, to cost, exclusive of armor and armament, not to exceed $1,425,000.

On the Senate amendments to provide for two battleships instead of one battleship the conferees are in disagreement.

These are amendments numbered 46, 47, 48, 49, 50, 54, 55, 56, 57, and 58.

Mr. PERKINS. Mr. President, I have made this statement to the Senate, and I desire to ask instructions as to what further action they wish the conferees on the part of the Senate to take in the matter, for without further action the naval appropriation bill will fail to become a law at this session of Congress.

Mr. SMOOT. I should like to ask the Senator from California if the conferees on the part of the House have refused to sign any kind of a report?

Mr. PERKINS. I will say, as is said in the statement which I sent to the desk, that they decline to make a statement to the House of the disagreement for the reason, as they said, that the matter had already been passed upon by the House of Representatives.

Mr. SMOOT. The House conferees having refused absolutely, as I understand, there is nothing that the Senate can now do but simply to wait for some report from the conferees.

Mr. PERKINS. If the Senate instructs its members of the committee of conference to recede from the battleship amendment, then there would be no objection on the part of the House conferees to the bill becoming a law.

The PRESIDING OFFICER. Does the Senator from California make a motion to that effect?

Mr. PERKINS. No; I do not, Mr. President, for the reason that I am in favor of two battleships.

The PRESIDING OFFICER. The Chair does not see that anything further can be done under the circumstances, except to lay the statement on the table and await the report of the conferees.

Mr. THOMAS. I will make the motion that the conferees recede from the amendment providing for two battleships, which is now the subject of difference.

The PRESIDING OFFICER. Does the Senator from New Mexico yield for that purpose?

Mr. SMOOT. That is not the only question involved in this statement.

Mr. THOMAS. The Senator from California said that if we receded from that amendment the conferees could agree, as I understood him.

Mr. PERKINS. They promised to agree if we receded from that amendment.

Mr. SMOOT. Mr. President, I sincerely trust that the Senate will not agree to recede from that amendment.

Mr. FALL. I yield for the motion made by the Senator from Colorado [Mr. THOMAS]; but I think we had better have a quorum, and I call for a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Catron	du Pont	Johnston, Ala.
Bankhead	Chamberlain	Fall	Jones
Bourne	Chilton	Fletcher	Lea
Bradley	Clapp	Foster	Lippitt
Brady	Clark, Wyo.	Gallinger	Lodge
Brandegee	Clarke, Ark.	Gamble	McCumber
Briggs	Crawford	Gardner	Myers
Bristow	Culberson	Gronna	Nelson
Bryan	Dillingham	Guggenheim	O'Gorman
Burton	Dixon	Johnson, Me.	Oliver
Owen	Pomerene	Smith, Mich.	Thornton
Page	Richardson	Smoot	Tillman
Paynter	Root	Stone	Townsend
Penrose	Sheppard	Sutherland	Watson
Perkins	Smith, Ga.	Swanson	Webb
Pittman	Smith, Md.	Thomas	Williams.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. PENROSE. Mr. President, I should like to ask what is pending before the Senate?

The PRESIDENT pro tempore. The Chair understands the pending question is the motion made by the Senator from Colorado [Mr. THOMAS] that the Senate recede from its amendment providing for two battleships.

Mr. PENROSE. I desire to submit the point of order that there is nothing before the Senate which would permit that instruction to the conferees. The statement which has been read is only a statement of facts made by the Senator from California. It is not in the nature of a report, and should the conferees make a report the report would first have to go to the House of Representatives.

The PRESIDENT pro tempore. The Chair will ask where are the original papers relating to this appropriation bill?

Mr. PENROSE. I understand they are with the House of Representatives. The House conferees have declined to sign a report or to go back to the House on the pending issue, and there is no assurance that the conferees may not meet later in the day. The House has the papers.

The PRESIDENT pro tempore. So that the motion relates to a matter that is now in the possession of the House of Representatives. Is that correct?

Mr. PENROSE. Absolutely.

Mr. LODGE. There is nothing, Mr. President, in this case before either the Senate or the House.

Mr. PENROSE. Neither is there any assurance, Mr. President, that the conferees may not meet later in the day, although there is no probability that such meeting can occur unless the attitude of the House managers is changed.

Mr. ROOT. That has been known to happen.

Mr. PENROSE. Yes; it has been known to happen. I think it is only fair to say to the Senate that the Senate conferees feel that they can not logically be called upon to surrender the amendment providing for two battleships, which was adopted by the Senate by such an overwhelming majority, until the Senate amendment is formally voted upon by the House of Representatives. That the House managers have declined up to the present time to permit, and it does not seem to me reasonable or logical for them to insist upon the Senate managers surrendering while they are unwilling to return to the House and get final instructions from that body.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Pennsylvania to make the point of order that, under the rules of the Senate, the motion can not be entertained?

Mr. PENROSE. I make the point of order that there is nothing before the Senate and that this matter is in the possession of the House of Representatives.

The PRESIDENT pro tempore. The Chair will be glad to hear Senators on the point of order. It is a very important matter.

Mr. THOMAS. Mr. President, I am not sufficiently familiar with the procedure of this body to attempt to discuss such a point of order as that which has just been made. The chairman of the committee caused to be read from the Secretary's desk a statement which gave us information as to the status of the naval appropriation bill before the committee of conference. After that statement was read the chairman, in response to an inquiry from the Senator from Utah [Mr. SMOOT], said that no further progress could be made with this bill in the absence of some action on the part of the Senate, and that he himself would not make a motion.

Mr. SMOOT. Not upon the bill, Mr. President; he said upon the report.

Mr. THOMAS. I am speaking now of what the chairman said, as I understood him—that he himself would not make a motion.

The PRESIDENT pro tempore. Will the Senator from Colorado kindly permit the occupant of the chair to say a word?

Mr. THOMAS. Certainly.

The PRESIDENT pro tempore. The present occupant of the chair was not presiding at the time this matter came before the Senate, so that the only information the Chair can get is from the paper that has been handed to him. It appears to be not a conference report, and is not signed by the conferees. It is merely a statement of the managers of the conference on the

part of the Senate. It is proper that the Chair should make that statement.

Mr. THOMAS. Mr. President, I am aware, of course, that there was another occupant of the chair at the time that I made the motion which is now the subject of discussion. The chairman of the committee having said that he himself would not make it because he was in favor of two battleships, I made it because I am in favor of not more than one battleship.

Mr. LODGE. Mr. President, in this particular case the movement of the papers was somewhat different from the usual course. In order to expedite business, after the Senate had amended the naval appropriation bill and passed it, I made the motion that the Senate insist upon its amendments and ask for a conference with the House of Representatives. Usually in such cases the bill goes back to the House with the Senate amendments; the House asks for a conference and we assent. There is no question that the papers are in the hands of the assenting House. In this case the House assented to the conference and has the papers. If the Chair will turn to Jefferson's Manual, with which, of course, he is familiar, he will see that there can be no question about that.

The PRESIDENT pro tempore. The Chair is familiar with that.

Mr. LODGE. The papers, therefore, are not in the possession of the Senate, and there is nothing in regard to this matter in the possession of the Senate. The Senator from California [Mr. PERKINS] has merely made a statement to inform the Senate of the condition of the conference. No disagreement has been signed and no formal action has been taken.

In the case of motions to discharge conferees there is, as a matter of fact, only one precedent, and that I had occasion to look up this morning with some care in relation to a wholly dissimilar case where the situation was entirely different. It occurred in connection with the famous tariff bill of 1894, when a motion was made in the House to agree to the Senate amendments and pass the bill, discharging the conferees. That bill had been to conference. I will not go into all the details, but I will read the last clause showing the decision of Mr. Speaker Crisp. It was a decision, I may say, about which there was great doubt at the time. It was disputed with great ability by Mr. Reed, who, as is well known, was one of the greatest parliamentarians either House has ever had. Even on the ground taken by Mr. Crisp this case is not covered. The Speaker said:

> Now, the object of all conferences between the two Houses is to get the minds of the Houses together to pass the bill. The Senate conferees are insisting upon the Senate amendments. The House conferees are insisting upon the rejection of those amendments. That conference committee is now in existence and it has been held in the case just indicated that, pending that condition of affairs, the House which has rejected the amendment may recede from that action and permit the bill to become a law.

Under that decision the House might possibly take this action, though I think even that very doubtful in this condition, because in the case of the tariff the bill has been in conference, amendments have been agreed to, and so forth. But this is clearly not a case where this body can act. The papers are with the House. The House projected the provision. The House may possibly be able to recede; but there is no action possible, even under the sole authority that exists—as I say, the disputed authority—to deal with that decision here.

I say that with reference to the point of order made by the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I simply wish to reiterate and to impress on every Senator here the condition in which the conferees are placed.

The Senate, by a large majority, have placed an amendment in the naval bill. The House conferees decline to permit a vote in the House of Representatives on that amendment. Can the Senate afford, with any consideration for their prerogatives or their dignity, to recede, even if they had the power, without having an opportunity to have the verdict of the House of Representatives on the amendment which they have put in?

Further than that, however, I entirely concur with the Senator from Massachusetts that the matter is in the hands of the House; that it is not within the jurisdiction of the Senate at the present time; and that the motion is not in order.

Mr. LODGE. I also call attention to a matter in our own precedents. I was reading from the celebrated precedent, if I may so call it, of the House of Representatives. I now read this statement in our own precedents, from page 259:

> In earlier practice reports of inability to agree were made verbally, and conference reports were not signed.
>
> Where managers of a conference are unable to agree, or where a report is disagreed to in either House, another conference is usually asked.

Now:

> A conference having failed to reach a result, the two Houses, successively, as they come into possession of the papers, act on the amendments in disagreement, further insisting, or receding and concurring.

The House must act first in this case, because they have the papers.

The PRESIDENT pro tempore. The Chair had occasion at one time to look into this matter, and was impressed with the suggestion that was made, as the Chair remembers, by Mr. Speaker Reed, that it would be an anomalous situation if, simultaneously, a motion of this kind might be made on the part of both Houses, the point being that one or the other of the Houses must have jurisdiction to the exclusion of the other.

In the present instance the papers are indisputably in the custody of the House of Representatives; and there is nothing, as the Chair looks at the situation, for the Senate to do in the case. The Chair will not undertake to settle the powers of the House, which has possession of the papers, but is strongly and completely of the opinion that under existing circumstances the point of order must lie against the motion made by the Senator from Colorado, and hence sustains the point of order.

Mr. LODGE. Before this matter passes from the Senate, since the Chair has just referred to Mr. Reed's statement about simultaneousness, I should like to read it into the RECORD. It was on the tariff bill, where, as I have just said, a case had arisen in which the House was seeking to recede from its objections to the Senate amendments. It is found on page 8469 of the CONGRESSIONAL RECORD of August 13, 1894, volume 26, part 8, Fifty-second Congress, second session.

I shall have to read a few lines to make it clear:

> Nevertheless, that is where the bill is, and the Senate to-day is proposing action upon it, and the House to-day is proposing action upon it, the House having repented of its bill and the Senate having repented of its bill also, and there being at this moment no assenting agreement possible between the two bodies, because each one of them is very properly ashamed of its own offspring and disgusted with the offspring of the other. Now it is proposed that one body—the body which has not the papers—shall proceed to take action and actually climb over every legal obstacle in order to get at the nauseous meal which has been set before them, the nature of which they themselves have described.
>
> * * * * * * *
>
> Thus far it has the opposition of both Houses, and this House is endeavoring to take a snap judgment, ready to take what it has so utterly denounced on all occasions for fear of worse.
>
> Mr. DUNN. For fear of McKinleyism.
>
> Mr. REED. The Senate, on the other hand, is contemplating some sort of action on this question. Now, suppose that should happen to be simultaneous.

This is the point the Chair made:

> Suppose that the gentleman from New Jersey [Mr. Dunn], who just interrupted me, should succeed in his effort to swallow what he has been unwilling even to look at. Suppose he should adorn his record by this interesting backdown. Suppose he should be wreathed and garlanded by this action. He was rather late in getting upon the roll of honor. He seems to be ahead in getting on the roll of dishonor. Suppose the Senate at the same moment should demand the bill for the purpose of taking other action upon it. What situation should we be in?

That covers the point of simultaneousness perfectly.

The PRESIDENT pro tempore. The point of order is sustained.

ORDER FOR RECESS.

Mr. SMOOT. Mr. President, I ask unanimous consent that at 6 o'clock the Senate take a recess until 8 o'clock.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that at the hour of 6 o'clock a recess shall be taken until the hour of 8 o'clock. Is there objection? The Chair hears none, and it is so ordered.

LIEN FOR TAXES.

Mr. BRANDEGEE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows: After the word "situated," at the end of the bill as it was passed by the Senate, add the following proviso: "*Provided further*, That whenever any State, by appropriate legislation, authorizes the filing of such notice in the office of the registrar or recorder of deeds of the counties of that State, or in the State of Louisiana in the parishes thereof, then such lien shall not be valid in that State as against any mortgager, purchaser, or judgment creditor until such notice shall be filed in the office of the registrar or recorder of deeds of the county or

counties, or parish or parishes in the State of Louisiana, within which the property subject to the lien is situated."

FRANK B. BRANDEGEE,
ELIHU ROOT,
T. H. PAYNTER,
Managers on the part of the Senate.
H. D. CLAYTON,
W. W. RUCKER,
JOHN A. STERLING,
Managers on the part of the House.

The report was agreed to.

ORDER OF BUSINESS.

Mr. FALL. I did not exactly understand the order which was made a moment ago. The motion was to take a recess from 6 to 8 o'clock?

The PRESIDENT pro tempore. That order was made.

Mr. FALL. And I have the floor, I presume?

The PRESIDENT pro tempore. Yes; the Senator has the floor.

Mr. SUTHERLAND. Mr. President, will the Senator yield to me for a moment?

Mr. FALL. With pleasure.

Mr. GAMBLE. Mr. President, if the Senator will permit me, I suggested not long since that the matter before the Senate is the conference report on the Indian appropriation bill, and that action should be had thereon. I am anxious to accommodate Senators, but the preparation of this bill in the House consumed an immense amount of time, and the same is true of its consideration by the Senate committee. It has received long and exhaustive consideration, and I feel that it ought to be heard and determined by the Senate.

I have been greatly interested in the argument presented by the Senator from New Mexico, but it does not seem to me, under the amendment proposed by the Senate and made a part of this bill and which has been agreed to in conference, that any substantial objections can be made to it. In the appropriation act of last year provision was made for the relief and support of the Apache Indians now held as prisoners of war——

Mr. FALL. I think I have the floor, and I yielded to the Senator from Utah.

The PRESIDENT pro tempore. That is correct.

Mr. GAMBLE. If I am compelled I shall insist, as I gave notice before, that the conference report on the Indian appropriation bill shall be proceeded with. I simply ask the indulgence of the Senate to call its attention to the fact. If the Senator simply wants to put his bill in conference and if it will lead to no discussion, I will not object.

Mr. SUTHERLAND. I am obliged to go into conference at 7 o'clock. I do not know how long I will be engaged there. I submitted, early this morning, a motion to concur in the amendments of the House to the so-called compensation act. I understand that that motion is really pending, and I should like to dispose of the matter. It is about the only opportunity I will have before the conference is held at 7 o'clock.

Mr. GAMBLE. I had hoped that the matter pending before the Senate would be disposed of, for it will be necessary for me to go into conference later on this evening. If the matter the Senator from Utah has in charge is not to provoke discussion, as far as I am concerned I will interpose no objection; but I do feel that the measure pending before the Senate is of such importance that I should insist upon its being considered and disposed of at the earliest moment possible.

The PRESIDENT pro tempore. The Chair had overlooked the fact that the Senator from Utah had once before called up this matter from the House, and the Chair will lay it before the Senate.

Mr. SUTHERLAND. I can not say that it will not lead to discussion. I think it will lead to discussion.

LIABILITY OF COMMON CARRIERS TO EMPLOYEES.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes. The amendments have once been read.

Mr. SUTHERLAND. I move that the amendments of the House be concurred in by the Senate.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The question is on the motion of the Senator from Utah to agree to the House amendments.

Mr. SUTHERLAND. I wish to be heard briefly, Mr. President.

Mr. FALL. I am perfectly willing to yield to any Senator if the Senator from Utah will just suspend one moment. The debate upon the conference report on the Indian appropriation bill is going to occupy considerable time. I will say to the chairman of the committee I am perfectly willing to yield to other Senators having important matters that demand attention, but I am not thoroughly familiar with the rules of the Senate and I yield provided I do not lose my position, and that I do not make myself subject to the rule that no Senator shall speak more than twice on the same subject in one day. With the understanding that that does not occur I will yield to any Senator who has a pressing matter to bring before the Senate.

The PRESIDENT pro tempore. The Senator will not lose his right by yielding.

Mr. GAMBLE. I suggested when this matter was brought up that if it would provoke discussion I would interpose an objection.

The PRESIDENT pro tempore. Under the rules of the Senate it is obligatory upon the Chair to lay down a message from the House, or it may be called up by any Senator.

Mr. SMITH of Georgia. But having laid it down, it can not again be taken up by the Senate except upon motion favorably acted upon by the Senate. A mere message from the House does not control the mode of procedure in the Senate beyond presenting it to the Senate.

The PRESIDENT pro tempore. Not at all.

Mr. SMITH of Georgia. And the motion is not in order over objection unless the Senate determines to take it up and proceed with it.

The PRESIDENT pro tempore. That is correct.

Mr. SMITH of Georgia. I understand this matter will take only a few minutes, and that the Senator from Utah will not press his motion when he understands that we on this side will desire to discuss each of those 98 amendments.

Mr. SUTHERLAND. Of course, I quite understand the situation. The Senator from Georgia and others upon the other side of the Chamber are very much opposed to this bill, and I understand that such discussion will be had upon the amendments that time will not permit our taking a vote upon it. I think that is the situation.

Mr. SMITH of Georgia. I think it is utterly impossible to consider those amendments satisfactorily before 12 o'clock tomorrow.

The PRESIDENT pro tempore. The Chair is of opinion that having presented the message to the Senate, an objection to its present consideration will lie unless a motion be made to proceed to its consideration.

Mr. SUTHERLAND. I move that the Senate proceed to the consideration of the bill. It will not take us long to dispose of it.

Mr. ROOT. The Senator means the conference report?

The PRESIDENT pro tempore. No; it is a Senate bill with House amendments.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. That motion is not debatable.

Mr. GAMBLE. I understand that, of course, this will displace the present order of the Senate?

The PRESIDENT pro tempore. It will displace it if agreed to.

Mr. GAMBLE. And there is notice given here that it will lead to endless discussion upon 98 amendments.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of the Senate bill with House amendments.

The question being put, there were, upon a division—ayes 18, noes 6.

Mr. SMITH of Georgia. I make the point of no quorum.

The PRESIDENT pro tempore. Not a quorum has voted. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Fall	McLean	Simmons
Borah	Fletcher	Martin, Va.	Smith, Ga.
Bradley	Gallinger	Myers	Smith, Md.
Brandegee	Gamble	Nelson	Smith, Mich.
Bristow	Gardner	O'Gorman	Stephenson
Bryan	Gore	Oliver	Sutherland
Burnham	Gronna	Page	Thomas
Burton	Guggenheim	Penrose	Thornton
Catron	Johnston, Ala.	Perkins	Townsend
Chilton	Jones	Pittman	Watson
Culberson	Lippitt	Pomerene	Webb
Cummins	Lodge	Richardson	Williams
Dillingham	McCumber	Sheppard	

The PRESIDENT pro tempore. Upon the call of the roll 51 Senators have answered to their names. A quorum of the Senate is present.

Mr. SUTHERLAND. To save time I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. I should like to have the motion restated.

The PRESIDENT pro tempore. The Senator from Utah [Mr. SUTHERLAND] moves that the Senate proceed to the consideration of a Senate bill with House amendments—Senate bill 5382—"An act to provide an exclusive remedy and compensation for accidental injuries," and so forth.

Mr. CULBERSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair will state to the Senator from Texas that the roll has just been called and a quorum is present. The question is upon the motion of the Senator from Utah, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the Senator from Nebraska [Mr. BROWN] and vote "yea."

Mr. WARREN (when his name was called). I wish to announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BRADLEY (after having voted in the affirmative). I notice that the Senator from Indiana [Mr. KERN] is not in the Chamber. I transfer my pair with that Senator to the Senator from Maryland [Mr. JACKSON] and will let my vote stand yea.

Mr. SMITH of Michigan (after having voted in the affirmative). I voted inadvertently, but I desire my vote to stand with the announcement that I transfer my pair with the Senator from Missouri [Mr. REED] to the Senator from Wisconsin [Mr. STEPHENSON].

Mr. GUGGENHEIM (after having voted in the affirmative). I wish to inquire if the senior Senator from Kentucky [Mr. PAYNTER] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. GUGGENHEIM. I wish to withdraw my vote.

Mr. STONE. I inquire whether the Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. STONE. I have a general pair with that Senator.

Mr. CULBERSON (after having voted in the negative). Has the Senator from Delaware [Mr. DU PONT] voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. CULBERSON. I transfer my general pair with that Senator to the Senator from Nebraska [Mr. HITCHCOCK] and allow my vote to stand.

Mr. CHILTON (after having voted in the affirmative). I have a general pair with the Senator from Illinois [Mr. CULLOM]. I transfer that pair to the Senator from New Jersey [Mr. MARTINE] and allow my vote to stand.

Mr. SIMMONS. I wish to inquire whether the Senator from Minnesota [Mr. CLAPP] has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SIMMONS. I withhold my vote. I have a general pair with that Senator.

The result was announced—yeas 44, nays 10, as follows:

YEAS—44.

Borah	Crane	Lodge	Root
Bourne	Crawford	McCumber	Smith, Mich.
Bradley	Cummins	McLean	Smith, S. C.
Brady	Dillingham	Martin, Va.	Smoot
Brandegee	Gallinger	Nelson	Sutherland
Bristow	Gardner	O'Gorman	Thornton
Burnham	Gronna	Oliver	Townsend
Burton	Jones	Page	Watson
Catron	Kenyon	Pittman	Webb
Chamberlain	Lea	Pomerene	Wetmore
Chilton	Lippitt	Richardson	Williams

NAYS—10.

Bacon	Fletcher	Sheppard	Tillman
Bryan	Gamble	Smith, Ga.	
Culberson	Myers	Thomas	

NOT VOTING—41.

Ashurst	Fall	Martine, N. J.	Simmons
Bankhead	Foster	Newlands	Smith, Ariz.
Briggs	Gore	Overman	Smith, Md.
Brown	Guggenheim	Owen	Stephenson
Clapp	Hitchcock	Paynter	Stone
Clark, Wyo.	Jackson	Penrose	Swanson
Clarke, Ark.	Johnson, Me.	Percy	Warren
Cullom	Johnston, Ala.	Perkins	Works
Curtis	Kavanaugh	Poindexter	
Dixon	Kern	Reed	
du Pont	La Follette	Shively	

So the motion was agreed to, and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes.

Mr. SUTHERLAND. Mr. President, I desire to make a very brief statement about this bill. The bill was introduced in the Senate something more than a year ago. It was reported out of the Judiciary Committee after a very full hearing and investigation of the subject, and passed the Senate on March 1, 1913. It went to the House, was there referred to the Judiciary Committee of the House. It was reported out of the Judiciary Committee of the House by a vote of 16 to 5 of that committee, as I am informed. The bill passed the Senate by a vote of 64 for to 15 against. It passed the House yesterday by a vote of more than two-thirds of the membership of the House in favor of the bill, as I recall—218 in favor of the bill to about 80 or 81 against it.

The bill has been fully considered in both Houses. The bill comes back to the Senate with 98 amendments. A vast majority of those amendments are formal in character, to which nobody could have any objection. There are a few of the amendments that are material in character. One of the amendments proposes to increase the maximum amount of compensation which will be allowed. Under the bill as it passed the Senate provision was made for a maximum compensation of $50 a month and a minimum of $25 a month. The House has increased that to a maximum of $60 a month.

According to the statistics, which were gathered very carefully by the commission which had this matter in charge, the number of employees in the Railway Mail Service who sustain injury during the course of a year or are killed, whose salaries are more than $100 a month, and therefore who would receive compensation exceeding $50 a month, are 15 per cent. As nearly as I can estimate it, perhaps 10 per cent, that is two-thirds of the 15 per cent, would receive the enlarged compensation of $60 a month, which would add $10 a month.

The figures which we originally gathered show that the railroad companies of this country for this class of injuries and deaths were paying approximately $10,500,000 per annum. Under the terms of the bill as reported to the Senate originally the railroad companies would be obliged to pay for the same injuries and deaths approximately $15,000,000 in the manner provided by the bill.

Under the amendments which were adopted by the Senate, as nearly as we could estimate, something like $3,000,000 would be added to the bill, making the approximate amount paid under the bill about $18,000,000.

As nearly as we can estimate it, the amendments made by the House in the respect to which I have called attention would add approximately another million dollars to the bill, which then would require the payment upon the part of the railroad companies of approximately $19,000,000 per annum, as against $10,500,000.

Mr. President, those figures as I have given them are not mere guesses; they are based upon statistics most carefully gathered and upon computations made by experts whom the commission obtained from the Census Bureau. So they may be regarded as accurate.

Therefore we have this situation: There are in the United States on the various railways 1,700,000 employees. Out of that number of employees we know from what has happened in the past that approximately 4,000 will be killed every year. We know that 160,000, or approximately that number, will be injured in one way or another every year.

This vast sum of money to which I have called attention, $10,500,000, under the existing system is not distributed to all the men who are injured and to the dependents of all the men who are killed, but it goes to that portion of them who are able to maintain an action in court or who are able to obtain settlement with the railroad companies without resorting to the courts.

So, Mr. President, the result is that a portion of the men who are injured and the dependents of those who are killed get this sum of money which is paid by the railroad company, while a portion of them get nothing at all. As nearly as we could estimate it about 50 per cent of those who sustain injury or are killed are unable to recover anything at all, and about 50 per cent are able to recover something. Some of them get large judgments; some of them get wholly inadequate judgments; and 50 per cent of them get nothing at all.

But that is not the end of the story. Of this $10,500,000, approximately one-half is wasted in the process of going from the treasury of the railroad companies to the pockets of the em-

ployees, the most of which goes into the pockets of personal-injury lawyers. Therefore, under that situation, while $10,500,000 starts on its way toward these men, not to exceed $5,500,000 ever reaches their pockets.

Under this bill as amended by the House $19,000,000 will be paid to these men, and it will be paid practically automatically. I venture to say that according to the English experience not to exceed 2 per cent, or perhaps 1 per cent, of these cases will be litigated; that 98 or 99 per cent of the injured will receive their compensation automatically. I base that upon the experience of the English people under this same sort of law. The recent reports show that less than 1 per cent of the injured in England are compelled to resort to the courts. That is the statement made by the commission in England which made a thorough investigation of the subject and have accurate figures, and there can be no doubt about it at all.

The whole question is whether it is better that for this whole class of people nearly $19,000,000 should be paid for these various injuries and deaths or whether they should continue to receive $5,500,000.

The underlying philosophy of this kind of legislation can be summed up in a single sentence. The question is whether it is better that everybody injured should receive something or only that some of those injured should receive something. Under the existing law only some of those who are injured can receive something, and under this law everybody who is injured can receive something. If we agree that that principle is wise, then the only question is upon the details of the bill.

It seems to me perfectly apparent that the distribution of nearly $19,000,000 to all these people is better than the distribution of $5,500,000 to some of them.

Another of the amendments which the House proposes is to reduce the so-called waiting period from two weeks to five days. I am frank to say that I think that is an unfortunate amendment. I think it is better to have the two weeks' waiting period. I think it is better for the men themselves that that should be so, because theoretically you have this great fund of eighteen or nineteen million dollars. Theoretically, if you increase the compensation so that there is a larger fund, still you have a fund of twenty, twenty-five, or thirty million dollars to distribute among this class of employees.

Now, to the extent that you deplete the fund for the purpose of paying for trivial injuries, just to that extent you must take from those who have sustained very grave injuries. So it has always seemed to me it was better to have a two weeks' waiting period during which trivial injuries would not be compensated, in order that we might keep more money in the fund to pay for the more serious injuries.

There are a number of other amendments, but I am not going to stop now to discuss them. One amendment which has been criticized upon the floor to some extent is the one which undertakes to give concurrent jurisdiction to the State courts, and a provision in that amendment is that if the employer removes the cause, such removal shall be to the county where the cause for action arose or where the employer resides. It has been insisted that that ought not to be so; that it ought not to be removed out of the county where the employee resides, and I quite agree to that. The trouble about it is that the word "employer" is a typographical error; it was written in the bill "employee," and upon the floor of the House the same provision——

Mr. SMITH of Georgia. Not a typographical error. It was written "employer" all the way through.

Mr. SUTHERLAND. It is written sometimes "employer" and sometimes "employee"; but in this particular instance it was intended to cover the "employee."

Mr. SMITH of Georgia. It is not a typographical error though.

Mr. SUTHERLAND. It is a slip of the pen or a typographical error, one or the other, because the chairman of the Judiciary Committee of the House in charge of the bill, after it had passed the House, rose and stated that fact, that the word "employer" occurred twice when it should be "employee."

Mr. SMITH of Georgia. Yes; but he did not claim that it was a typographical error; it was just a mistake.

Mr. SUTHERLAND. It makes no difference whether it was a typographical error or a slip of the pen.

Mr. SMITH of Georgia. It passed the House "employer."

Mr. SUTHERLAND. I understand that perfectly, and it would not have passed the House if the enemies of the bill had permitted that obvious mistake to be corrected.

Mr. SMITH of Georgia. How is it obvious?

Mr. SUTHERLAND. Mr. President, I can not yield; I want to state this proposition.

Mr. SMITH of Georgia. All right; go on.

Mr. SUTHERLAND. The chairman in charge of the bill in the House asked permission for the Clerk to correct the word "employer" to "employee," stating that it was a mistake. I care not whether you call it a typographical error, a slip of the pen, or anything else; it was intended to be "employee," and a Member of the House objected to that obvious mistake being corrected. Now, it should be "employee," and everybody agrees it should be "employee." Yet if we should amend it in the Senate, it means it must go back to the House and the bill is dead.

So I have moved to concur in all these amendments in spite of the fact of the misuse of this word; but if it goes into the bill there is not the slightest doubt that before the act will become operative, which is not until the 1st of July, we can pass a resolution which will correct it. Besides that, the section in which it occurs does not go into operation until the State legislatures have acted upon it, which gives still further time to correct it.

As I said in the beginning, I am not wholly satisfied with every one of these amendments, but I feel that this is a great humanitarian measure. I believe the principle of it is sound. I do not for one moment expect that when a law of this character is first adopted it will be perfect. It will require amendment from time to time, but I would rather see this vital principle established by passing this bill, even though there may be some provisions in it that I am not wholly satisfied with, because after the bill goes into operation we will discover whatever weaknesses there may be in it and they can be corrected; but that the underlying principle of the legislation is sound I have not the slightest doubt. Therefore, Mr. President, I hope the motion will be adopted.

Mr. SMITH of Georgia. I wish to ask the Senator, before he takes his seat, if I am right in understanding that if he is advised Senators who oppose this bill in its present shape wish to discuss the 98 amendments fully, and do not think they have time to do so during the remaining hours of the present session, that statement being given him fully and frankly, he will not undertake to continue to press this bill?

Mr. SUTHERLAND. Mr. President, much as my heart is in this legislation, and important as I believe it to be to the railroad employees of this country, I recognize the absolute futility in the remaining hours of this session of undertaking to press it if there is a determined purpose upon the part of certain Senators upon that side of the Chamber to discuss it to an extent that will prevent a vote before 12 o'clock to-morrow. If that is the situation upon the other side of the Chamber, I shall not undertake to press it, but shall let the responsibility for the failure of the legislation rest upon those Senators on that side of the Chamber and not upon ours.

Mr. SMITH of Georgia. I differ with the Senator as to the figures he has presented with regard to payment by railroad companies for injuries to employees. I do not accept his figures as to the distribution of the money recovered under the law which now fixes the rights of railroad employees. I think his statistics are drawn from conditions existing before the operation of the present employers' liability act.

It is my purpose to discuss these amendments and to take all the time that is necessary to do so. I am willing to take the responsibility of saying that I do not think either I or those who intend to join with me in the discussion can finish by 12 o'clock to-morrow. I say frankly and fully I do not believe the bill can possibly be disposed of by 12 o'clock to-morrow, and I am willing to take all responsibility for the statement.

Mr. NEWLANDS. Mr. President, I desire to say individually that I greatly regret that action can not be had upon this bill. I have been for many years strongly in favor of this employees' compensation act. While the bill which was introduced here and passed some months ago was not entirely satisfactory to me, I voted for it because I regarded it as a very decided step in the direction of a most satisfactory conclusion of this question. I think that the workmen's compensation act ought to take the place of the present brutal method of procedure.

BRIDGE ACROSS TWELVEMILE BAYOU, LA.

Mr. MARTIN of Virginia. I report back favorably from the Committee on Commerce without amendment the bill (H. R. 28632) to authorize the construction of a bridge across Twelvemile Bayou, in Caddo Parish, La. (S. Rept. 1338.)

Mr. THORNTON. I should like to ask unanimous consent for the passage of this bill. It is a purely local measure, but of great importance to the people in the community.

Mr. CULBERSON. I am constrained to ask that the bill be read for information.

The PRESIDENT pro tempore. It will be read for information. The Chair was about to announce that the bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATIVE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate still further insist upon its amendments, agree to the request of the House for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. WETMORE, and Mr. OVERMAN conferees on the part of the Senate.

The PRESIDENT pro tempore. Under the order already made by the Senate the Senate will stand at recess until 8 o'clock this evening.

The Senate thereupon (at 6 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolution, each with an amendment, in which it requested the concurrence of the Senate.

S. 7875. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Mesa, Riverside County, Cal.; and

S. J. Res. 132. Joint resolution providing for an American commission for the investigation of rural credits in Europe.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1567. An act for the relief of Maria McMurdie;

H. R. 25106. An act to incorporate the Chamber of Commerce of the United States of America;

H. R. 27789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 28098. An act to authorize the construction of a bridge across the Sabine River at Orange, Tex.; and

H. R. 28633. An act to amend an act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana."

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; further insists upon its disagreement to the residue of the amendments of the Senate to the bill upon which the committee of conference have been unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. CANNON managers at the conference on the part of the House.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 8000. An act providing for publicity in taking evidence under act of July 2, 1890;

S. 8589. An act relating to supervision of the Lincoln Memorial;

H. R. 24266. An act to authorize the sale of burnt timber on the public domain; and

H. R. 28699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes.

RECLASSIFICATION OF RAILWAY POSTAL CLERKS.

Mr. CLARK of Wyoming. I present a joint resolution passed by the Legislature of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the joint resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto-attached copy of enrolled joint resolution No. 4, senate, State of Wyoming, has been carefully compared with the original, filed in this office on the 26th day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 26th day of February, A. D. 1913.

[SEAL.] FRANK L. HOUX,
Secretary of State.
By F. H. WESCOTT,
Deputy.

Enrolled joint resolution 4, Senate, Twelfth Legislature of the State of Wyoming.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That—

Whereas the Congress of the United States enacted as a law bill No. 21,279, section 7 of which bill relates to a reclassification of the railway postal clerks and a raise in salary of the same; and

Whereas it was the manifest intention of Congress that said reclassification should apply to all railway postal clerks; and

Whereas the interpretation of this law by the Postmaster General has been such as to cause great delay and discrimination in making reclassification and adjustment of salary; and

Whereas over 35 per cent of the railway postal clerks in the Wyoming district have received no benefit under this reclassification: Therefore be it

Resolved by the Legislature of the State of Wyoming, That the Senators from Wyoming in the Congress of the United States, viz, Hon. CLARENCE D. CLARK and Hon. FRANCIS E. WARREN, and our Representative in said Congress, Hon. FRANK W. MONDELL, be requested to use their best efforts to secure, through the Post Office Department, a speedy reclassification and adjustment of the salary of the railway postal clerks in the Wyoming division; and be it further

Resolved, That engrossed copies of this resolution and request be sent to the Senators from Wyoming in the Congress of the United States and our Representative in said Congress, asking them to use their best efforts upon request embodied herein.

BIRNEY H. SAGE,
President of the Senate.
MARTIN L. PRATT,
Speaker of the House.

Approved February 26, 1913, at 12.35 p. m.
JOSEPH M. CAREY, *Governor.*

THE DISTRICT GOVERNMENT (S. DOC. NO. 1138).

Mr. LA FOLLETTE. I present a memorial from the District of Columbia Suffrage League for the appointment of a joint committee of the Senate and the House of Representatives to consider the present form of government existing in the District of Columbia. I ask that the memorial be printed as a document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIABILITY OF COMMON CARRIERS TO EMPLOYEES.

The PRESIDENT pro tempore. The question is on agreeing to the amendments of the House of Representatives to Senate bill 5382, the title of which will be stated.

The SECRETARY. A bill (S. 5382) to provide an exclusive remedy and compensation for injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SMITH of Georgia. Mr. President, I understand that the Senator from Utah does not desire further to press this bill.

Mr. SUTHERLAND. Mr. President, in view of the statement of the Senator from Georgia and the statements of other Senators upon the other side that continuance of the consideration of this bill simply means a continued discussion until the end of the session, I do not feel warranted in holding it before the Senate. I regret it more than I can say, and if I believed that it was within the range of possibility to have these amendments adopted, by sitting here all night and until the end of the session, I would cheerfully do it; but I am quite convinced that it would be a useless performance and therefore I shall not insist upon the matter being further considered by the Senate.

The PRESIDENT pro tempore. Without objection, the bill will be laid aside.

INITIATIVE, REFERENDUM, RECALL, ETC.

Mr. ASHURST. Mr. President, I do not know that my request is entirely within the rules, but I should like a moment of time within which to submit the same. I hold in my hand a message to the Legislature of the State of Arizona, by Hon. George W. P. Hunt, governor of Arizona, who discusses the initiative, the referendum, the recall, and various other reform measures. I ask, not that the same be printed as a Senate document, but that certain excerpts from it be printed in the RECORD, and I am certain that Congress will be pleased to see the advancement Arizona is making.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I want to say that, of course, it will be impossible to have the illustrations printed.

Mr. ASHURST. I do not wish them printed.

Mr. SMOOT. They are not marked out in the document, but I suggest that they be taken out.

Mr. ASHURST. Certainly.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent that certain excerpts from the message of the governor of Arizona, excepting the illustrations, be printed in the RECORD. Is there objection?

Mr. SMOOT. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

The excerpts referred to are as follows:

MESSAGE OF GOV. GEORGE W. P. HUNT.

To the people of Arizona and members of the senate and house of representatives of the first State legislature.

Not entirely because it is a direction of law, nor yet because it is custom, but because, more than law and custom, it is essential to a complete and clear understanding between legislator and executive, and between these sworn representatives of two branches of government and the people, whose commissions they hold, I submit this statement of the State's condition, and this account of my stewardship to date.

No less to the people, who under our advanced and enlightened form of government, constitute the foundation stone of legislative authority, than to the legislators themselves, whose duty it is to accurately reflect the ideas and ideals, the aims and ambitions of Arizona's splendid citizenry, I present for such legislative consideration and action as may seem wise, and for indorsement or rejection by the electorate, my estimate of the Commonwealth's needs and my conception of the ideals that inspire, the aims that urge, the expectations that animate the citizens of our State, giving life to their patriotism, definite purpose to their efforts, soundness and substantiality to the progressivism for which they are distinguished throughout the Nation.

In every statement I shall strive for accuracy, fairness, and impartiality, for by no other means may the record be made of value. In every allegation concerning my stewardship or the actions of those who have served with me, no thought of false coloring or praise-seeking wording shall enter, for I wish my administration to be known, now and hereafter, of its real achievements, if achievements there have been; of its failures, great or small, if failure be set against the reckoning. In the presentation of my views touching the future needs of the State there shall be no straining after surface applause or studied effort to tickle the popular fancy, but an honest, straightforward exposition, as I see them, of existing defects in government, and frank and fearless suggestion of practical, concinnated legislative remedy. In the interpretation I shall essay of the signs which illumine the political sky there shall be no attempt at spectacularity, but a simple endeavor to read aright the unusual interest which distinguishes the discussion and the unwonted activity which in this day marks the ballot-box settlement of questions and issues affecting the public weal.

In its final analysis this interpretation will amount to a voicing of my conviction that the people, not alone of Arizona, nor of the United States, but of the world, are by a common need unconsciously and unpremedialely combining in a determined struggle for political emancipation; in an inspired and irresistible effort to reach the shining goal which should be the real aim of all human government—the attainment of the highest quality of human happiness.

That my interpretation, being the work of one whose sympathies are definite and fixed, may be appraised neither above nor below its worth, it must include a reaffirmation of my steadfast belief in and adherence to those principles of progressive popular rule forming the warp and woof of the people's striving toward a high governmental ideal, and declaration of my continuing pride, in which all true Arizonans will join, that this world-wide movement toward release from political thralldom, toward freedom from class inequality and governmental oppression, finds its truest expression in Arizona's constitution and was given its greatest impetus by the promulgation of that now historic document.

They who do not believe that the old order of affairs political is passing, never to return, are deceiving themselves. They who do not realize that true progress, in the adjustment and administration of government, is on its righteous, resistless way, are blind to a truth evident on every hand. They have not kept themselves informed or their senses are dulled by the poison of selfishness to the ever-increasing demands of humanity. While they sleep the world is moving, and the brotherhood of man, growing apace, is claiming its adherents, as well as from all classes and creeds and peoples, from all political parties.

Recent political events of national magnitude and world-wide importance clearly prove the people's awakening to their necessities, their duties and responsibilities. The overwhelming triumph of militant progressive Democracy and the simultaneous springing into prominent existence of another great party, founded upon and professing the championship of those cardinal principles of popular government which have long been synonymous with progressive Democracy, discloses a miraculous growth of progressive conviction, a well-nigh unanimous determination on the part of the people to assume full control of the Government which, while over them, is rightfully of and for them, and marks a leading epoch in the history of the world's advancement.

In this connection, and without desire or intent to reduce to a partisan plane this message, which I venture to hope will claim the approval of all patriotic, public-spirited, broad-minded Arizona citizens, I do not deem it inappropriate to heartily congratulate the Nation upon the elevation of Gov. Woodrow Wilson, of New Jersey, to be its Chief Executive. Neither do I deem it inappropriate to predict, with confidence and enthusiasm, that the honest, fearless, and effective course which has marked his conduct of the office of governor, enabling him and the principles of which he has proved so distinguished a champion to triumph over the corrupt influences and nefarious schemes of long and powerfully intrenched interests, will characterize his discharge of the exalted duties to which he has been called. Imbued with zeal for the common welfare, strong in the faith of a righteous cause, armed with the knowledge of a Nation's confidence, President Wilson will prove a true progressive leader of the world's most progressive power and justify the hopes of the great and growing army enlisted under liberty's star-spangled banner.

I congratulate Arizona that she had her part, and splendidly played it, in the selection of this genuine statesman to be the head of freedom's host, and chance the prophecy, if either chance or prophecy may be employed in a connection so fraught with certainty, that the strength of his administration and the power of his personal influence will be, not unfairly or illegitimately, but freely and frankly, used in encouragement of the efforts of those who would keep our State in the front rank she now occupies of progressive Commonwealths and in furtherance of the cause in the battle for which she has performed most conspicuous service.

And in my capacity as chief executive of Arizona, in the name of all her people who believe in the overthrowing of predatory wealth from a position of political dominance, I rejoice at the Baltimore triumph of that great champion of human rights, William Jennings Bryan, and glory in the success of his efforts, almost unaided but for the undying sympathy of the country's masses, to drive the money changers from Democracy's temple. On the roll of America's illustrious patriots none will find higher place in the years to come than the name of the man who by his almost superhuman strength and unselfish devotion to principle preserved a great political party and redeemed an endangered Nation; no record in war or peace, in commerce or invention, will shed a brighter glow over the history of his country's fame than this thrilling story of a battle gloriously won against overwhelming odds.

CONDITION OF THE STATE.

It affords me unlimited satisfaction to report that the condition of the State is most excellent. Generally speaking, the people are prosperous and happy, business is good, a fine feeling prevails, the industries upon which the State's development must largely depend are without exception flourishing, and the future holds bounteously of encouragement and promise.

While it would be frivolous persiflage to say that since Arizona's admission to statehood her cerulcated skies have grown bluer, her invigorating and life-giving air more intoxicating, or her majestic mountains, limned against the endless curtain of an azure sea, and her broad valleys stretching and spreading between, have added to their indescribable charm, it is only truth, and that inevitable, that statehood has gone far toward bringing to the attention of a Nation's restless and changing populace the delights of our matchless clime, the wealth of health that breathes in its salubrious atmosphere, the beauties of generous nature that speak from its deserts and chasms and towering pine-clad hills.

While it were idle to say that admission to the Union gave increase to the varied riches of gold and copper and what-not hidden in Arizona's treasure vaults, added fertility to her soil or fecundity to the joining of her land and water, made her grasses more succulent or her fruits more luscious, there is only fact, and confirmation of a prophecy as old as the Arizona cry for freedom from Territorial bondage, in the statement that with the realization of that hope so long deferred the development of all those native resources, lavishly bestowed upon a favored land, gained sudden and decided impetus, and the industries so brought into life are fast passing out of their nascency. The State's population is growing apace, in recognition of the truly marvelous advantages it offers; capital is being attracted, not by means of tempting legislative baits, but by the show of wonderful and legitimate opportunity; seekers of homes and searchers after health and rest and recreation are turning to the newly-risen star as to the glories of a promised land; fields are widening, herds are multiplying, smokestacks increasing; settlements and towns are springing up here and there and everywhere. The people are alert, buoyant, hopeful, and energetic. Progress, industrial, social, and political is in the air.

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LABOR AND CAPITAL.

The conditions which too frequently cause serious differences between labor and capital, occasioning economic loss and individual suffering, have been reduced to a minimum in Arizona, thanks to wise and salutary laws, and what is of still greater importance and effect, a general desire on the part of both classes to treat with fairness and liberality the other. Not yet to a proper degree, but so plainly aiming that way as to be conducive of a great measure of contentment, labor has been recognized by Arizona law and placed upon a dignified if not exalted plane. Its rights, more than ever before, are safeguarded by statute, and instead of occupying the humble and humiliating position to which it has in the past been all too subject, that of slave or servant to capital's unreasoning exactions, it has been enabled to assume a place of full and acknowledged partnership in the great work of industrial State

building; and out of the treadmill of impossible and inhuman hours, which was its lot, it has been accorded those opportunities for social and mental betterment which are essential to the production of virile, vigorous, capable, patriotic citizens.

It has been found also that the constitutional abrogation of the archaic fellow-servant doctrine and the doctrine of contributory negligence, as well as the prohibition against the assumption of risk by workmen engaged in hazardous occupations, has worked very greatly to the advantage of many employees and established a more equitable basis for the settlement of disputes arising between them and the corporations in whose service they may have been injured.

As yet the workmen's compulsory compensation law, enacted at the first special session of the first State legislature, can not be said to have demonstrated either its success or failure. Not effective until September 1, 1912, there has been little time or opportunity to determine its merit or lack thereof. It may not be amiss, however, to state that there is an extended and apparently well-fixed belief that the law will prove inefficient, if not indeed unconstitutional, and therefore inoperative. Despite this I would not suggest any changes at the present time, believing that the existing law, in the absence of data other than that upon which it was based, or definite information as to its workings, should be given a trial.

In the meantime thought and study might be profitably given to the subject of State insurance for workingmen, the losses to be paid out of a fund provided by the companies employing men in hazardous occupations. Such a law is being tried in some States, and it may be found to work out satisfactorily.

MINIMUM WAGE SCALE.

A law providing a minimum scale of wages for workmen constitutes a reasonable demand being made by the best class of labor, and I hope to see such a law, drafted along fair and equitable lines, enacted. It will accrue alike to the benefit of competent, industrious, and honest employees and of legitimate, fair-minded employers.

VINDICATION OF DIRECT LEGISLATION.

It should afford gratification to the members of the legislature and satisfaction to the public, as it does in very great degree to myself, that with few exceptions the laws enacted by the first State legislature have, in the short trial they have had, proved wise, wholesome, and effective. The few exceptions coming under my observation will be treated hereafter by specific recommendations.

Of particular and extraordinary interest at this time is the splendid and convincing vindication of the principle and as well the practice of direct legislation as embodied in the Arizona constitution, a vindication afforded not only by the results of the election held November 5, but also by other occurrences of recent months. Notable among these may be mentioned the somewhat curious fact that whereas during the period in which the framing of Arizona's constitution was an issue the Democratic Party was forced to make a single-handed fight for the direct-legislation cause, so well established has this principle now become that during the last campaign every political party, young or old, represented in the State, made platform indorsement of the initiative and referendum.

The legislature submitted to the people four proposed amendments to the constitution, while the people, taking advantage of the power reserved to them under the constitution, initiated an amendment to the suffrage and elections article, providing for woman suffrage. All of these proposed amendments were of the greatest importance and elicited the interest they deserved. The vote on them was as follows:

Recall of judicial officers: For, 16,272; against, 3,705.

Right of State to engage in industrial pursuits: For, 14,928; against, 3,602.

Permitting greater latitude in the enactment of taxation laws: For, 15,967; against, 2,283.

Permitting the additional bonding of incorporated towns and cities for municipal water and light plants and sewers: For, 15,358; against, 2,676.

Equal suffrage: For, 13,442; against, 6,202.

In addition to these constitutional amendments, the referendum was invoked on eight measures enacted by the legislature. It is worthy of consideration, in estimating the absolute fairness and practicability of this method of legislation, that in all of these cases save two resort to the people, which should always be the court of final appeal, was had by and at the instance of corporations which were, while Arizona's constitution was being framed and during the period when its fate, with that of statehood, hung in the balance at Washington, in bitter opposition to the initiative and referendum features of the charter. Not only were these corporations first to invoke the referendum, but they took occasion, in the literature forming a part of an elaborate campaign made to defeat the measures to which objection was had, to commend the "wise provision" of the constitution permitting the people to pass judgment on all laws enacted by the legislature.

Never could the interest of the people in legislation affecting their welfare, or the welfare of any class of citizens, or their ability to judge of the merits or demerits of proposed measures, be more strikingly illustrated or more definitely settled, than was done in this instance. On one hand, certain powerful interests violently objecting to the measures enacted by the legislature, after invoking the referendum, entered upon an elaborate, exhaustive, systematic, and doubtless very expensive campaign to defeat the measures at the polls. Speakers were employed to tour the State; printed literature in large quantities, and personal letters, signed by prominent and influential officers of the corporations chiefly concerned, flooded the mails; personal workers were interested, and such employees as could be influenced were advised as to what was "for the best interests of the company," while great spaces were used in many newspapers in the State, not only in the advertising columns, but in the news columns, and very frequently in the editorial departments. On the other hand, the advocates of the measures had no newspaper representation whatever. If the newspapers of the State were not influenced by the splendid advertising patronage they were receiving from the corporations, they were certainly indifferent to the subject, for no word came from them in support of the referred measures. Nor did any political party champion the cause or lend its moral support. As required by law, publicity pamphlets were sent out by the secretary of state; a few speeches were made in the larger towns by advocates representing the labor organizations; and the people, alive to every phase of the situation, discussed it among themselves. That was the extent of the affirmative campaign. And in spite of the efforts put forth to convince them to the contrary, the people decided, by the following vote, that the measures were good ones:

Full train crew bill: For, 11,123; against, 7,635.

Requiring electric headlights on locomotives: For, 11,286; against, 7,408.

Requiring three years' service as fireman to become locomotive engineer: For, 10,921; against, 7,956.

Limiting number of cars in a freight train to 70: For, 10,709; against, 8,228.

Three-cent passenger fare bill: For, 14,823 against, 4,835.

Other measures on which the referendum was invoked, and the vote by which they were sustained, were as follows:

Creating miner's labor lien on mines and mining claims: For, 13,551; against, 5,804.

Protection of wild game: For, 13,121; against, 6,334.

The favorite claim made by the opponents of direct legislation that the people will not take an interest in measures referred to or initiated by them, is here totally disproved, since an average of 18,887 votes were cast on the constitutional amendments and 17,884 on the referred laws, as against an average vote of 23,483 for presidential electors and 23,545 for all candidates for Congress.

It were difficult to conceive of a more emphatic demonstration of the thorough utility of Arizona's direct-legislation provision than has thus been afforded at its first trial. Nor can this demonstration be in anywise affected by the technical objections raised in the courts by the corporations after they failed in their efforts with the people. If the courts should declare that errors, unavoidable by reason of considerations of time, were made in submitting the referred measures, it will merely be necessary for the legislature to reenact them, and, in my opinion, it will be the legislature's duty and privilege, under such circumstances, to pass them with the emergency clause attached, since they have already received the people's approval.

EQUAL SUFFRAGE.

Arizona is now one of the States in which equal suffrage has become an accomplished fact—in which mothers and wives and sisters are accorded a voice equal to that of the fathers, husbands, and brothers in the affairs of state. That the extension of the privilege of suffrage to women was an act of the commonest justice is my firm conviction, and I am possessed of the most perfect confidence that it will redound to the State's great benefit. Therefore, while I congratulate the women of Arizona upon the successful termination—and no other sort of a termination would ever have been a termination—of their struggle for the ballot, I congratulate Arizona more that it is to receive the benefit not only of their splendid influence, as insured by the high average of feminine ideals, but as well of its direct reflection at the polls and in the ballot box.

In considering the means by which this result was brought about, full credit must ever be given to the framers of the Arizona constitution, for to their determination, in the face of every obstacle, of which there were many and serious, to erect a government of, for, and by the people, is attributable the machinery known as the initiative and referendum, whereby a free and honest expression on any subject may be obtained and crystallized into law. The Democratic Party of Arizona may well be proud of this achievement, which is but an instance, though a notable one, of its practical championship of sound progressive principles.

It were needless for me to commend to the "better half" of Arizona's electorate the approaching of their new duties in the utmost seriousness. Their obligation is a sacred one. Of this fact I feel entire confidence that they possess a full realization and that they will, by the use of the ballot, amply warrant their own hopes and aspirations while justifying the faith of those who have labored for their recognition.

RECALL OF JUDGES.

As was anticipated, the people, by an overwhelming majority, replaced in the constitution, from which it was taken by order of President Taft as a condition precedent to statehood, the provision for the recall of judicial officers who may prove recreant to their trust. Thus is the State's right to a constitution of its own making vindicated, its legitimate independence of executive interference asserted, and the consistent belief of the people in their ability to govern themselves established. I am more than ever a firm believer in the admonitory value of the recall and continue to entertain the opinion that it should apply, as it now does in Arizona, to all elective officers.

EXPENSE OF GOVERNMENT.

Of the criticisms offered and complaints which I have heard directed against the present legislature and the present administration none have appeared to me as worthy of the same serious consideration or have occasioned, so far as I am concerned, the same serious thought as that one which is based upon the increased cost of maintaining the State government and the consequent necessity for raising an increased amount of revenue by taxation. It is a subject of vital importance to every taxpayer and to every well-meaning citizen ambitious to become a taxpayer. It should be discussed freely and frankly, the facts set forth accurately and understandingly, and the truth, always essential to the correct solution of a problem, arrived at.

I regret to say that this is not the attitude assumed by a number of newspapers in the State, which, apparently without the faintest conception of a higher mission than blind partisanship, without the remotest thought of fair play or a square deal, or yet a desire or care to learn the truth, much less to publish it, have persistently charged extravagance, misappropriation and misapplication of funds, general inefficiency, and what not. It shall be my pleasure, as it is my duty, to set forth the facts as they exist, and, despite the bitter and ridiculous accusations of antagonistic partisan newspapers, whose chief stock in trade is vituperation and falsehood, I shall hope to convince all reasonable, fair-minded citizens of the State that whatever expenses have been incurred in the management of their business were for the advancement of their interests, and whatever expenditures have been made were necessary to the proper carrying out of their instructions and of the law.

If a comprehensive discussion of this subject occupies considerable space, it will be justified on the ground of its importance to the taxpayers and the desire which I am sure must exist on the part of the public to be reliably informed regarding their business and regarding the acts of their servants.

At the outset the "defense," to employ a legal phrase, readily admits that it has cost more to maintain the State government than it cost to maintain a Territorial government. That this would be the case was absolutely inevitable, as no one will have the hardihood to deny; and still few, if any, taxpayers in the State, realizing that it would be so, were deterred by the prospect of a slight additional expense from desiring the blessings of statehood. The question, therefore, is not whether more money has been spent than formerly, but whether the various items of such additional expense are legitimate, whether the laws causing such items are wise, and whether they have been economically administered in strict accordance with their various provisions. I shall attempt to elucidate and illumine the situation sufficiently for any

seeker after the truth, and will support my various statements by figures. While it may be impossible, in some cases, to make these figures absolutely accurate, they can always be relied upon to be approximately so.

Concerning the laws themselves, no criticisms entitled to notice have come to my ears. To be sure, the general and foundationless assertion has been made by either ignorant or willfully mendacious—and usually the latter—journals and individuals that the legislature created useless offices on a wholesale scale, but this requires almost no refutation. A bare list of the offices created is sufficient to convincingly suggest the need of each, and a perusal of the constitution, which had the people's overwhelming approval, will show that with three exceptions, two of which are exceedingly minor, provision for the offices created was made absolutely mandatory. The appropriations for the conduct of these offices, as I will show by an itemized statement thereof, were kept at the lowest possible point, and in some cases, as experience has demonstrated, were placed too low.

Aside from the offices "created"—that is, offices which did not exist under the Territorial government—the expense of salaries and the maintenance of numerous regular State offices, such as the governor, the secretary of state, and the courts, paid prior to statehood by the Federal Government, has fallen upon the taxpayers of the new State. This is also true of the legislature, the cost of which is necessarily considerable. Add to these unavoidable expenses the equally unavoidable one of making many alterations in the capitol, to provide accommodations for the new officers and the supreme court, and the likewise unavoidable one of employing the additional clerical help required to transact a materially enhanced business in every department, and the situation begins to unfold.

It does not become entirely clear, however, until it is understood that when the present administration took charge of the State's business it discovered a deficit in the general fund, out of which all the ordinary expenses of government are met, of approximately $150,000. This circumstance I alluded to in my first message to the legislature, and it is quite as true now as then. The deficiency was caused by the failure of the last Territorial board of equalization to levy a sufficient tax to keep the general fund in its normal condition, the lowering of the tax levy at what was, from a business standpoint, a most inopportune time—since conditions really demanded an increased levy—being obviously done for political considerations. This deficiency had to be met by the taxpayers of the State and is very largely explanatory of the necessity for increased revenues.

The amount of such increased revenue is not difficult to ascertain, nor the purposes, which I have already roughly outlined, to which it was devoted.

In 1911, the last year under Territorial government, the total assessment of property for Territorial purposes was $98,032,708.64. In 1912 this was increased to $140,338,191.08. The tax levy in both years was 90 cents on each $100 worth of property. Anyone may, therefore, easily determine that under the assessment and tax levy of 1912 increased revenue was raised, assuming that all taxes have been or will be paid, to the amount of $380,749.38.

The question is reduced to this concrete proposition: What has been done with that money, and were the purposes for which it was and is being spent legitimate? To the latter part of the proposition I answer, emphatically, yes, and the former part will be replied to with quite definite figures.

Since no expense is or may be incurred without warrant of law, we will look to the law for the facts. The first State legislature enacted laws, which met my approval, involving specific appropriations of a distinctly extraordinary class—that is, differing from and in addition to the appropriations other legislatures had been called upon to make—of more than a quarter of a million dollars, and in order that the taxpayers may judge of the wisdom or unwisdom, the necessity or lack of necessity, of making these appropriations the following statement is appended:

Offices created by the constitution.	
Salaries and expense of maintaining supreme court	$33,435.06
Salaries of superior judges, one-half of which are paid by the State	32,757.72
Salaries and expense of corporation commission	43,805.00
Expense of legislature	75,000.00
Salary and expense of State examiner	4,100.00
Salaries of land commission and of office assistants	11,075.00
Salary and expense of State mine inspector (about)	12,000.00
Offices created by the legislature.	
Salaries and expense of the State tax commission (about)	20,000.00
Salary and expense of State sealer of weights and measures	4,000.00
Expense of maintaining office of State game warden—salary to be paid out of revenues of the office	5,000.00
Other extraordinary appropriations.	
For carrying out the provisions of the initiative and referendum law	5,000.00
For carrying out the provisions of the pure-food law	4,500.00
For the education of the deaf, dumb, and blind	5,000.00
For dry-farming experiments, date-palm experiments, holding of farmers' institutes, horticultural experiments, protection of the State against alfalfa weevil and other dangerous pests, and investigating the water resources of the State	22,000.00
For canvassing the 1912 election vote	500.00
Expense of the first primary election	114.90
Total	278,287.68

Add to this total the salaries and expenses of the governor's office and of the office of secretary of state, and the cost of making many alterations in the capitol, and the legitimate necessity for practically all of the increased revenue provided for by the tax levy is explained. Then add the $150,000 deficit bequeathed to the present administration by its Territorial predecessor, and the reply to those who would complain about the tax rate becomes almost eloquent. As a matter of fact, the actual and necessary expense, in addition to and above the needs of previous administrations, incurred or to be incurred by the present administration from the date on which Arizona became a State—February 14, 1912—to the completion of the fiscal year ending June 30, 1913, will amount, in round figures and including the huge deficit heretofore mentioned, to $500,000. To increase this will come the expense of the present legislature and of the revision of the code, already authorized and nearly completed, except for legislative approval.

It is not claimed that the above figures are absolutely accurate as regards their extraordinary character, but they are approximately so and as accurate as it is possible to make them. A few minor amounts might be offset by somewhat similar appropriations in former years, but not to an extent which would appreciably affect the totals. In one instance—that of the corporation commission—the appropriation is partly offset by revenues of the office, but neither does this materially alter the figures offered.

A review of the items of expense above set forth will show their wisdom and necessity. Every office for which provision was made is essential to the proper administration of the people's business, most of them being the result of constitutional mandates, and it is not likely that the other extraordinary appropriations will be criticized by any fair-minded taxpayer.

I do not by any means claim perfection for the present administration. I do not claim that no money has been unwisely spent or every penny saved that might have been, but I do assert that not a dollar has been expended without authority of law, not a dollar has been squandered, no graft has been permitted, every effort has been exerted to honestly and faithfully conserve the public funds in strict accordance with my pledges of a business administration; and actual comparisons with other administrations, when they can be made, will show to the credit of the officials who are now serving the State. Much in the way of systematization has been accomplished, the institutions are being conducted better and more economically than ever before, and I feel no pangs of conscience when I assert that, while improvements are possible, no reasonable or justifiable complaint can be offered against the present conduct of the State's business.

This statement has consumed much time and space, but it may nevertheless be well, before passing the subject, to call attention to another matter. As has been heretofore stated, the tax levy for 1912 contemplates the raising by direct taxation of $380,749.38 greater revenue than in 1911. It may not be generally known that almost the entire sum of this additional burden was by the taxing authorities of the State placed on the industries best able to bear it, namely, the mining companies and the railroads. To be specific, the mining industry contributed $233,124.77 more than last year, while the railroad companies' taxes were increased by $85,141.82. Therefore, of the $380,749.38 additional revenue $318,266.59 comes from the State's wealthiest interests, leaving the comparatively insignificant sum of $62,482.79 to be borne by all other classes of property.

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STATE PRISON AND THE PRISON POLICY.

In discussing the various State institutions for the maintenance of which the legislature will be called upon to provide, it is natural and logical that I should give first attention to the State prison, since the policy maintained by the superintendent and myself with regard to its management and the treatment of its inmates has during the past year been the storm center about which the administration's critics and enemies have raged. I want the public to know the exact and entire truth, which could not be secured from reading the average published accounts of what has been done or what has occurred. Based upon a full and accurate knowledge of the facts, the people's decision will occasion me no uneasiness.

As a matter of reality, as disappointing as it may be to sensation mongers, nothing sensational or yet very startling has been done or attempted. The most lurid and blood-curdling stories of alleged occurrences at the prison, and ridiculous exaggerations of "Gov. Hunt's honor system," have time and again served as headliners for newspapers whose object was not the performance of a public service, but the working of political injury and utterly foundationless fabrications by the hundreds, emanating from like antagonistic and unreliable sources, have been peddled by word of mouth. A recital of the facts, which any honest man may confirm by slight investigation, will serve to show the utter falsity of the derogatory allegations which have been handed about and at the same time disclose the animus back of them.

Summed up in a few words, the superintendent and myself have followed the lead of those progressive States whose penal institutions are being conducted on modern, advanced, humanitarian lines. As in those institutions the inmates of Arizona's prison are being treated not as brutes but as men with souls—not as hang-dog curs, in whom no hope of redemption lies, but as human beings who, having gone astray, should be led back, if possible, into the useful way and against the day when they must again take up their duties outside of prison walls equipped both with a desire and the ability to fight life's battle. This is really all there is to it except that the results, far from justifying the vindictive estimates of the honor system's enemies, have been very largely, if not entirely, satisfactory. I will not say that no errors have been made, or disappointments and rebuffs met with; such a claim would be without the bounds of truth even as such a condition would be without the bounds of reason, but I can and do say that errors have been both few and insignificant and there has been no disappointment which would justify the slightest discouragement.

The snake den, relic of a barbaric day, has been abolished; inhuman punishments, which, while breaking the spirits of men, breed the most dangerous type of confirmed criminals, have been barred; better and more food has been provided, and less humiliating, though not less disciplinary rules, adopted. The men have been led to feel that with proper behavior on their part the future holds hope, rather than black despair. They have been and are being given to understand that the officers in charge of them are as much their friends as their keepers—there not only to guard, but to protect and help them. On occasion prisoners have been placed on their honor and detailed to perform a service for themselves and for the State, and rarely have they abused the confidence.

I have said that nothing sensational has been done, but I am not quite certain that the effect of this simple, sympathetic, humanitarian policy has not been sensational. Certainly it has been electrical. The men have displayed every evidence of appreciation of the treatment accorded them. Never were there so few infractions of the rules, never so few escapes or so little plotting to escape. The tense, strained feeling which generally characterizes penitentiary air is totally absent about the Arizona prison, and instead of slinking, skulking shadows, with heads lowered and averted faces, the inmates move erectly and do not fear to look in the eye those whom they meet. They feel that there is something to hope for, to live for, and to honestly, patiently strive for. Instead of being irreclaimable outcasts, serving no purpose but to burden the public while in prison and upon their release to again prey upon society, they prove in many instances to be good, sound material for the making of real men and useful citizens.

No maudlin sentimentality moved me to the establishment of this policy, but a firm conviction that the practical, sensible, systematic conservation of human beings is fully as important and fully as likely to produce profit to the State and to mankind as the elaborate, scientific conservation of the forests, the water, and the fuel of the country, or the careful protection of wild game. What little has been accomplished—and measured by past results it is not so little after all—has

added to my conviction of its utility, and I do not hesitate to promise, both to the friends and enemies of the "honor system," that it shall be conscientiously continued during my incumbency of the office of governor. Nor do I fear to add that when the scurrilous falsehoods propagated by this administration's reactionary enemies shall have been lost in the scrap heap of ignominious repudiation the "honor system" of conducting penal institutions will be as generally accepted, not only in Arizona but throughout the country, as now are those well-established principles of progressive government which little more than a year ago these same enemies of progress were denouncing as radical and anarchistic.

In the estimates I have made of the results of the honor system, as applied to Arizona's penitentiary, I have not included an item which can not fail to appeal to the most unsentimental, practical mind—the saving it has been to the State in dollars and cents on the one hand and the profit it has yielded on the other. Under its operation the men serving sentences have performed with cheerfulness and a show of genuine interest the many tasks assigned them, and as a result of the policy of providing them with a good supply of wholesome, nourishing food they have been enabled to produce results that would be creditable to the very best class of free labor engaged in similar employments.

Road making and bridge construction have been satisfactorily prosecuted under an arrangement with the counties whereby the State is compensated by the difference between the cost of maintenance at prison and in camp. This has resulted in good highways, valuable both to the counties and the State, has heightened the spirits and increased the healthfulness of the men, and entirely demonstrated that the "honor system," judiciously applied, is practical. In the first camp—established in the Pinal Mountains for the construction of a road from Globe to Ray—where the "honor system" was entirely resorted to, the most striking success met the experiment. This camp, now temporarily deserted on account of weather conditions, was in the pine woods miles from any town, and every opportunity was offered for the escape of the men, had they desired to avail themselves of it. An average of 30 honor men from the prison, most of them being life men and long termers, under no guard and attended only by the foreman in charge of construction, maintained this camp for six months, worked faithfully and intelligently day after day, and when a short time ago, acting under instructions, they marched over the mountains and back to the prison, only three, two of them having less than six months to serve, had ever attempted to escape. The reward of the faithful ones was a credit of two days off of their sentences for each day served, and the consciousness, which it is evident to me they reckoned in the account, of a trust honestly discharged. They went back to prison stronger physically and morally, and for their experience, and perhaps other like experiences, will leave the penitentiary—when the day they hope for, on which they can leave it free men, arrives—imbued with the aspirations, the faith, and the courage of honest and law-abiding citizens.

The many newspaper reports of "honor men" taking French leave, with which several reactionary and falsifying papers of the State have enlivened their columns and regaled their readers, were pure and simple lies, of which these newspapers, had they cared to do so, could readily have satisfied themselves. Some escapes there have been, as there always will be, but they have been reduced to a minimum, and few indeed can be charged to the honor men. In addition to the camp described above, an honor camp—consisting almost entirely of Mexicans—was maintained during the construction of a splendid highway from Florence to Mesa, and though no guard was established at either place, the total of escapes did not exceed the average from camps where the men are held under the strictest surveillance by armed guard.

A favorite falsehood some time since given wide circulation ran to the effect that the prison guards were not allowed to carry arms, and that the convicts were permitted to pass in and out of the gates without restraint. A frightful massacre, as a result of this unheard-of condition, was being tragically predicted by men old enough, if in no other sense equipped, to know better. The truth is that under the present management the most perfect system of discipline, checking, and protection against possible accidents that the prison has ever known is and has been maintained. Fewer guards than ever before are employed, but it is because under the careful business system in vogue this is possible. As a result of this economical and efficient management the prison made a net saving during the six months ended September 30, 1912, over a similar period the previous year, of $18,466.21, a saving which will show in an increased amount when the sums due from various counties on account of road work done is taken into consideration. During this period also the provision allowance was increased by 20 per cent.

From every viewpoint, and despite the obstacles raised by mean and spiteful men who have not hesitated to employ the most outrageous falsehoods to create antagonism on the part of an uninformed public, the administration's much-maligned prison policy has proved, and is proving, an unqualified success. I am more than willing to stand or fall by the record.

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CAPITAL PUNISHMENT.

A year ago I recommended to the legislature the submission of a constitutional amendment providing for the abolishment of capital punishment. That recommendation I now repeat, and urgently request that through legislative action the people of the State be afforded an opportunity to signify their disapproval of legalized murder. Present-day enlightenment is crystallizing an extended and rapidly extending opposition to the taking of human life by any means or under any pretext; practical, modern Christianity, independent of church or creed, demands that this relic of the darkest of dark ages be relegated to the limbo of the past; students of psychology, sociology, and penology, supported by records no less than by theory and reason, are a unit in agreeing that its practice serves no good purpose, acting neither as a preventative nor a deterrent of crime; the march of humanity forbids its perpetuation even as it forbids the medieval custom of throwing prisoners to wild beasts to make a holiday, and common sense teaches that the legalizing of its horrors must lower rather than raise the moral conceptions and standards of a people, and breed contempt rather than respect for a law which violates every merciful instinct and gives the lie to God's Sinaitic command, "Thou shalt not kill."

While this blot remains on her statutes the progressiveness Arizona boasts is defective and weak and halting, and I therefore urge that it be removed at the earliest possible moment.

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PUBLISHING NAMES OF STOCKHOLDERS.

I wish to renew my recommendation, made to the legislature a year ago, that newspapers be required to publish the names of their owners and stockholders. In this day, when momentous questions are being daily discussed, and such questions frequently involve the rights and interests of the masses as distinguished from the desires and aims of a selfish few, it is meet and proper that newspaper readers should know whose arguments they are reading and whose views they are digesting. Congress has established a precedent for such a law, by imposing certain postal regulations. This should be strengthened by a stringent State law, to which no honest, sincere, and uncollared editor should or will object. The untrammeled press will thus be dignified, and the organs of the interests at least have the satisfaction of sailing under their true colors.

LEGISLATIVE RESEARCH.

Much to my regret a bill for the establishment of a department of legislative research, or a reference library on legislative subjects, was defeated at the last session. The need for and the wisdom of such a department should be apparent to every thoughtful man, and I express the hope that at this session of the legislature the subject will receive favorable consideration. It will not be an expense, but an economy, in that it will save the time of the legislators, provide them with a fund of information they can not otherwise acquire, make for better, more workable, and more uniform laws, prevent conflicts and repetitions, and keep the State in the forefront of progressive legislation.

ANTILOBBYING.

And I again call attention to the fact that the enactment of an antilobbying law is a constitutional mandate. To be sure, this particular mandate might not, in the opinion of the legislature, be a wise one, or compliance with it might be deferred 10 years or indefinitely, but I do not believe that was the view held by or the intent of the constitutional convention, or the people who ratified the constitution, and I therefore urge that one of the first acts of the legislature be the fulfillment of this obligation. It is idle to make answer to the arguments offered in certain quarters against an antilobbying law, for there are no arguments worthy of consideration. It is merely a measure designed to prevent secret-service agents and "gum-shoe" tools of special interests from plying their nefarious trade during sessions of the legislature, and to permit legitimate representatives, by declaring their purpose or employment, to appear in a dignified way before the people's lawmaking body.

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To this and to all other matters coming before the legislature I trust the most conscientious patriotic consideration will be given, without thought of personal sensitiveness or selfishness, or sectional, partisan, or factional interest; without thought of injury to any, but a worthy desire for the good of all. Arizona is in the front rank of progressive commonwealths—a position won by the intelligence, the courage and determination of her people. It is the duty of every true Arizonian, citizen, legislator, officer, and executive, by the exercise of the best qualities of heart and mind, and if need be, by sacrifices of the body, to keep her there. It is a duty we owe, not only to the State we call our own, but to the cause of progress, whose signal fires are lit on every hilltop, whose banners fly in every breeze; and pledging my own, I bespeak the cooperation of all.

Respectfully,

GEO. W. P. HUNT,
Governor of Arizona.

INDIAN APPROPRIATION BILL.

Mr. BURTON. Mr. President, I desire to call up House joint resolution No. 402, and I ask the attention of the Senators from New York to it.

Mr. SMOOT. I move that the conference report on the Indian appropriation bill may now be taken up for consideration.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, I have yielded to Senators who have requested me to do so, and I desire to continue that policy with this exception: I understand there is a general agreement that we shall go into executive session at 9 o'clock. Prior to that time I prefer to continue my remarks without interruption. After we come out of executive session and I have the floor, as I presume I shall if this subject is still before the Senate, I shall continue the policy of yielding to any Senator who has a matter of great importance, with the permission, of course, of the Chair.

Mr. McCUMBER. I understand, Mr. President, that the Senator from New Mexico does not want to yield any time between now and 9 o'clock?

Mr. FALL. I should prefer, unless it is a matter of very great importance, not to do so for the moment, and I understand that is also the desire of the Senator who is the chairman of this committee.

Mr. McCUMBER. I do not wish the Senator to yield, if he does not desire to be disturbed.

Mr. FALL. Mr. President, about the conclusion of my remarks when I last had the floor I had referred to the action of this Government with reference to Nicaraguan affairs and was asked a question by the Senator from Colorado [Mr. THOMAS] touching the conduct of this Government in Nicaragua. I have called attention to the difference in the methods pursued by the Government of the United States with reference to Mexican affairs and that pursued with reference to Nicaraguan affairs. I am aware of the fact that the answer might be made with reference to Nicaragua that this Government had sent its marines and

sailors and its battleships into Nicaraguan ports, and I think very properly, for the purpose of preserving the lives and property of American citizens, defending the American embassy, and, incidentally, keeping open communication from the seaports to the city of Managua and other inland towns. The answer might be made, of course, to the suggestion as to why this Government had treated the two nations differently, that in Nicaragua our marines and sailors had been placed there with the consent of the Nicaraguan Government. In answer to that proposition, Mr. President, I desire to call attention to the fact—an historical fact, well known—that the present Government of Nicaragua is a revolutionary government, recognized, and, as a great many people believe, placed in power because of the action of the Government of the United States in ousting, first Zelaya as President, and, second, in refusing to recognize the government of Madriz, his successor.

I have understood that the present Government of Nicaragua is a government constituted and maintained by the Government of the United States. Therefore, if it is attempted to be advanced here as a reason for placing the marines and the sailors of the United States in Nicaragua that they were so placed with the consent of the Nicaraguan Government, the answer to that, Mr. President, is that the consent of the Nicaraguan Government was the consent of a puppet of the United States.

Mr. President, I referred in my remarks a short time since to the action of the American forces along the border of Mexico, on the southern boundary of Arizona, of New Mexico, and of Texas. I made the statement that the American armed forces placed upon that border were being used for the arrest of American citizens in American cities, where there was no state of warfare, in times of peace, contrary to the direct provisions of the Constitution of the United States. American citizens have been fired upon and killed in Agua Prieta, across the line from Douglas, Ariz.; American citizens have been killed at El Paso, Tex., on the American side of the line; American troops have been and were at that time guarding the boundary. Orders were issued to the Mexicans and communicated by officers of the United States Army to the Mexicans that they should not fire across the border. In the face of such orders American citizens were killed, with our soldiers present, and no successful attempt was made to prevent those attacks upon the lives of American citizens. The Government of the United States, through its State Department, as I pointed out to the Senate in July of last year, refused even to demand of the Mexican Government damages for the wounding of American women and damages for the killing of American citizens on this side of the boundary line in the face of American troops.

I want to call the attention of Senators to the fact that not until this body had passed a resolution, concurred in by the House of Representatives, was there any attempt made by any branch of the American Government to even investigate the killing of American citizens on American soil in time of peace in the United States. Then, to secure action, to secure the proper investigation, or any investigation, it became necessary for the Congress of the United States to take out of the power of the State Department any such investigation, to take out of the hands of the State Department of this Government the investigation properly belonging to it, and action upon which should have been taken without the direction of Congress.

It became necessary for the Congress of the United States to direct the Secretary of War himself, through a commission, to make an investigation into the killing, to ascertain the amount of damage done, to ascertain the amount which should be paid by the Mexican Government itself to the survivors and the wounded on this side of the border. It has become necessary at this session of Congress first to pass a law, and finally to include in an appropriation bill a provision, for the payment by this Government itself of the amount found due by that commission, appointed under the direction of this Congress, to survivors of the killed and to the wounded at El Paso and Agua Prieta. There has been no report of any kind or character except of this commission, and no demand has ever been made upon the Mexican Government, from the time of this damage until the present day, for the payment of one dollar of damages; and now, to see that justice is done to American citizens wounded and killed on American soil, it has become necessary for the American Congress to provide at this session for the payment of $71,000 for damages to its citizens at El Paso and Agua Prieta.

Before I conclude my remarks, I shall undertake to show, Mr. President, that the action of this Government has been of a weak, imbecilic character in every phase of this Mexican affair.

Mr. SHIVELY. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. FALL. With pleasure.

Mr. SHIVELY. The Senator has just stated that the present Congress has provided for an appropriation of some $70,000——

Mr. FALL. Seventy-one thousand dollars.

Mr. SHIVELY. With which we respond in damages to our own citizens.

Mr. FALL. The Government of the United States paying that amount out of its own Treasury; yes, sir.

Mr. SHIVELY. As a matter of fact, the primary obligation rests on the United States Government to take care of its own citizens, does it not?

Mr. FALL. Undoubtedly; and anywhere, according to my position.

Mr. SHIVELY. Yes; anywhere and under any circumstances. Therefore, so far as we have gone, the step has been in the right direction, and if there is anything lacking it is because the demand has not been made on the Mexican Government. Whether we make any demand on the Mexican Government or not, we must respond in damages to our own citizens for injuries that they have suffered under such circumstances.

Mr. FALL. In answering the question of the Senator, Mr. President, I will say that, in the face of the absolute refusal of the administration to demand and secure damages from the Mexican Government, I think the Congress of the United States has done exactly what was proper in itself providing for those damages out of the National Treasury. I am not criticizing the act of Congress; I am proud that I am a Member of this Congress, which, in view of the failure of the executive department of this Government to undertake in any way to protect American citizens, has at least provided for the payment of damages to those who were injured on this side of the line when pursuing their peaceful vocations on American soil; but it should never have been necessary for this Congress to have provided for these claims out of the Treasury of the United States.

I do not care, Mr. President, to go into the precedents upon this subject; but I can say that under former Republican administrations, in dealing with such conditions in the Republic of Mexico, without hesitation the Republican Secretary of State has demanded of the Mexican Government damages, exemplary damages, for injuries done to the property and persons of American citizens within the Republic of Mexico, and not alone on this side of the border. When Minister Romero and Minister Mariscal undertook to advance the theory that the legal remedy in the local courts must first be pursued, he was answered by a true Republican Secretary of State, Mr. Hamilton Fish, that, in view of the circumstances existing in 1873 and 1874 in Mexico, which were exactly similar to the conditions that have existed for the last two years in Mexico, citizens of the United States, even those residing in Mexico, would not be relegated to the local courts of Mexico, but that, through diplomatic channels, the claims of those citizens would be insisted upon and that Mexico must pay them.

For the first time in the history of this country, I believe, where a state of absolute anarchy has existed, as it has in a contiguous country, or in a foreign country, as it has existed in Mexico for more than two years—for the first time in the history of this great Nation American citizens have been told that not only would the armed forces of the United States not be used to assist and protect them but that the State Department would make no representations in their behalf to the foreign Government, even to the extent of asking that the local tribunals take action upon their cases.

Mr. President, in the partial report of the Senate committee to which I referred in my opening remarks page after page could be read substantiating the statements which I have made here with reference to the action of the United States Army and its officers in stopping women and children upon the streets of El Paso. At five different stations in El Paso County American soldiers have been stopping and searching American citizens on American soil, not in time of war, but day in and day out for more than a year during time of peace in this country. For 12 months American citizens must ride through forces of the American Army in going from point to point in that Texas city and from points in that city to points throughout the county of El Paso on roads not leading into Mexico. The armed forces of this Government have been stationed there for the purpose of searching American citizens, women and children; and I can name the wives of State senators, of State officers in Texas, the wives and families of bankers and lawyers, the most prominent citizens in El Paso, who have been stopped every day by

the soldiers of the United States Government in undertaking to traverse the streets and the roads of El Paso with their automobiles. Even the tops of the gasoline tanks in those automobiles were unscrewed, and the soldiers looked into the gasoline tanks to see whether one of these ladies was smuggling arms or ammunition to the rebels in Mexico in contravention of the proclamation of the President of the United States.

Mr. President, to my mind the people of the United States are becoming so careless of their constitutional rights or else so degenerate that I must say I have fears for the life of this Republic of ours when they will submit to indignities of this character and to violations of the constitutional provisions against search and seizure.

I am not going to undertake to read the evidence, or all of it at least, upon this point, but I want to call the attention of the Senate to the testimony of one lawyer, and I want to say, Mr. President, that there is absolutely no denial of the state of facts to which I have referred. I read from pages 722 and 723 of the testimony taken by the subcommittee of the Senate in the investigation held recently with reference to Mexican affairs:

My name is Charles A. Kinkel; I am a native-born American citizen; for the past eight years I have been a resident of El Paso, Tex. I have a ranch about 15 miles north of El Paso. On the afternoon of March 26, 1912, my wife, little boy, and I were leaving El Paso on our way to our ranch, traveling in a small automobile, known as a Buick runabout; we were in said machine coasting down a steep street known as Harts Viaduct, in the northwesterly part of El Paso—

This is within the city limits of El Paso—

and when within about 25 feet from the bottom of said grade two soldiers of the American Army signaled us to stop; I immediately put my machine in neutral and put on brakes, but because of the very steep grade it was impossible to stop where the soldiers were standing; the machine coasted past them very slowly, coming to a stop, when one of the soldiers leveled his rifle at us and shot through the casing of the machine. I had the machine virtually stopped when the shot was fired, and we were not more than 40 or 50 feet from the soldier when he shot. The shot passed through the tire, about 20 inches from where my little boy's feet were resting on the running board, and had the bullet struck the steel rim of the machine it could have swerved and maimed or killed any or all of us. I remonstrated with the soldier, and he told me that he was working under orders to shoot if anyone did not stop promptly; he also told me to shut up and go on. They laughed at the incident and treated it as a joke.

The automobile in which we were riding was so small that we could not have carried any arms or ammunition of any consequence whatsoever; this shooting occurred in broad daylight, in the city limits of the city of El Paso, on a public highway which did not lead across the Mexican border; my wife was in delicate health and the shooting was a great shock to her. The soldier doing the shooting had no search warrant or any right to stop us or to molest us in any way.

I reported the incident to the commander of the United States soldiers here, who promised to have a court-martial to try the soldier, but he never did so. To the contrary, when I prosecuted the soldier in the civil court in El Paso his captain appeared at the trial and stated that he had received orders, which he transmitted to the soldier, to shoot into anyone who failed to stop when signaled; this officer admitted that the soldiers had no search warrant nor were they acting under orders or by authority from the city, county, or State officials, but purely under orders from military sources or from Washington direct. Recently Col. Steever, the commander here, stated that he had received orders from Washington to have counsel appointed to defend this soldier from prosecution.

This incident is but one of many others in which American citizens have been shot into, stopped, insulted, and searched by American soldiers without a warrant while attending to their own affairs on American soil.

Then he proceeds, Mr. President, to mention other incidents. We have other statements under oath of other citizens of El Paso to exactly the same effect as the testimony of Mr. Kinkel in this case.

Not only this, Mr. President, but for nearly 12 months in the city of El Paso, according to the testimony of various witnesses, including that of the assistant United States attorney and of the United States attorney himself, embraced in this record, the Mexican consul on American soil has been employing secret-service agents, stationing them at the international bridge between El Paso and Juarez, pointing out to American soldiers American men and American women crossing on the street cars to Juarez from El Paso, and having the American soldiers take those American women from the street cars and searched. By whom? By secret-service agents of the Mexican Government employed on this side of the line, according to the testimony of the United States attorney or his assistant in this case, with their knowledge, by the Mexican officials, and paid for by the Mexican consul on this side. I shall only call attention to the method used finally to stop outrages of that character.

I shall read only a very short extract from the testimony of C. E. Kelly, the mayor of the city of El Paso, Tex. Remember, Senators, El Paso is a city of from 50,000 to 60,000 people, a city built entirely of brick, with a commission form of government—one of the most modern, up-to-date, progressive, and healthiest cities of its size on this continent. The following question was put to Mr. Kelly by Senator SMITH, chairman of the subcommittee:

Senator SMITH. I should like to ask whether your official observations have led you to believe that large numbers of people have been employed in El Paso and vicinity by representatives of either revolutionary party or Government in Mexico in performing work incidental to this war?

Mr. KELLY. There is no doubt that they have been employed.

I want to interject right here that the testimony in this investigation shows that the Mexican consul, protected by the Department of Justice, so called, of the United States, has had in his employ, according to the sworn evidence of Mr. Madero's private personal representative, about 380 secret-service agents in the city of El Paso alone. These agents have been following men who went to the merchants of El Paso to purchase goods, shadowing them from the stores to their homes, following them into the lobbies of the hotels, congregating around where private conversations were being held, and actually interfering with the business of the American merchants in the American city of El Paso.

Mr. Kelly says:

There is no doubt that they have been employed. Several months ago I saw by the evening paper that secret-service men for the Madero Government were searching American citizens going over to Juarez, and that they were doing it on this side of the river. I made a call on the chief of police and had him send men from the station and arrest the people who were doing this act; and it was not long until they brought in several men to the city jail, and they found concealed weapons on some of them.

The State authorities in Texas could deal with those arrested who had concealed weapons upon them, and they did so. The United States court, the United States attorney, the United States officials, the secret-service men there under the United States Government, attached to the Department of Justice, have never undertaken to prosecute, have never undertaken to arrest, have never undertaken to present to grand juries these infractions of our law; but they have openly asserted that these people were placed there with the knowledge and by the consent of the Department of Justice of the United States, paid for by Consul Llorente, representing the Mexican Government, for the purpose of searching, among others, American women and children on American soil.

This same man has been able, through the State Department of the United States Government and through the Department of Justice of the United States Government, to secure the arrest of any man whom he desired to arrest on American soil. The treaty of extradition between this country and the Republic of Mexico, so-called, contains a provision that any one charged in Mexico with an offense or a crime coming under the provisions of that extradition treaty, upon affidavit made, or upon the action of the United States attorney or the diplomatic representative of his Government—not the consular agent, not the consul, but the diplomatic representative of his Government in this country—may be arrested and held for 40 days without trial, awaiting the papers from Mexico to be brought here and to be presented to our court before the extradition order is finally issued, such papers proving that the party is charged with an extraditable crime in some court of competent jurisdiction in Mexico, and that they are seeking his extradition.

We have a list here of the cases of that character—over 20, I will say, now—occurring in El Paso, practically every one of them filed by the United States attorney upon an affidavit made by a Mexican consul, not a diplomatic representative, every one of those men held for 40 days, and in no single instance any attempt made by the Mexican Government to produce the papers necessary for the extradition, and every one of those men has been turned loose under habeas corpus proceedings in the State or the United States court.

In one instance, Mr. President, a man was arrested first by the American soldiers near Presidio del Norte, carried to Marfa, tried for violation of the United States neutrality laws, and acquitted. As he was released and was attempting to leave the courtroom he was arrested on a telegram from the Mexican consul at El Paso, Tex., and carried without further authority to El Paso. There complaint was made by the United States attorney, based upon an affidavit by the Mexican consul that he would produce the papers showing that he was charged with an extraditable crime. He was held for 40 days, turned loose by the United States court because of failure to produce necessary papers or one particle of evidence against him, rearrested, confined for 40 days under a similar statement, turned loose by the United States court for that district, rearrested by the armed forces of the United States upon the same charge and held as a military prisoner at Fort Sam Houston, Tex., until discharged again under habeas corpus proceedings in the United States court, rearrested again under the same charge from the same

Mexican consul, held for 40 days again under the extradition treaty, and again turned loose by the United States court.

I cite these instances because I want the Senate to understand just why it is that the Mexican people, or the great majority of them, claim that the United States Government for two years has been intervening in the internecine trouble in the Republic of Mexico, and has by its own forces, by its officers of the law on this side and by its diplomatic agents on the other side, been seeking, without throwing its military forces or its marines or its sailors into Mexico, to do exactly what it has done by its marines and its sailors in Nicaragua.

Mr. President, I am going to trespass upon the time of the Senate because I say to you, Senators, it may not appear to you to be a matter of as much interest as the passing of a public buildings bill, providing an appropriation of $5,000 for the purchase of a post-office site in some growing and thriving and prosperous little town in the South; it may not appear to you now to be of as much interest to you to familiarize yourselves with the conditions in Mexico as it is to assist in the passage of such an appropriation bill; but I say to you, as I said to you last July, that you are going to be confronted with your duty, and the people of the United States are going finally to compel their representatives and their Government to do their duty; and you might just as well begin now to learn something of the truth of these conditions which you are going to have to meet, in my opinion, in a very short time.

How many of the Senators here know what the population of Mexico is, and of what class it is composed? How many have thought beyond mere generalities of what the form of government is, what it has been in the past, how many States there are in the Mexican Republic, and so on? Why, Mr. President, some of our very learned citizens know so little about Mexico that at least twenty times within the last five years, in New York, Chicago, Washington, and other cities in the United States, when it was learned that I was from New Mexico, I have been asked the question as to how I liked the Mexican laws and old Diaz's government!

The amount of misinformation and of ignorance in the United States concerning Mexico is just as astounding as is the ignorance existing in Mexico to-day concerning affairs in this country. I could not put it any stronger, because I have here in my pocket a translation of an article from one of the more prominent papers published in the Spanish language in the City of Mexico, in which it is said that if the United States Government should dare to intervene in Mexican affairs there would be a war between the North and the South immediately, because the people of the North were demanding intervention and the people of the South were opposed to it, and this difference of opinion would create another revolution or civil war in this country; and that further than that, the negroes, who had rested under the yoke of slavery for so many years, would take advantage of the confusion incident to and attendant upon an armed invasion of Mexico to throw off that yoke and rise against the people who had oppressed them.

This article contains the further statement that the American Army is composed simply of Italian filibusters. This article appeared in La Tribuna, published in the City of Mexico, and was circulated among the people there within the last three weeks.

I say, Mr. President, that I have cited this instance of the ignorance of the Mexican people of the true condition of affairs here to make stronger my point that the Congress of the United States, apparently, and certainly a great number of the people of the United States, are just as ignorant of Mexican affairs and conditions.

The Republic of Mexico is composed of 27 States, 2 Territories, and a Federal District, such as the District of Columbia. There never has been a correct census of the population of Mexico. There never has been a correct survey of the Republic of Mexico, of any State in it, or of the public lands in any State in it. The total population of Mexico approximates 15,000,000 people. Of the 15,000,000 people, approximately 60 per cent are Indians—sedentary Indians; not the nomadic tribes; not Indians of the class of our Comanches, Lipans, Sioux, or Apaches, but agricultural Indians; sedentary Indians, living up to two years ago in their little localities in the different States of the Republic, maintaining in many instances their own governments entirely distinct from the Mexican Government, as, for instance, the Mayas in Yucatan.

Mr. President, I am not going to ask for a quorum, because I do not care to interrupt Senators; but I would ask, if Senators do not care to listen, that they may not interrupt.

The PRESIDENT pro tempore. Complaint is made that there is confusion in the Chamber.

Mr. POINDEXTER. I make the point of no quorum.

Mr. FALL. I will ask the Senator not to make the point of no quorum. At 9 o'clock we go into executive session. There is only 15 minutes left, and I do not want to impose on Senators at all.

Mr. POINDEXTER. Very well; I withdraw the point.

Mr. FALL. Mr. President, I was simply attempting to explain very briefly the condition of affairs in Mexico. I had instanced the State of Yucatan, from which all the henequin crop comes, $75,000,000 worth of it every year, for the making of rope, cotton bagging, sacks, and so forth. Practically all of it comes to the United States. That is a very rich State, and yet over half of the territory of that State is occupied by two branches of the Maya Tribe of Indians, who owe no allegiance whatever to the Mexican Government except by treaty, in which treaty the Government of Mexico recognizes them as independent in all except the suzerainty of the National Government of Mexico generally over them. It interferes in no respect with their laws, which they enact for themselves. It makes no attempt whatsoever to place in force the laws of the National Government of Mexico nor the laws of the State government of Yucatan among the Mayas. They tax themselves; they are not taxed for State or National purposes.

Mr. President, practically the same state of affairs exists in every State of the Mexican Union. The Indians keep up their own tribal governments. Many have allied themselves with one side or the other, as they chose and as their interests have dictated, in the different wars and internecine troubles which have occurred in Mexico.

This has been true of the Yaquis, and is true to-day. While they have been overcome after 30 years' war, while thousands of them have been expatriated or have been sent to Tabasco and to Chiapas and to Campeche, yet there are now along the Yaqui River, where those people lived before the Spaniards came into Mexico, such a body of Yaquis as yet make themselves respected and whom the regular soldiers of Mexico to-day do not dare attempt to drive away from their little homes. Only those whom they have caught working out in the mining camps or in the towns, such as Hermosillo and other cities in Sonora, away from their tribes, have been sent away from their country. No Mexican soldier dares to go into the Yaqui country to-day and undertake to interfere with those people. They have called upon them recently to assist the Mexican Government in putting down the revolution; and practically the only fighting that has been done in the States of Chihuahua and Sonora for a year past upon the part of the federals, with all the accounts which have been published through the newspapers here, has been done by some Yaqui Indians under Gen. Saguinas.

Mr. President, of the other 80 per cent of the population of Mexico, 20 per cent are the Mexicans who are descendants of the Spaniards—the 20 per cent who own the property of Mexico so far as it yet remains in the hands of Mexicans; the 20 per cent who claim to themselves all the intelligence, the education, and the prerogative to govern. Twenty per cent of the total population—in other words, about 3,000,000 out of a total of 15,000,000—constitute the governing class of Mexico. With the exceptions which I shall point out in a moment, they own all the land, the mines, the ranches, the cultivated farms, the factories, all the improvements of every kind or character except that property owned by foreigners. Up to two years ago they formed an oligarchy such as has not been known in the civilized world for hundreds of years. They were banded together through the governors of the different States, who were, although nominally elected, in fact practically the appointees of Porfirio Diaz, the President of Mexico, and who in turn supported him. The elections have been a farce. There never has been an election in Mexico in which all those entitled to participate really did so. The governors of the States were told whom to name as electors. Not 1 per cent of the vote in the States was cast in any election; and if, between the time of the election and the declaration of the electoral vote, it suited the party in Chapultepec to order a change from one candidate to another, such a change was promptly made by all the electors.

It has been said that there is no middle class in Mexico. That has been true, and, as we understand a middle class, it is still true. Nevertheless, for the last 35 years the 20 per cent between the great governing class, the property owners on the one hand and, on the other hand, those natives who are living there to-day as they lived when Cortes came into the country—the 20 per cent between those two classes has gradually been acquiring a little knowledge, gradually acquiring a little learning, gradually understanding more and more what was going on in the world outside of their little, limited sphere. For over

10 years past from 15,000 to 75,000 laboring Mexicans have come across the American border every year, working on the railroads from California to Galveston. They have been doing all of the section work upon the Southern Pacific, the Rock Island, the Texas Pacific, and practically all the other railroads in the southwestern country. They have been making the beet-sugar crop in southern Colorado, going even into the State of Kansas, and picking cotton in the fields of Texas, Louisiana, and as far east as Georgia. A man of that class has come across on this side as a blanketed Mexican, with a pair of sandals on his feet, a broad-brimmed straw hat on his head, and his few remaining articles of clothing, together with his meals for a day or two, wrapped up in a piece of white cotton. Eight months afterwards he has gone back across the Mexican line to visit his relatives, friends, and family in Mexico, with a valise in his hand, with American shoes on his feet, American clothes on his body, and an American hat on his head. He has carried throughout the remotest confines of the Mexican Republic the news that there is another country near at hand in which a man is a man and is so treated.

Men of this class have come into New Mexico, and they have found there that 50 per cent of the population is of their own blood and is free to go to the polls and vote. They have found men of their own race occupying the county offices, and one of them presiding over the State Senate of New Mexico as well as any parliamentary body could be presided over—E. C. de Baca, the lieutenant governor of the State. They find that here, in this country, they get the same wages as the residents of the country in similar occupations. They find that instead of being compelled to put their hats under their left arm when they approach a section boss when they do their duty they are just as good as the section boss himself or any employer. They find in New Mexico, for instance, that if they have their little troubles they can, in many districts in that State, go before justices of the peace of their own blood, and they find that their own language is spoken in many of the States of the United States. All the way to Chicago they find friends who have come from Mexico, located along the railroads, and doing work as laborers in our cities and upon our farms. Some of those people, of course, go back. Others—two or three times the number—come to take their places. This is one fact which has had as much to do with the present condition of affairs in Mexico as any other, and should be considered together with the further fact that this same class have been learning to read and write, until I may astonish some of you by saying that at least 70 per cent of this ignorant class who come across into the United States if asked to write their names can do so.

Mr. President, it is from among this class of people that there has come for the last two years the leaders in this revolution and in the troubles which have been going on in Mexico. Mr. Diaz himself did not realize that the revolution, when it broke out two years since, had been prepared for by the experiences of the returning immigrants from this country and by the semi-educational advantages which had been availed of by many of the working class.

Not a prominent man of the old families has been named in the revolution, and not a prominent man went to the aid of the Government when that Government was attacked in the Madero revolution. Very few of the prominent Mexicans, not a lawyer, not a banker, scarcely a man of this 20 per cent of the governing class came to aid old Porfirio Diaz, who had maintained law and order in Mexico for 35 years. Owing to these facts, and even more largely to the militant socialistic teachings, to which I shall call the attention of Senators later, Mexico is in such a condition now that I want to say in all seriousness to the Senators of the United States that I do not believe there is any power in Mexico which of itself can restore and maintain order, law, and peace.

I should like to close my remarks at this point, as I believe it is only one minute of the time when it was understood we should go into executive session. Of course, I desire it understood that I will have the floor in the discussion of this report afterwards.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For inland transportation by railroad routes, $51,500,000: *Provided*, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *Provided further*, That the Postmaster General may in his discretion pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting and heating of the mail building, and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $35,000: *And provided further*, That on account of the increased weight of mails resulting from the enactment of section 8 of the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after July 1, 1913, for the remainder of the contract terms, not exceeding 5 per cent thereof per annum, excepting upon routes weighed since January 1, 1913, and to be readjusted from July 1, 1913, until otherwise provided by law: *And provided further*, That the joint committee to make inquiry into the subject of postage on second-class mail matter and compensation for the transportation of mail provided for by the act of August 24, 1912, shall make an inquiry into the question of the transportation of second-class mail matter in fast freight trains and the manner of handling incident thereto, and report upon the same and the best method of effecting its discontinuance if such be found advisable."

And the Senate agree to the same.

JONATHAN BOURNE, Jr.,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.

JOHN A. MOON,
D. E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. BRISTOW. If we are going into executive session soon I would rather have the report go over until after the executive session.

The PRESIDENT pro tempore. The Senator from Kansas is recognized and can proceed.

Mr. FALL. Does that displace the Indian appropriation bill?

The PRESIDENT pro tempore. It does not, except to temporarily suspend its consideration.

Mr. BRISTOW. It will take some time to dispose of this report, I will say.

Mr. GAMBLE. Do I understand that there is to be protracted debate on the conference report upon the Post Office appropriation bill?

The PRESIDENT pro tempore. The Chair can not answer that question.

Mr. BRISTOW. I did not hear the remark of the Senator from South Dakota.

Mr. GAMBLE. I was making inquiry of the Chair whether there was to be protracted debate on the conference report.

Mr. BRISTOW. It may be protracted. I am very much opposed to the adoption of this report.

Mr. GAMBLE. If that is true, with the conference report on the Indian appropriation bill before the Senate, I think I will interpose an objection.

Mr. BRISTOW. That puts it over, then, until after the executive session.

The PRESIDENT pro tempore. It does. The Senator from New Mexico [Mr. FALL] is entitled to the floor.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, as I was saying, in addition to and in direct connection with the revolution which I have referred to as tending to bring about the present condition of affairs in Mexico, or at least to prepare the people of that country for the present condition in which they are found, is the fact that more than

seven years ago there was organized in the United States, in the city of St. Louis, what was known as the Liberal Party of Mexico. A committee, at least, of what was called the Liberal Party of Mexico was organized in St. Louis something over seven years ago. They were supplied with funds from various sources. Some of those sources were agents or sympathizers in the Republic of Mexico, others sympathizers, individuals, and in some instances, at least, organizations in the United States of America.

The testimony which is lying on the desks of Senators, obtained from the records of United States courts, particularly those of the southern district of California, at Los Angeles, will show the sources from which sums of money aggregating approximately a thousand dollars a month came from sympathizers in the United States, to be used for the publication of a paper known as the "Regeneracion," and for the dissemination of socialistic literature printed in the Spanish language throughout the different States of the Mexican Republic.

Seven years ago, in July, there was a strike of the miners employed in the American mines in Cananea, in the State of Sonora in the Republic of Mexico. Over 5,000 men were at that time working underground in the great copper mines belonging to one company alone operating in that district. Two or three nights before the strike occurred a woman patient in the hospital of Cananea told a story to the physician in charge, in which he put very little credence. He, however, fortunately imparted the information which he had received from her to another man who knew the Mexican character thoroughly, who had lived among the Mexicans around Cananea and in Sonora for thirty-odd years, and who, as a matter of fact, was at the head of this great mining company.

An investigation immediately was ordered, and it was discovered that 26 cases of dynamite had been stolen from the stores of the company; that arms had been stolen from the town hall; and the story which this woman told was corroborated in every instance by the investigation set upon foot by the Americans. The story was to the effect that under cloak of a strike of the miners, as a matter of fact a revolution was to be started in Mexico; that documents could be discovered in certain hiding places showing that this strike was being ordered by the liberal committee of the so-called Mexican Liberal Party from St. Louis, Mo.

Immediately steps were taken to suppress any riots which might accompany a so-called attempted strike, and in doing so arms were obtained by special train from Bisbee, on the American side of the border. These arms reached Cananea and were distributed among the Americans, or some of the Americans there, of whom at that time there were something like 100 or 125 men, at about 4 o'clock in the morning. At 5 o'clock in the morning the strike began. About 7 o'clock in the morning the lumber yards, with $500,000 worth of lumber, had been burned; the Americans in charge of them had been killed; 2,500 maddened men were proceeding under red flags to the bank, the store, the concentrator, and other buildings in Cananea crying, "Down with the Americans! Down with Diaz! Down with the Government! Viva the Liberal Party! We will take the money from the banks, rob the stores, drive out the Americans. Mexico for the Mexicans!"

One hundred and twenty Mexicans engaged in this riot were killed before it could be suppressed and many Americans lost their lives. Then upon an investigation and a search the revolutionary literature was found where this woman had said it would be discovered, and lists of the agents of this anarchistical party in the different districts in the different States of Mexico were obtained. Their sympathizers among their own race along the border were known. The parties in St. Louis were indicted and, under a suit for damages brought for the purpose, the press and the materials of the newspaper which they were publishing were seized, and at the same time other documents were seized showing the ramifications of this socialistic organization in almost every district in the different States of the Mexican Republic.

These documents, I may say, went into the hands of the then Vice President of the Republic, Ramon Corral, and were used by him, as the head of the secret service department, in his investigation of affairs in Mexico, and his investigation led up to some few of the prominent men holding office in the Republic at that time; and such investigation which he carried on and knowledge which he obtained assisted in rendering him so unpopular in the Mexican Republic that when Mr. Diaz forced him for a second time upon the people as a candidate on the ticket for Vice President it resulted in trouble, which continued until the outbreak of the Madero revolution and the final overthrow of the Diaz government.

Mr. President, published in this RECORD under the head of Testimony of Dudley Robinson, assistant United States attorney, and of Mr. McCormick, United States attorney for the southern district of California, you will not only find the extracts from the court records containing the evidence of the three principal men of this revolutionary committee, but you will also find the Spanish and translated copies of the platform which the Liberal Party for seven years past has been advocating and circulating throughout the length and breadth of Mexico and which it is to-day circulating. In every document dealing with the reforms which they propose to bring about, which they have sent through the press and their agents into Mexico, in practically every issue of their paper which has been circulated, and which you will find in the pocket of nearly every man in the revolutionary ranks to-day, they are appealing to the Indians who owned the original land, who owned the lands before the Spaniards came to Mexico, who owned the property, who own, as they claim, the Republic of Mexico as it stands to-day, to confiscate the property belonging to other people, to partition it among themselves, to join Madero, to put Diaz out of office, to join with anyone else to put Madero out of office, and enjoy life and happiness as they enjoyed it before they were interfered with by the oppressor, the white man.

Now, Mr. President, think what the effect must be upon an ignorant population of at least 10,000,000 out of 15,000,000 people to be told by intelligent men, because these men are intelligent, that the property which they see and which they know in that little community all belongs to them, that they must take it back, that they need no government.

Remember they have never taken part in the government of their country, that they need no laws, and remember further that every law that has ever been passed in Mexico has been against this class of people and not in their favor. Then remember that they have a middle class, this 20 per cent between the higher or governing class and the 60 per cent of the Indian population, with only a smattering of knowledge, composed largely of people in whom the Indian blood predominates and whose sympathies are more nearly allied with those of the 60 per cent Indian population and who are naturally the leaders of that population, and you can readily understand why it is that Zapata, a bandit, can defy the power of the Mexican Government with impunity for years.

Then you can understand why it is that Ynez Salazar and the other so-called leaders have sympathizers in every town and in the ranks of the regular troops themselves, and how it is that the ammunition excluded to them from this side of the border—as is shown by the sworn evidence in this case—they are procuring to-day for their Mauser rifles from the Federal garrisons throughout the Republic of Mexico. Then you can begin to understand, if you can picture these conditions, the influences which have been at work now for seven years, at least, continuously upon these people, calling upon them to rise up in their might and to take the property, to divide it up among themselves, and to yield no authority to anyone. You can begin to understand something of the condition as existing in Mexico to-day among 80 per cent of the population of that Republic. But I can not begin to make you understand the apathy which has been displayed by the 20 per cent of the people of Mexico who have arrogated to themselves the privilege of governing the remaining portion of the population.

EXECUTIVE SESSION.

Mr. LODGE. If the Senator from New Mexico will yield to me, I move that the Senate proceed to the consideration of executive business.

Mr. FALL. I yield for that purpose.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 37 minutes spent in executive session the doors were reopened.

NAVAL APPROPRIATION BILL.

During the consideration of executive business, and as in legislative session,

The PRESIDENT pro tempore. The Chair appoints the Senator from Massachusetts [Mr. LODGE] and the Senator from Louisiana [Mr. THORNTON] as conferees on the part of the Senate on the naval appropriation bill in the place of the Senator from California [Mr. PERKINS] and the Senator from South Carolina [Mr. TILLMAN].

BRIDGE ACROSS CADDO LAKE, LA.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 28633) to amend the act approved January 27, 1912,

entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana," which was read the first time by its title.

Mr. FOSTER. I ask for the present consideration of the bill.

The bill was read the second time at length, as follows:

Be it enacted, etc., That section 1 of the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana," be, and hereby is, amended so as to extend the time at which the construction of the bridge shall begin one year, and the time of the completion thereof be likewise extended one year.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CAL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., which was, on page 2, line 7, to strike out "sixteen" and insert "fifteen."

Mr. WORKS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the amendment of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, as I was remarking a few moments before the first interruption occurred yesterday afternoon, I believe it was, in considering the present condition of affairs of the neighboring country of the so-called Republic of Mexico, I have undertaken to show by citing one or two statements of witnesses and referring to the contents of the record made by the committee of the Senate in its investigation what is the condition of the Mexican people at the present time, and particularly I had been explaining what had led up to the status which has brought about or which other circumstances possibly have caused to develop into the present condition of those poor people.

Mr. President, I have referred to the evidence in this case showing that a socialistic—a militant socialistic—program had been carried on for many years, and now I want to read an extract from the platform known as the San Luis Potosi plan, promulgated by Francisco I. Madero and adopted as the foundation for his campaign for the presidency against Porfirio Diaz.

In this platform, which is somewhat lengthy, as will appear from the reading on page 733 of the report of the special subcommittee on Mexican Affairs, it appears that Mr. Madero adopted a plank which at least was construed to mean, if it did not mean, exactly the same thing as the plank in the liberal party platform to which I have referred in the course of my remarks. This platform provides that—

> In abuse of the law on public lands, numerous proprietors of small holdings, in their greater part Indians, have been dispossessed of their lands by rulings of the department of public development (fomento) or by decisions of the tribunals of the Republic. As it is just to restore to their former owners the lands of which they were dispossessed in such an arbitrary manner, such rulings and decisions are declared subject to revision, and those who have acquired them in such an immoral manner, or their heirs, will be required to restore them to their former owners, to whom they shall also pay an indemnity for the damages suffered.

And upon this platform Mr. Madero went into power. Many thousands of those who had revolted against Diaz, or the old conditions, remained under arms after Madero's election, awaiting to see what would be done in carrying out the preelection pledges of Madero with reference to confiscation and redistribution of lands. The Madero platform was construed by them to promise such confiscation, and the majority of these revolutionists were the avowed followers of the liberal party program of redistribution of all property. Madero, of course, could not satisfy these demands, and the revolution continued against his administration in every State of Mexico until finally the occurences in Mexico City, resulting in his death, shocked the world.

Mr. President, having spoken of the condition of affairs in Mexico at the present time as affecting the people of that so-called Republic, and commented upon the fact that, in my judgment, conditions among those people unfortunately are such that it is practically impossible for them to restore order and maintain peace in their country, I desire to refer to such conditions as affecting the life and property of American citizens within that Republic. In doing so, Mr. President, I shall first read a statement of one of the witnesses before this committee. This witness, I may say, Mr. President, I have the pleasure to know personally. He is a large property owner in the State of Texas and a large property owner in the Republic of Mexico, a very intelligent gentleman, and one thoroughly informed as to Mexican affairs. I can not, of course, appeal to Senators to listen to it, but I desire to read into the RECORD for the benefit of the people of the United States, who with so much avidity seize an opportunity to peruse the pages which are printed here every morning, extracts from his testimony. In the examination of this witness, as set forth on pages 38 and 39 of this report, in answer to questions propounded to him, he says, referring to property rights——

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. The Senator from South Dakota.

Mr. GAMBLE. If there be no further discussion on the pending motion, I ask that it be submitted to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. FALL. Mr. President, when interrupted I was about to read from the testimony of Mr. Newman, on pages 38 and 39 of the record. In answer to a question propounded by the chairman of the committee—and, Mr. President and Senators, I want to say that this testimony is the key to an understanding of the present condition in Mexico as affecting Americans.

I shall not trespass upon the patience of the Senate to read the other evidence corroborative of Mr. Newman's, but I do ask a moment's consideration by Senators of this testimony. Referring to the rights of Americans in Mexico, Senator SMITH asked the witness:

> And their rights interfered with?
> Mr. NEWMAN. Yes, sir.
> Senator SMITH. And their property menaced?
> Mr. NEWMAN. Yes, sir.
> Senator SMITH. Were there any cases where lives were threatened?
> Mr. NEWMAN. Yes; I know of one case, under the first, or Madero revolution. At the town of Minaca, in the State of Chihuahua, four of them stood a man up—

Referring to an American—

> pointed their guns at him, and told him he would have to pay a ransom, and pay it quick. There was an old German there who had been in business for a long time, and he pleaded with them, and finally got the men over to his store, gave them a drink or two, and sneaked this American out back of some buildings, got him on to a horse, and got him away.
> Senator SMITH. Did they threaten the German in any way?
> Mr. NEWMAN. They did not threaten the German in any way.
> Senator SMITH. Why not?
> Mr. NEWMAN. It seems, unfortunately, to be the impression of the Mexicans throughout their country that the Germans and English must be respected. The point that they frequently raise is this—and this is true of all of them, even to the lowest peon—they say, "If we disturb the English and the Germans, and the other foreigners in here, with the exception of the Spaniards, then their Governments will force the United States to do something. Therefore we must not do anything to them." They feel that the United States for herself will not do anything at all, and they feel that the United States will not do anything to protect the Spaniards. The Spaniards have been treated worse than any people in the country. I mean the citizens of Spain. The ordinary Mexican hates the Spaniards worse than poison, especially on the west coast, down where our land is. There were quite a number of Spaniards in there, engaged in the fruit business—bananas, limes, and lemons, and so forth—and I understand from a man we have in charge out there that they killed every one of them, robbed, their stores, and cleaned them out; and they were wealthy, too.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. I yield to the Senator from Oregon.

Mr. BOURNE. I ask the Senator in charge of the Indian appropriation bill if he will consent to taking up the conference report on the Post Office appropriation bill?

Mr. GAMBLE. I will ask the Senator from Oregon whether he expects any discussion on the conference report on that bill?

Mr. BOURNE. I am informed that the Senator from Kansas [Mr. BRISTOW] has some remarks to make in reference to the bill. How long the discussion will last I can not state.

Mr. GAMBLE. If it is not to consume undue time, I will yield for that purpose, and only for that purpose.

Mr. BRISTOW. What did I understand the Senator from South Dakota to inquire?

Mr. GAMBLE. I stated that I would yield if the discussion is not to be protracted.

Mr. BRISTOW. It may be protracted. I intend to endeavor to show——

Mr. GAMBLE. Then I shall interpose an objection, and I interpose it at this time.

Mr. BOURNE. Mr. President, I move to take up the conference report on the Post Office appropriation bill.

Mr. GAMBLE. No; I will yield. I simply do not want the Indian bill displaced.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. BOURNE] moves that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses on a bill the title of which will be stated.

The SECRETARY. The bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. GAMBLE. I simply want to suggest that I offered to yield to the Senator from Oregon, but I do not want the Indian appropriation bill displaced.

The PRESIDENT pro tempore. The question is upon the motion made by the Senator from Oregon.

The motion was agreed to; and the Senate proceeded to consider the conference report.

Mr. BRISTOW. Mr. President, in the Post Office appropriation bill as it passed the Senate and went to conference there was an amendment, numbered 26, which reads as follows:

Provided, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *But provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building, and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $20,000.

The conference report changes that proviso by inserting $35,000 in place of $20,000. The evidence before the Committee on Post Offices and Post Roads showed that these railroads would not be entitled, upon the mileage basis, to more than about $15,000 for this service. The St. Louis Terminal Co. has been absorbed by the railroad companies that use it; so that in this instance we will pay to the railroads that enter St. Louis for terminal services more than twice as much, proportionately, as is paid the railroads in any other city in the United States for similar service.

I can not see why the conference committee should yield and increase the pay, making it $20,000 a year more than the railroads are entitled to for this terminal service; yet that has been done.

But that is not the most serious objection to this amendment, as reported by the committee of conference. On line 6, page 20, of the bill there is another proviso, which reads as follows:

Provided further, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes, for not less than 30 successive working days, and to readjust compensation from the date of the commencement of said weighing at not exceeding the rates provided by law.

In lieu of that proviso, which says that the Postmaster General may order a reweighing of the mails to determine whether or not the railroads are entitled on account of the parcel post to any more compensation than they now receive, the conference report submits the following:

Provided further, That on account of the increased weight of mails resulting from the enactment of section 8 of the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after July 1, 1913, for the remainder of the contract terms, not exceeding 5 per cent thereof per annum, excepting upon routes weighed since January 1, 1913, and to be readjusted from July 1, 1913, until otherwise provided by law.

There is an appropriation for inland transportation by railroad routes of $51,500,000. No man knows, and no man can know, what is to be the additional weight which the railroads will carry because of the parcel post. Yet it is proposed in this amendment to give them an increase of 5 per cent in the amount of railway mail pay, presumably because there is an increase of that much in the weight. The amendment as it passed the Senate provided for a weighing to determine how much they were entitled to receive, if anything. I can not understand how any Senator can come to the conclusion that it is his duty to add 5 per cent to the railway mail pay in the United States because of an increase of weight the amount of which he has no possible way of determining. I am here to protest against increasing the pay of the railroads for carrying the mails unless we have some substantial evidence that they need it and ought to have it under the law.

The Postmaster General has said, in an official statement, that the railroads are paid $9,000,000 a year more than they ought to receive. That has been denied most vigorously by the railways; and there has been going on for the last three months a campaign for increased railway pay for carrying the mails that probably has been as complete and thorough as any campaign of the kind that has ever been made in the United States. There probably is not a Senator here who has not received letters from station agents in his own State urging increased pay to the railroads for carrying the mails. They have been told by their superior officials that it is necessary, in order to increase their meager salaries, that the railways shall get more money, and they have been asked to write to their Senators and Congressmen in behalf of increased pay for the railways.

Whether the railways are paid more than they ought to be paid or are not paid enough I do not positively know, but I believe the railway mail pay in the United States is too high; that they are paid too much. That is my opinion. If the parcel post increases the weight, and the present rate of payment is a just rate, then they ought to have more pay; but in order to tell what they ought to have we must know what the increased weight is, and that no man can tell.

We are now making an appropriation for the fiscal year ending June 30, 1914. It is proposed in this bill to increase their pay 5 per cent. They may be entitled to more than 5 per cent. They may not be entitled to 5 per cent. I protest against giving them this additional pay unless we know they are entitled to it.

Mr. SMITH of South Carolina. In case we reweigh the mails, which will be necessary if the recommendation of the Post Office Committee be adopted, has the Senator made any calculation as to the probable increased cost to the Government through reweighing the mail, and then the per cent of increase that might be found incident to that reweighing?

The point I am making is, does the Senator think the 5 per cent flat increase would be greater or less than the expense of reweighing the mail, and then adding the resulting per cent of increase on the same rate we are now paying?

Mr. BRISTOW. I understand that the cost of reweighing would be about $500,000. Whether or not the additional weight would entitle the railroads to two and a half millions a year, which is approximately what this would be, at least for the first year, is something I do not know, and no one knows.

Mr. SMITH of South Carolina. Upon the basis of 5 per cent on what is being paid now, what would be the aggregate increase?

Mr. BRISTOW. The appropriation is $51,500,000. Five per cent of that would be something over two and a half millions.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. I do.

Mr. BOURNE. The appropriation of $51,500,000 allows two and a half million dollars for the proposed maximum 5 per cent increase. The appropriation for railway mail pay as it came from the House was $49,000,000, so $49,000,000 would be the basis on which to make the calculation.

Mr. BRISTOW. That would be approximately two and a half million dollars.

There is another provision in this conference report to which I wish to refer:

And provided further, That the joint committee to make inquiry into the subject of postage on second-class mail matter and compensation for the transportation of mail provided for by the act of August 24, 1912, shall make an inquiry into the question of the transportation of second-class mail matter in fast freight trains and the manner of handling incident thereto, and report upon the same and the best method of effecting its discontinuance if such be found advisable.

The law of last year provided that when the mail was reweighed, what is known as the blue-tag system should expire with the reweighing. The blue-tag system is the policy by which some of the magazines are put on freight trains, while others are carried in the mails. An economy has been effected in the department by carrying a certain percentage of the magazines of the country in freight trains, thereby saving the mail rate. This has caused great dissatisfaction, however, and has been a very grave injustice, because as between two magazines of exactly the same character of literature, printed in the same city, one has been put on a freight train and the other has been put into the fast mails. The Postmaster General has assumed to himself that discretion. The result is that the magazine that goes in the freight trains reaches its subscribers from one to nine days later than its competitor does. This has very gravely injured the business of many legitimate publishers, especially in the case of trade journals and journals of a similar character. It has been very burdensome on the publishers of the smaller magazines and periodicals.

Mr. BOURNE. Will the Senator permit me to interrupt him for a moment?

Mr. BRISTOW. Certainly.

Mr. BOURNE. I am in perfect accord with the Senator's views on the blue-tag question. As I understood the Senator he stated that the act of last year provided that the blue-tag system should be abolished on the different sections as a weighing took place.

Mr. BRISTOW. Yes.

Mr. BOURNE. The Senator is mistaken on that. The act of last year provides as follows:

From and after the passage of this act the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains.

The idea of that was to prevent the Postmaster General from putting the blue tag on sections 1 and 4, the Postmaster General having put it first upon section 3 and second upon section 2. The idea of the committee, and the idea of Congress, by its action, was to prohibit any enlargement of that action on the part of the department.

Mr. BRISTOW. The bill as it passed the Senate last year required the blue-tag system to be abolished at the recurring periods of weighing, did it not?

Mr. BOURNE. I can not answer that. I was referring to the bill as it passed Congress.

Mr. BRISTOW. I did not know that the provision as to the blue-tag system had been changed in the conference. I had in my mind the phraseology of the bill as we reported it from the committee. I am somewhat surprised when I read—not having recurred to it since the adjourned session—that the blue tag was not abolished on the existing routes, but its extension was simply prevented.

Mr. SMITH of South Carolina. I think the Senator is correct. I think when the bill passed the Post Office Committee in its final form and was brought to the Senate last year the provision was that upon the termination of the period of weights then in existence the blue-tag system should be abolished, and that length of time was given only in order to obviate a reweighing.

Mr. BRISTOW. That is as I understand it; and I have clearly in mind that after an elaborate discussion that was the decision of the committee.

Mr. SMITH of South Carolina. If the Senator will allow me, I am astonished to see how the provision reads. I did not take occasion to look into the law as it finally passed. I presume the form in which it appears as law is another act of the conference committee that some of us were not aware of at the time of its passage here.

Mr. BRISTOW. I want to say, Mr. President, that in my judgment it would have been impossible to have secured the indorsement of this provision in the bill by the Committee on Post Offices and Post Roads. I know that if I had had the slightest idea that this amendment would have been rewritten in this way for the purpose of giving 5 per cent additional pay to the already overpaid railroads for handling the mail it would not have passed this body, for I should have made the point of order, and it would have been clearly within the point of order.

I do not believe a conference committee has the right to rewrite a clause in a way that is not in harmony with the sentiments of the committee or of either body of the American Congress without first submitting the question to that body for its approval or disapproval. My complaint is that if it was the purpose of the conferees to make a conference report which should include this increase in railway mail pay they should have first consulted the Senate, and should have gotten its decision or an expression from it as to its desires.

We are having too many laws written by a few Senators and Members of Congress in conference committees. I think it is time to stop it, and I do not know any better time to make a start than right now on this bill.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. BRISTOW. I do.

Mr. LA FOLLETTE. I have just come into the Chamber. Will the Senator please state, or repeat if he has already stated, what amount of increase the provision which he is discussing makes in the railway mail pay?

Mr. BRISTOW. Five per cent. I will read it.

Mr. LA FOLLETTE. What would that amount to in the aggregate or the gross?

Mr. BRISTOW. Approximately two and a half million dollars a year.

I do not care to take any great amount of time of the Senate on this matter. I have tried to present it clearly.

In the face of a statement from the Postmaster General that the railway mail pay is now $9,000,000 in excess of what it ought to be, I do not believe the American Congress is ready to increase it above what it now is by 5 per cent, or approximately two and a half million dollars a year. I hope the Senate will disagree to the conference report and send the bill back to the conferees.

Mr. SMITH of South Carolina. I should like to ask the Senator from Kansas a question.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BRISTOW. I do.

Mr. SMITH of South Carolina. In the beginning of the Senator's discussion of this clause he made reference to the terminals at St. Louis. If I understood the Senator aright, he made the statement that the increased mileage which would be allowed would amount to only about $15,000.

Mr. BRISTOW. Something less than $15,000 was the testimony before the committee.

Mr. SMITH of South Carolina. As I understood the proposition, the railroads had acquired possession of this property, and the contract existing before they acquired possession of the property was to the effect that the railroads must carry the mail in St. Louis, but owing to the showing the railroads made that they had to pay to a private corporation for the use of the bridge and for the use of the terminals and for light and fuel they were allowed $50,000. After they acquired this property, where does the Senator find that there is an increased mileage charge and that they are entitled to $15,000?

Mr. BRISTOW. Originally the St. Louis Terminal Co. was an independent company, and the contract with the railroad by the Government was to deliver the mail to the terminal company, and they were paid a mileage basis up to the point where the terminal company took the mail. Then the railroads were allowed $50,000 for the purpose of paying the terminal company.

Mr. SMITH of South Carolina. Plus the additional mileage?

Mr. BRISTOW. That was for the service the terminal company rendered them in handling the mail.

I do not think that that was ever justified. I think that the railroads that had mail contracts should have been required to deliver St. Louis mail to St. Louis, Mo., and should have been paid on a mileage basis, the same as all railroads are paid for the use of the terminals where they own them.

But years ago a different system in St. Louis was adopted, whereby the railroads there, upon the theory that they did not own their terminals, were paid so much more than they were paid in cities where they did own their own terminals. Since that arrangement was entered into the railroads entering St. Louis have absorbed the St. Louis Terminal Co., so that it is no longer an independently owned company. It is owned by the railroads. It is just as much the property of the railroads as the terminals in Washington, Baltimore, Philadelphia, and New York are the property of the railroads. In none of those terminal cities are the railroads paid anything additional for the terminal service; but this fiction has been kept alive in St. Louis, until last year the House of Representatives struck out the amount of $50,000. In the adjustment of the difference between the two Houses the provision which we find in the present bill was restored and they were allowed $35,000 instead of $50,000, which they had been receiving. When the Committee on Post Offices met this year, as the Senator from South Carolina will remember, we went into the matter with care. On the showing made to us it clearly appeared that on the mileage basis the St. Louis railroads would not be entitled to more than about $15,000 for the service which they were rendering at St. Louis; that is, if the St. Louis Terminal, which is owned by the railroads, was paid on the same basis as every other terminal the department would pay between $14,000 and $15,000 for that service.

But in order to be on the safe side, to cover all contingencies, the committee thought it would be very generous, and reported the bill to the Senate with an allowance of $20,000. It comes back from the committee of conference increased from $20,000 to $35,000. I say nothing can be found anywhere to justify this increase.

Mr. SMITH of South Carolina. I should like to ask the Senator——

The PRESIDENT pro tempore. Does the Senator from Kansas yield further to the Senator from South Carolina?

Mr. BRISTOW. I do.

Mr. SMITH of South Carolina. I just want to ask on this point, so that the Senate can get at the real equity in it. The $15,000 was counted on additional mileage, without computing in the $15,000 any of the facilities other than mere mileage at the terminal.

Mr. BRISTOW. It was computed upon the same basis exactly that all other railroads are paid for the use of their terminals in all other cities, and based upon such computation they

would be entitled to from $14,000 to $15,000 for the services rendered at St. Louis.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Kansas will allow me, after we have given them extra mileage to deliver the mail, as they are under contract to do, I should like to know how, by the arbitrary action of the conference committee, $20,000 has been added as a bonus when it is not given to the others.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. I do.

Mr. BOURNE. In the legislative branch of our Government there are two Houses. As the Post Office appropriation bill came from the House of Representatives there was no provision in reference to the East St. Louis Terminal Co. If the Senate had made no provision, the law of 1899 would have been in operation and the Government would have paid, as it has every year since that date, with the exception of last year, the sum of $50,000 to the East St. Louis Terminal Co.

As the Senator from Kansas has said, the Senate put into the bill a limitation of $20,000. The House having provided no limitation, the law of 1899 would have applied and $50,000 would have been paid for this service.

In conference the House conferees insisted on the House provision. As a compromise the Senate conferees suggested the substitution of that which is now before the Senate, namely, the reenactment of the provision of last year.

Last year we had a series of hearings in reference to the East St. Louis Terminal Co. That company owns two bridges from East St. Louis to St. Louis. The claim is made by a number of railroads interested in that company that it is a separate entity. The claim is made by the members of the East St. Louis Terminal Co. that it costs them $61,000, as I remember the amount, to render the service to the Government in handling in this terminal.

If this is a separate entity and if the actual cost of doing this work for the Government is $61,000, they are entitled to $61,000.

As one of the Members of the Senate and of the committee and as one of the conferees, I am not satisfied in my own mind as to what the status is. There is a division of opinion in reference to it. They claim that it is sui generis, as the Senator from Kansas stated. If his impression is correct that it is simply a terminal, the same as the other terminals of the United States, then they are not entitled to any compensation whatever other than on the mileage basis.

A bill has been introduced here repealing the law of 1899. It has been favorably reported, it is on the calendar, and I assume that at the next Congress that question will be settled; but it is not settled yet. The opinion of the conferees on the part of the Senate was that it was better to make this compromise, reenacting the provision that we put into the law last year, rather than yield to the House conferees and make no provision at all. By our action we save the Government $15,000. By the action of the Senate committee, if the House conferees and the House had agreed to it, we would save the Government $30,000. But the House insisted on no provision and we insisted on the provision as it was expressed by the Senate, and we finally compromised on the provision that both branches of Congress had approved in the legislation of last year, thus saving the Government $15,000 by not agreeing with the bill as it came from the House.

Mr. BRISTOW. Mr. President, I desire to state that the Supreme Court of the United States has found, in a decision rendered, that the St. Louis Terminal Co. is owned by the railroads that run into St. Louis, and that it is not a separate corporation or entity. It is no more an independent concern than any other corporation which is owned by the railroads. I am willing to take the findings of the Supreme Court of the United States as to that and base my action upon its finding.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BRISTOW. I do.

Mr. SMITH of Georgia. I should like to suggest to the Senator from Kansas that so far as the terminals at St. Louis are concerned, at least under the conference report, we have cut their arbitrary claims, and beyond any question we will at the next session abolish the existing provision with regard to the $50,000 a year and force them to their proper status, paying to those companies only the mileage which they ought to receive for going into St. Louis. That I do not consider an important question, with reference to this conference report, but to undertake arbitrarily to determine that we will allow 5 per cent increase to the railroads for the parcel post without knowing anything about what that service will amount to I think is a mistake. I do not see how we can justify it. It may be that the service will be more; it may be that it will be less. What the service is we should pay and not undertake in advance to estimate it.

Now, I want to suggest that by the 1st of next January we will be in a far better position to know the facts. Then we ought to be able approximately to estimate what increased service has been rendered on account of the parcel post. Of course, in some respects, the parcel post will reduce the service now being rendered, for a part of the mail now going in other ways will go by parcel post.

I want to suggest this substitute for the provision in the report of the conference committee:

The joint committee on parcel post shall report to Congress by January 1, 1914, the amount of additional mail carried by the railroad companies in consequence of the adoption of the parcel post and the provision that may be made to pay for the same.

Mr. BOURNE. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. I do.

Mr. BOURNE. I should like to ask the Senator how the joint committee could comply with his suggested substitute, if it were adopted, without a special weighing-in order to get an ascertainment as to the increase of business?

Mr. SMITH of Georgia. In reply to that I will ask the Senator a question. How did the conferees reach the conclusion that 5 per cent is just?

Mr. BOURNE. If the Senator from Kansas will permit me, I will be very glad to make an explanation to the Senate as to the action of the conferees. I was waiting until the Senator from Kansas had completed his remarks before attempting to explain it.

Mr. BRISTOW. I would be very glad to yield to the Senator from Oregon if he desires to explain it now.

Mr. BOURNE. I can wait until the Senator concludes or I will go on now.

Mr. BRISTOW. Go on now, and then I will take the floor.

Mr. BOURNE. First, referring to the statement of the Senator from Kansas as to the bill as it passed the Senate last year, abolishing the blue tag upon the regular weighing period, no such provision was in the bill as it passed the Senate. The provision that was in the bill as it passed the Senate was the amendment suggested by the Senator from Georgia [Mr. SMITH], to which the conferees disagreed, the House declining to agree, and finally Congress enacted legislation now in the law, which I read a while ago. I think every Senator here will recognize that if Congress places a burden upon any of our citizens it is the duty of Congress, as the servant of the people, to give her citizens compensation in accordance with the services rendered.

In the last Congress we enacted section 8 of the Post Office appropriation bill, known as the parcel-post legislation. It was an enlargement of the activity of fourth-class mail matter, increasing the maximum weight limit and materially decreasing the rates. The improved service must necessarily lead to an increase in the use of that service.

I do not think any Senator will contend that there will be no additional business incident to what is known as the parcel-post legislation. The difficulty is to determine what compensation is justly due to the transportation companies because of this increased burden.

On the 20th of January the Postmaster General addressed a letter to me as chairman of the Committee on Post Offices and Post Roads, in which he recommended, under the item "for transportation on inland routes," in the Post Office bill coming from the House the insertion of this item:

Provided, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized to weigh the mails on railroad routes in the fall of 1913 for not less than 30 successive working days, and to readjust compensation from the date of the commencement of said weighing at not exceeding the rates provided by law.

I submitted in the committee an amendment practically the same as I have just read, and on page 21 of the bill, lines 1 to 8, inclusive, the Senate approved of this legislation:

Provided further, That on account of the increased weight of mails resulting from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes for not less than 30 successive working days, and to readjust the compensation from the date of the commencement of said weighing at not exceeding the rates provided by law.

It will be seen that it is practically the same as was recommended by the Postmaster General in his letter of January 20 to the committee, to follow the item quoted. To continue the reading of the same letter, the Postmaster General says:

To defray the expenses of such a weighing and for the increased expenditure for railroad transportation resulting therefrom in the fiscal year of 1914, it will be necessary to add the sum of $9,173,000 to the

amount previously estimated—$49,661,000—for the item "Inland transportation by railroad routes," making the total amount of the estimate for that item $58,834,000. The estimate of $9,173,000 is made up of the following items:

Estimated increase in compensation on account of increase in weight of regular mails since last weighing	$3,861,000
Estimated increase on account of parcel post	4,812,000
Estimated cost of 35 days' weighing and tabulation	500,000
Total	9,173,000

According to the Postmaster General's opinion, the enactment of legislation recommended by him and adopted by the Senate would require the Government to pay $9,000,000 more in railway mail pay than was estimated for in the regular annual estimates. According to the conference agreement on amendment No. 26 and the substitute now before the Senate, the Government would pay a maximum of two and a half million dollars. Thus, according to the estimates of the Post Office Department, the Government would save by the enactment of the conference recommendation over six and a half million dollars.

There is a question as to the correctness of the opinion of the Post Office Department, but I would say, for the information of the Senate, that the Postmaster General requested 1,600 of our post offices having carrier service and handling over 76 per cent of all the mails transmitted and handled in the United States, to keep account of all fourth-class mail matter for the first 15 days of 1913 and to report to the Post Office Department, in order that the department might have some idea as to the extent of that service, to enable it to make administrative provisions for handling the increased mail. And upon the same the Post Office Department based its calculation upon the information received from these offices, made its deduction, and sent to Congress these estimates. I have a statement of the returns from 1,597 of the offices. I myself made the computation upon the information from 45 of the largest cities, representing 48 per cent of the total mail matter of the United States. To be sure, this represents only three seventy-thirds of a year; but I think, Mr. President, considerable information can be derived by computation and deduction based on this ascertainment from these different cities on an actual count for the first 15 days of the year. Hence, Mr. President, I think instead of the conferees being submitted to severe criticism, and the inference being left possible in the minds of some of the audience that the conferees have been derelict in their duty, they should be commended for having agreed upon a substitute for the action of the Senate, which, according to the best information available, will save the Government six and one-half million dollars.

In regard to the comments of the Senator from Kansas [Mr. BRISTOW] upon the blue-tag system, I am as strongly in accord with the views which he expressed as he himself is. The Senate conferees worked many hours in conference; they protested against the injustice done some of our citizens; and believed that we should rebuke an administrative head who has attempted by his action to discriminate between our citizens. They believed that where citizens pay the same compensation for a service rendered, they are entitled to equal service. But, as I have stated before, Mr. President, it is impossible for the conferees of the Senate to control the conferees of the House, or vice versa.

All that could be accomplished was to secure a further rebuke, inferential, if you please, by the adoption of the last proviso in the conference report instructing the joint committee on postage on second-class mail matter and compensation for the transportation of mail to inquire into "the question of the transportation of second-class mail matter in fast freight trains and the manner of handling incident thereto and report upon the same and the best method of effecting its discontinuance, if such be found advisable."

Our parcel post, so-called, was constructed on a basis that would make a profit to the Government. Personally I am most confident that such will be the result. To repeat, section 8 of the last Post Office appropriation bill, known as the parcel-post law, was constructed on a basis which would make it far more than self-supporting to the Government. For the first zone, where we provided a 5-cent overhead charge, the department estimates a cost of 3 cents overhead charge, thus giving the Government a profit of 66⅔ per cent on the overhead or pick-up and delivery cost. It is estimated—and the estimate is reliable—that it costs the Government 2.58 mills to haul one pound of fourth-class matter 50 miles, while we charge 3 cents, or a profit of 1,100 per cent to the Government. It certainly was not the expectation of Congress that, after charging our citizens a profit of 1,100 per cent in the transportation charge of the first zone, we should pay the transportation companies nothing for that service.

On our second zone, our rate includes 4 cents for the transportation charge and our overhead charge is 5 cents. The transportation cost to the Government on the second zone would be less than a cent, or an actual profit to the Government in the price we charge our citizens of over 300 per cent on the transportation charge. Was it the expectation and intention of Congress that no compensation was to be given to the transportation companies after charging our citizens 300 per cent profit? I do not think so, Mr. President; neither do I think that the conferees should be criticized for their action, but on the contrary strongly commended for what I believe a most favorable settlement, except our inability to secure the discontinuance of the blue tag.

Mr. SMITH of Georgia. Will the Senator from Oregon yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. BOURNE. I do.

Mr. SMITH of Georgia. I want to say that I did not mean in any sense that no compensation should be given to the railroads. The only suggestion I made was that if we waited until the service had been going on for 12 months we could more accurately reach a conclusion as to how much had been done by the parcel post than we can at the end of 30 days. It was not with the idea that the railroads should receive no compensation. In the amendment which I suggested I expressly provided as follows:

That provision may be made to pay for the same.

I want to add now, while I am on the floor, that, while I do not like the plan of undertaking to fix a percentage of compensation until we have gone on through the year, I do not believe that the proposed percentage will be too great, but I think what the conferees have brought back is so much better than what the Senate sent out that I am disposed to withdraw my own objection and to support the action of the conferees, repeating, however, that I do dislike the idea of fixing in advance the compensation before we know more of the service; and, with the opinion of the Postmaster General, I scarcely think there is any danger of the 5 per cent being excessive. I am inclined to believe, with the confidence I have of the use the public will make of the parcel post, that by the end of the year we shall find that it will be more than 5 per cent. I would be willing to take the chances and feel quite sure we would not be losing by it. So I think I shall withdraw my objection, and I think we can really afford to do so. We have expressed our opinion against the plan of fixing a rate in advance, and I still entertain that view; but I am inclined to think we had better take this than to risk getting back into conference and having more of what the Senate placed on the bill.

Mr. SMITH of South Carolina. Mr. President, will the chairman of the committee permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. BOURNE. With pleasure.

Mr. SMITH of South Carolina. I am in hearty accord with what the Senator from Georgia has just said. The only difficulty with me is that I really believe, having entered into a contract with the railroads to give them a certain amount on tonnage for carrying the mails, we shall be doing them an injustice in this 5 per cent increase, because, taking the rate of increase on the parcel post for the few days that they have already estimated it, it will be, in my judgment, nearer $9,000,000 at the end of the weighing period than $2,500,000; and I think, if we are going into the question from the standpoint of economy, taking the 5 per cent increase will be a vast saving to the Government rather than let it run on for 12 months, and then let the law be retroactive, and pay railroads for the increased tonnage during the 12 months.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Alabama?

Mr. BOURNE. With pleasure.

Mr. BANKHEAD. Mr. President, I beg the indulgence of the Senate for a very few moments while I endeavor to state the attitude of the conferees on the part of the Senate touching this bill.

I agree with the Senator from Kansas [Mr. BRISTOW] that the blue-tag system is an outrage. I do not believe there is any justification for it in morals, in equity, or in any other way; but, Mr. President, it is the law, or at least it is one of the regulations which the Postmaster General has made under the discretion we have given him, and we can not now get away from it. To adopt the views of the Senator from Kansas would mean an addition of a million and a half or two million dollars to the mail pay. Everybody concedes that. I admit that it ought to be paid. I do not believe that the Postmaster General or anybody else has the right to discriminate against publishers

of periodicals and require one publisher to send by fast freight and permit another to send by fast mail; but that was the best that we could do. When we conferred with the House conferees about paying the railroads a million and a half dollars more on these publications they came very near jumping out of the window. [Laughter.]

Again, Mr. President, I do not know whether or not the railroads are entitled to 5 per cent because of the additional burdens that have been imposed by the parcel post, but I do know that the Second Assistant Postmaster General, who is a most competent man, who is painstaking in all of his estimates, came before the conferees and stated that the increase would be more than 10 per cent. The Postmaster General, in referring to the reweighing of the mails, said, "If you do, it will add more than $9,000,000 to the present railroad appropriation for the carrying of the mails." We could not get away from that; that is all there was about that. Our associates at the other end of the Capitol would not consent to a weighing at all. They said, "If you do that, you will increase this compensation five, six, seven, eight, nine, or ten million dollars, and we will not stand for it, but we will accept your proposition to add 5 per cent by reason of the cost, by reason of the burden that has been added because of the activities of the parcel post.

The terminal proposition at St. Louis can not be settled in this bill. The conferees have done the best they could.

Mr. SMITH of Georgia. Will the Senator yield to me in order that I may make a motion for the recall of a local bill from the other House to correct an error in it?

Mr. BANKHEAD. I shall be glad to do so.

JUDICIAL DISTRICTS IN GEORGIA.

Mr. SMITH of Georgia. I move that the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which has been sent from the Senate to the other House, be recalled in order to correct an error in it. It is a local bill applicable to Georgia, and nowhere else, with reference to the holding of a court.

The PRESIDENT pro tempore. The Senator from Georgia moves that the bill referred to by him be recalled from the House of Representatives.

The motion was agreed to.

Mr. SMITH of Georgia. I now desire to enter a motion to reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The motion will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries.

The message further announced that the House returns to the Senate at its request the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 6877. An act to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army;

S. 7875. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, and Palo Verde Mesa, Riverside County, Cal.;

H. R. 27090. An act for the relief of Cora Evans;

H. R. 27789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914;

H. R. 28499. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28613. An act to construe the name of E. T. Bourger, as the same appears in the report of Hawkins Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.;

H. R. 28632. An act to authorize the construction of a bridge across Twelve Mile Bayou, in Caddo Parish, La.;

H. R. 28633. An act to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana; and

S. J. Res. 132. Joint resolution providing for an American commission for the investigation of rural credits in Europe.

POST OFFICE APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

Mr. BANKHEAD. Mr. President, I want to say a word more in connection with this bill and the activities of the Post Office Department.

It must not be forgotten that the Post Office Department is the only department of this Government that pays any part of its expenses; it must not be forgotten that the Post Office Department reaches every man, woman, and child in this country, and they themselves pay for the benefits. It is true that the amount of appropriation in the Post Office bill has been going forward by leaps and bounds. Why? A few years ago the demand from the people of this country was such that Congress was compelled reluctantly to establish a rural-route system in this country. For that purpose we appropriated the first year $10,000 and organized some 300 or 400 miles of rural routes. In this bill we are appropriating $47,000,000 for rural service, and we now have more than 44,000 routes, traversing more than a million miles of road and delivering the mail at the doors of 30,000,000 people.

What followed that, Mr. President? We established the parcel post, which has imposed an additional burden on the Post Office Department and must necessarily add largely to increase the cost of the transportation of the mails. Under the provisions of the law covering the parcel post the service more than pays the expense. It does not cost the Government a cent to transport the parcel-post matter. The people pay for that, and they pay a very high per cent. As stated by the chairman of the committee, in the first zone the profit to the Government is more than 600 per cent. That being so, I can not understand why it is that the Congress of the United States is not willing to deal liberally and justly with the Post Office Department, because they are dealing with the department that reaches all the people of this country.

In 10 years, the way things are going, the appropriations for the Post Office Department will amount to $350,000,000. You can not stop it, and you ought not to stop it. It is the people's department, and they are paying for it. The people are insisting on having a dance, Mr. President, and they are willing to pay the fiddler. That is all there is to that.

That is all I care to say about this bill. If Senators, in their judgment, think it is a bad bill, they need not adopt the report of the committee of conference. In my judgment, it is the best we can get. We tried for three days and nights to bring about an adjustment of the disputed questions, and this is the best compromise that we could make; and all legislation, in the end, Mr. President, is the result of compromise.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Michigan?

Mr. BOURNE. I do.

Mr. TOWNSEND. Mr. President, instead of criticizing the conferees on the part of the Senate, we should, rather, commend them, for they have labored long and faithfully, and a right understanding of their work reveals the fact that they have accomplished much and have secured, on the whole, a most excellent bill. If there be one Senator who has devoted more time and intelligent attention to the work of his committee than has the chairman of the great Committee on Post Offices [Mr. BOURNE], it has not been my good fortune to know of it. Senators may differ on some of the many items in this great measure, but before too severe criticism is indulged the critics should be sure that they understand the true situation.

I feel a good deal as the Senator from Georgia [Mr. SMITH] does in reference to the 5 per cent provision. The Senate committee did not include this in its report, as it was a difficult

matter to determine, but no one can doubt that parcel post will greatly increase the fourth-class mail matter and thereby increase the burden upon the railroads, and good conscience would indicate that the Government should compensate them for this extra work which it places upon them.

The railroads are now carrying the mails under contract with the Government, which contract is based upon mail weights found by weighings at a time before the establishment of the parcel-post system. I can not assume that that contract is unfair. I know it exists and that the Government is a party to it; and, in honor, it must observe its contracts the same as it compels its citizens to observe theirs. It is possible that we are paying the carriers too much. Maybe the Government made a poor bargain. I do not know whether that is true or not. That is a contested question; but I do know that we have placed a great additional burden on the railroads by reason of the parcel post. I think that the 5 per cent additional pay which the conferees have inserted will be far short of what they would be entitled to, based on the last weighing of the mails. In justice to both the railroads and the Government a new weighing should be had, for without that it will be impossible to tell what the Government should pay and what the carrier should receive.

I wish to devote myself for a moment to another provision in the bill; and I do so at the request of the chairman, whose voice is in a bad condition as he is suffering from a very heavy cold to-night. I refer to the provision in reference to the St. Louis Terminal Co. There is something complicated about the history of that company, I admit. I know that it has a charter as a distinct and separate corporation. I also know that the stock is owned by some 14 or 15 roads. I am informed that all roads entering St. Louis from the West end at the west bank of the Mississippi and all roads from the East end at the east bank of that river—their rails do not extend over the bridge; they must use the terminal company's rails. I know also that the organization of this company is such that it can not make money; that is, it can not declare dividends. It can only charge sufficient money to maintain the bridge and pay operating and improvement expenses. It is charged that the Government is paying too much for the use of this company's property in hauling and handling the mails; but here, again, we have a contract, and it was made in 1899. Why attempt to change that contract on an appropriation bill? Would it not be fairer, and therefore better, to proceed formally and in a regular way to change the contract through the introduction and passage of a special bill repealing the act of 1899?

Such a course would permit a full hearing and investigation of the subject, and, instead of proceeding blindly and perhaps unjustly, we could act understandingly. By the way, the contract with this terminal company does not involve simply the carrying of the mail across the river or over the bridge. It means the use of the tunnel on the other side; it means the use of terminal facilities used by the Government, which the department says cost the company something in excess of $60,000 a year. This company, under the law of 1899, is entitled, in the discretion of the Postmaster General, to $50,000 a year. The House bill left this law unchanged. The Senate reduced this amount to $20,000. The conference determined upon an amount between the two and agreed upon $35,000, which seems to me a very good compromise on the part of Congress if we are in a position where we want to take advantage of our contract and of our own law and drive a sharp bargain because we can.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. TOWNSEND. I do.

Mr. SMITH of South Carolina. The Senator seems to argue from the standpoint that, on account of the extra cost to the railroads for the use of the property of private individuals to get into St. Louis, the Government should pay that cost. Now, is not this a parallel case? Certain railroads entering New York City at enormous expense have tunneled underneath the river and built a magnificent station in the city. Would they not have the same right, in view of this tremendous additional cost to deliver the mail as they do deliver it now in the city, to come to the Government and demand that they are entitled to extra pay on their contract? Because they have to pay extra to get into St. Louis by using the property of a private corporation must the Government reimburse them? I am speaking upon the assumption that they are to deliver the mail in St. Louis. Now, of course, if the Senator from Kansas——

Mr. TOWNSEND. But the Senator is wrong in his assumption. It is not such a contract as compels the railroads to deliver the mail into St. Louis. The roads end, as I have said, at the banks of the river—those from the West on the west bank and those from the East on the east bank. Some agency must take the mails across the river, and the Government employed the terminal company to do this work.

Mr. SMITH of South Carolina. That is the very point that I want to bring out. If their contract should require them to deliver the mail there, all that the Government would stand for would be the same mileage rate into St. Louis that other railroads pay, which is $15,000.

Mr. TOWNSEND. But, Mr. President, the case is not at all similar to the one in New York. This is a terminal company, the stock of which is now owned by some 14 or 15 roads. There are roads, however, which pass over that bridge from East St. Louis against which the 14 or 15 owners could not assess any part of the loss which would be imposed upon the owning roads if they were compelled to carry the mails at less than the cost of service. I repeat that this company can only charge the users of the bridge a sufficient sum to pay expenses. It is a separate corporation, and our contract with it should be observed or annulled. If the contract is not a good one, if we ought to change it and make the railroads deliver the mail into St. Louis, even though they do not own the bridge, as some of them do not, on a mileage rate, we ought at least to change the law. That should be done by a separate bill. That is what ought to have been done years ago, if it was wrong, as some statesmen have for years contended that it was. Anyway, this is a mooted question and it can be easily settled in the right way.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Florida?

Mr. TOWNSEND. I do; although I do not wish to take any more time. I should like to have a vote.

Mr. BRYAN. I simply desire to say to the Senator that I have introduced such a bill, and it has been favorably reported from the Committee on Post Offices and Post Roads and is now on the calendar.

Mr. TOWNSEND. I am very glad of that, because that will settle the question as to whether we are paying too much or not, because there will be a hearing on both sides and we will be able to find out what the true situation is.

Mr. BRISTOW. Mr. President, I do not believe that the railroads are being imposed upon by the parcel-post law. They are carrying the kind of freight or express matter which the parcel post carries for very much less money for the express companies than they receive from the United States Government for carrying the mail. It is assumed that they have the same right to the same rate for parcel-post matter that they have for high-class mail. To pay the railroads the same rate for carrying merchandise, such as is covered by the parcel post and for first-class mail, would be equivalent to charging the same rate on coal and dry goods. If it is proposed to enter into a readjustment of railway-mail pay—and I think that ought to be done—now is the time to do it. The Postmaster General has said that they are receiving $9,000,000 a year more than they ought to receive.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. I do.

Mr. BOURNE. I am sure that the Senator does not wish to leave a false impression in the minds of his hearers. I assume that the Senator from Kansas, in his statement as to what the Postmaster General has said, refers to what is known as Document No. 105, in which the Postmaster General, in effect, claimed that by the adoption of his suggested plan, which is the substitution of space for weight as the determining factor as to the value of the service rendered, there would be a difference of $9,000,000 in the railway-mail pay on the present basis.

But subsequently the Postmaster General submitted a second suggested plan, which is before the joint committee on railway mail pay and second-class postage, and which, in his opinion, is more equitable than the original plan he suggested; otherwise he would not send it to the committee with his recommendation. His representative, the Second Assistant Postmaster General, who was chairman of an administrative commission appointed by the Postmaster General to make a study of railway mail pay in the department, the result of which is what is known as document 105, estimated that by allowing 4 per cent on the capital charge of the railroads the Government would have to pay a million dollars more than it is now paying, and by allowing 6 per cent on the capital invested the Government would have to pay some $6,000,000 more than it now pays. So that the committee on railway mail pay having this subject under consideration have from the representatives of the de-

partment the statement that its last plan, if they saw fit to recommend and Congress to adopt it, would cost the Government more than what the Government now pays.

Mr. BRISTOW. I am not in favor of the plan submitted by the Postmaster General for readjusting the railway mail pay, although it has some good features to it. But not only do we pay the railroads very much more per pound for carrying the mails than the express companies pay, but we also pay them $5,000,000 a year for the rent of cars. We pay them a big price per ton for the mail, and then we rent from them the cars in which this mail is placed. We pay them $5,000,000 annually for the car service.

As I said before, no man can tell what additional weight there will be because of the parcel post. If we are to pay them an additional amount because of the parcel post, we ought to establish some system by which this kind of freight shall be carried and fix the rates that shall be paid. If you fill the cars with freight and pay a mail rate for it, of course you will increase the amount of compensation which the railroads receive. To my mind that is an amazing proposition—to leave the rate for high-class mail where it has been and then move the freight of the country that goes by parcel post, so far as the payment of the railroads is concerned, at the same rate that we pay for mail.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. I do.

Mr. BOURNE. Does the Senator think that between now and the time of the adjournment of Congress we will have the opportunity of working all that out and putting it into legislation?

Mr. BRISTOW. I do not, of course, because Congress is going to adjourn at 12 o'clock to-morrow. This appropriation bill, however, is for the fiscal year ending June 30, 1914; and there is time to work out a better system than this between now and when that fiscal year begins.

I wish I could impress upon the Senate the fact that the parcel post—which is freight—is being used as an instrument to increase the railway mail pay according to mail rates. It seems to me the sensible thing to do would be to readjust the railway mail pay and fix the compensation upon a fair basis from the standpoint of justice and equity to the people of the United States, who pay the bills, as well as to the railway companies, that receive the money.

So, instead of this arbitrary increase, I think it would have been better to have followed out the suggestion made by the Senator from Georgia—that is, that an account be kept by the department as to the increase in the amount during the year due to the parcel post, and then fix the rate of compensation for this increased freight business from the standpoint of justice and equity to all concerned.

I do not care to prolong the discussion. I am simply entering my protest against increasing the railway mail pay of the United States 5 per cent on what it now is, upon an estimate made from data collected for 12 days in January in 45 or 50 offices in the United States.

As to the magazines—the blue-tag system—there is left to a commission the determination of the best way of adjusting that problem as to the second-class rate. If they can wait for a proper ascertainment of what would be just, why can not the railroads wait for a proper ascertainment as to the increased business that they will have?

It is claimed that we want to do justice to the railways, and that is true. Nobody wants to do an injustice to the railways. Nobody proposes to do an injustice to the railways. What I propose is that we wait until we see what burden—if that term may be used—is placed upon them, and then pay them for the additional work they do from some equitable standpoint.

It is said that the reweighing would cost $500,000, and that the additional weight would entitle the railroads to more pay than they would receive under the present provisions of the bill. That is something that nobody knows. There is an exaggerated idea as to the weight of the parcel post. Nobody can estimate accurately what it will be. I protest against increasing the pay of these companies when the officials of the department declare that they are already paid more than they ought to be, and want a readjustment. I say we should proceed first to the readjustment of the pay without increasing the rate and allowing them mail pay upon the freight business that we have given them.

I hope the conference report will not be adopted.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. BRISTOW. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, I withhold my vote.

Mr. SMITH of Michigan (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. REED]. In his absence, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. SMITH of Michigan. Through the courtesy of the Senator from West Virginia, I transfer my pair to the Senator from Illinois [Mr. CULLOM] and will vote. I vote "yea."

Mr. DILLINGHAM. I transfer my pair with the Senator from South Carolina [Mr. TILLMAN] to the Senator from Nebraska [Mr. BROWN] and will vote. I vote "yea."

Mr. LEA. I desire to announce that the junior Senator from Tennessee [Mr. WEBB] is necessarily absent. He is paired with the junior Senator from New Hampshire [Mr. BURNHAM]. I make that announcement for the night.

Mr. CHILTON. Under the arrangement stated by the Senator from Michigan [Mr. SMITH], I transfer my pair and will vote. I vote "yea."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that to the Senator from Arizona [Mr. SMITH] and will vote. I vote "nay."

The result was announced—yeas 47, nays 12, as follows:

YEAS—47.

Bankhead	Curtis	Lippitt	Smith, Mich.
Bourne	Dillingham	Lodge	Smoot
Bradley	Fall	McCumber	Stephenson
Brady	Foster	Oliver	Stone
Brandegee	Gallinger	Owen	Swanson
Bryan	Gamble	Page	Thornton
Burton	Gronna	Paynter	Townsend
Catron	Guggenheim	Penrose	Warren
Chilton	Johnson, Me.	Root	Wetmore
Clark, Wyo.	Jones	Sheppard	Williams
Clarke, Ark.	Kavanaugh	Simmons	Works
Crane	Lea	Smith, Ga.	

NAYS—12.

Ashurst	Kenyon	Myers	Pomerene
Bristow	Kern	O'Gorman	Sutherland
Cummins	La Follette	Poindexter	Thomas

NOT VOTING—36.

Bacon	Cullom	McLean	Reed
Borah	Dixon	Martin, Va.	Richardson
Briggs	du Pont	Martine, N. J.	Shively
Brown	Fletcher	Nelson	Smith, Ariz.
Burnham	Gardner	Newlands	Smith, Md.
Chamberlain	Gore	Overman	Smith, S. C.
Clapp	Hitchcock	Percy	Tillman
Crawford	Jackson	Perkins	Watson
Culberson	Johnston, Ala	Pittman	Webb

So the conference report was agreed to.

PUBLIC BUILDINGS BILL.

Mr. SUTHERLAND submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes; further reports that upon four amendments in dispute the Senate recede from its disagreement on Nos. 203, 217, and 218 and that the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"SEC. 25. That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May 17, 1911, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park; and the sum of $1,300,000 is hereby authorized to be expended toward the acquirement of such land. That all lands now belonging to the United States or to the District of

Columbia lying within the exterior boundaries of the land to be acquired by this act as shown and made a part of the parkway herein authorized to be acquired. One-half of the cost of the said lands shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia in eight equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments. That should the commission decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stats. L., vol. 26, ch. 837)."

And the Senate agree to the same.

GEORGE SUTHERLAND,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

JOHN L. BURNETT,
FRANK CLARK,
J. E. ANDRUS,
Managers on the part of the House.

Mr. WARREN. This is a full agreement?

Mr. SUTHERLAND. Yes. Mr. President, I move that the Senate agree to the conference report.

Mr. KERN. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. Before the vote is taken, I desire to speak upon the motion for a moment.

It is commonly assumed, when one rises to speak upon a report of a conference committee at this stage of the session, that it is his purpose to delay a vote upon it. I disclaim any such purpose. I do not want my vote to be recorded against this report, however, without a word of explanation. I am opposed to a public buildings bill——

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. KERN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Indiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Lodge	Smith, Ga.
Bourne	Fall	McCumber	Smith, Mich.
Brady	Foster	Martine, N. J.	Smith, S. C.
Brandegee	Gallinger	Myers	Smoot
Bristow	Gamble	Nelson	Stephenson
Bryan	Gore	Newlands	Stone
Burton	Gronna	Owen	Sutherland
Catron	Guggenheim	Page	Swanson
Chilton	Johnson, Me.	Paynter	Thomas
Clapp	Jones	Penrose	Thornton
Clark, Wyo.	Kenyon	Pittman	Townsend
Clarke, Ark.	Kern	Poindexter	Warren
Crane	La Follette	Pomerene	Wetmore
Cummins	Lea	Sheppard	Williams
Curtis	Lippitt	Simmons	Works

The PRESIDENT pro tempore. On the call of the roll 60 Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS. Mr. President, my chief objection to the bill as it now is relates to the modification or change which the conference committee has made in what is generally known as the Kern amendment.

It seems to me that when we are advised, as we have been oftentimes, that the people of this country are not satisfied with the manner in which bills of this character are made up, we ought to do what we can to prove to them they are framed honestly and unselfishly for the public good.

I am not opposed to public buildings erected by the United States throughout the country. On the contrary, I feel that the Federal authorities ought to be liberal in the erection of buildings for Government purposes. But a bill like this necessarily interests and affects almost every locality in the country, and it is natural that those who assemble here in the Congress of the United States are more directly concerned in their own localities than in those that are remote from their residences and their constituencies. The people believe that when we come to make up a public buildings bill the Members are indifferent with regard to its extent, with regard to the amount of money that is appropriated in it, and that they are made indifferent because the demands of their own localities are satisfied, and it is too much to ask of human nature that they judge impartially and fairly of the items in the bill.

I do not know how many items there are in this bill that ought not to be in it. I do not criticize any one of them. I especially do not criticize the committee of conference. But in view of what I have already stated, it seems to me that it is high time that we should seek some other system to regulate our public improvements. We ought to find some way in which a general principle or policy could be enforced without incurring the adverse comment that I have already mentioned.

There is but one way to do it, and that is to prepare and adopt a plan, which we can do, with an eye single to the public good, and then apply the plan to the country, let the buildings go where they may. Then it will be understood by all the men of the United States that we are not trading our votes in order to secure advantages for our own localities. Then it will be understood that we are endeavoring to promote the general welfare and not the development of a particular State or a particular community in which we may be especially concerned.

That thought was uppermost in the minds of all Senators here when the distinguished Senator from Indiana offered the amendment when the bill was upon its passage. As I remember it, the amendment was adopted by a unanimous vote. As I recall it, there was no opposition to it, and there was no opposition because we all saw that this at least was the beginning of a system that might command the approval of the people of the country.

We are asked now in this conference report to say that that is a good principle for other Congresses, but not a good principle for this one. Although it might be useful in the future, and although it would have no legal effect, I do not deny that it might be of value when we come to determine these matters in the future. But even though it might be of some value, there is no reason that can be given for its application to future bills that does not apply to the present bill with equal force.

What do we say to the people of the country, declaring in one breath that hereafter there shall be a limitation upon the location of public buildings throughout the country and that no public building designed for post-office purposes alone should be erected unless the postal receipts were $10,000 per annum, and yet at the very same moment disregarding the principle so far as our present action is concerned?

Mr. President, there are two things that always ought to be present in the minds of men when they come to legislate, indeed in the minds of men in administering any phase of public affairs. The first is to be right. The second is to so do right that the people of the country will know that we are doing right.

One great menace to free institutions in our country is the loss of confidence which people are suffering or feeling in every department of the Government—in our executive department, in our judicial department, and in our legislative department as well. We can not survive a loss of the esteem and the confidence and the respect of the rank and file of the people. While I do not suggest that we ought to pass any law or do anything that we believe to be wrong simply because we may think it to be popular, when we know that a system is wrong and that it has robbed the Congress of the United States of some of the respect and some of the confidence which it ought to enjoy, the time to regain that confidence, to restore the respect, is the moment, and the first moment, in which we are called upon to act.

Senators, it is far better that the public improvement of the United States, in so far as the erection of buildings is concerned, should be arrested for a year or for a few months if we can establish a system that will not only carry forward these improvements as rapidly as they should be carried forward, but at the same time prove to all the people that legislation here is not the result of individual or selfish interest, but is the result of a high regard for the public welfare and the common good.

If the amendment proposed by the Senator from Indiana should remain a part of this bill, then we have proclaimed one rule for future legislation as well as for the present legislation that would go far toward removing from the minds of those who look to us for protection and for government the suspicion that we are not disinterested when we come to weigh the merits of a bill of this character.

I wish the amendment could go much further. I think we ought to pass a law that would provide the conditions under which these public buildings that are intended for a single purpose should be erected. I think we should make this an appropriation that would be used for the purpose of erecting these buildings wherever these conditions are fulfilled, so that the community that had no especial representative here would know that its want, its just demand, would receive the same recognition at the hands of the Government as those communities for which there appeared some special advocate.

Mr. President, I must be candid and say that there are a good many appropriations in this bill for my own State. Some of them, most of them, would come probably within the rule established in the amendment to which I have referred. Some of them would not, and as to them, they ought to share the same fate that the towns in other States would suffer that could not fulfill the requirements of the amendment.

We are about to enter a special session. It will be an easy thing to prepare a public building bill based upon the idea of the amendment. The operations of the Government will not be long deferred, no great interest will suffer; and, knowing as I do the temper, the real desire of the Senators here, it seems to me that we ought to defer the public building bill until it can be framed by the committee, guided by, controlled by the suggestions of this amendment.

I hope, and I hope it earnestly, that this bill will not become a law, notwithstanding the very many excellent features that I know it has. With regard to most of it I have no especial information, and I take it that no Senator here could have special information. I take it that even the committee that reported the bill in the first instance had not and could not have extensive knowledge with regard to all the items that were contained in the bill as it came from the House of Representatives. And I am accusing no man of any improper motive. I acquit, and I do it gladly, the Members of the Senate from any intent to gratify their own communities at the expense of the public good; but I indict the bill because it is bottomed upon a false system. We never will present legislation acceptable to the people of this country in either a general buildings enactment or a rivers and harbors enactment until we change the system.

I know the people of the country are not parsimonious. They are not objecting because we spend sufficient money to erect public buildings wherever they are needed. They gladly and willingly approve appropriations that are intended for the improvement of our great inland waterways, as well as our harbors. But what they want to know, and they have a right to know, is that the appropriations are determined not because of a collection of all the interests that may be centered in the House of Representatives and in the Senate, but that they are made after a careful and comprehensive review, and made according to a plan that has been adopted after mature consideration and after intelligent study of the whole subject.

I therefore, Mr. President, will find it impossible to give my assent to this bill, and as reluctantly as I do it, I mean reluctantly in the sense of disappointing some who feel that the bill is right, I shall vote against the adoption of the report.

Mr. SUTHERLAND. Mr. President, the Senator from Iowa and myself have been in the Senate long enough to have discovered that we can not, any of us, have our own way about everything. The so-called Kern amendment was put upon the bill and had my hearty approval. However, we had to deal with gentlemen from the other end of the Capitol who did not agree with the amendment.

The rule proposed by the Kern amendment has never been the rule before. I have heard it stated on the floor that there has been a practice heretofore which confined the erection of buildings to towns where the post-office receipts exceeded $10,000. I have taken some trouble to inquire about that, and I find that it is an entirely erroneous view. There never has been any such practice. There never has been any such understanding. I think it should be the rule; and we have undertaken by the modified amendment to provide, so far as we are able to do it, that it shall be the rule in the future.

This bill went to conference three days ago. We have had three different conferences about it. Twice before it has been reported to the Senate as in disagreement upon several of the items. The Senate conferees have done the very best they could with the Senate amendments which were put upon the bill.

I agree with much that the Senator from Iowa has said. I think we proceed in this public building matter in a rather haphazard fashion, and I think we ought to adopt in the future some definite plan. I think, for example, that we are paying altogether too much for the erection of the buildings in the smaller towns; and much of it arises from the fact that we have no definite and settled plan. If I had my way about it, I would have the Postmaster General and the Supervising Architect together prepare certain definite plans for buildings in the towns throughout the United States of various sizes. There is no reason in the world why there should not be erected in 200 different towns in the United States 200 buildings of exactly the same type. They do not stand side by side so as to offend the artistic sense. They are in different towns and scattered about through the country, and if two of the buildings were exactly alike, as I have said, there could be no objection to it.

It seems to me that if the Postmaster General and the Supervising Architect together were to make plans, for example, that in towns where the receipts are $10,000 per annum a building might be erected that would cost $20,000, in towns where the receipts are $15,000 to cost $30,000, and so on, standard plans and specifications could be devised, so that when we passed a public-building bill instead of getting for one town a building of $60,000 and another town with exactly the same number of people and the same post-office receipts $50,000 we would simply provide that in towns of that amount of post-office receipts we would erect a building of class A costing $20,000 and in another town a building of class B costing $30,000, and in that way we would avoid much of the expense in the architect's office. But those are things that, like the Kern amendment, have not been put into formal shape in the past. They ought to be put into definite shape in the future.

The Kern amendment as modified will serve, I think, a very useful purpose. It is a declaration of Congress in this statute that hereafter no building shall be erected in any town where the post-office receipts are less than $10,000, and that no site shall be authorized in any town where the post-office receipts are less than $6,000. With that upon the statute books the committees in the two Houses will feel bound by it, and bills which do not meet these requirements will not be considered, and we will not be bothered with these questions in the future. But the House conferees took the position that this bill has been framed as bills in the past have always been framed and that there would be hardship and, to some extent, injustice done by making this rule apply to the items in this bill. Those items are not numerous. There are, I think, not to exceed three or four at the outside that were put on by the Senate; just how many were put on in the other House I am not able to say, but compared with the total amount of the bill they are relatively trivial.

As I said in the beginning, we can not have our own way about all these matters. The Senate conferees have done the best they could. We have receded from some of the items, very much to my regret. We have receded from the armory item, which I think was one of the most important items in the bill, but it was necessary to do so in order to agree upon the remainder of the bill. We have receded from an item in which the Senator from New York [Mr. O'GORMAN] is interested—providing for the purchase of a site in the city of New York, amounting to $3,000,000. I think that it is unfortunate that we were compelled to give that up, but we were obliged to do so. We have given up probably altogether something like $8,000,000 of the amendments put on by the Senate. It was absolutely necessary to do so if this legislation was to pass.

There are a vast number of not only important but very necessary provisions in this bill. There is the provision for the erection of the Geological Survey Building, to cost something over $2,000,000, a structure that is absolutely necessary. We have kept in the bill the provision for the acquirement of ground to add to the Rock Creek Park, a very necessary and important item. We have kept in the bill a provision for increasing the limit of cost for the building for the Bureau of Engraving and Printing, the item for the Archives Building, the item for the Patent Office Building, and a large number of others. It seems to me that it would be unwise to permit a bill of this character to fail because there happen to be in it some amendments that everybody does not like or some items in the bill that would be subject to some criticism.

Mr. O'GORMAN. Mr. President, no Senator on any occasion when this bill was under consideration has attempted to justify or defend its provisions. Some Senators, like the chairman of the committee, have endeavored to excuse certain of its provisions, but I repeat that no single Senator has had the temerity to rise in his place on this floor and declare that this was a good piece of legislation. It is labeled a "public-buildings bill." We would indulge in no extravagant phraseology if we should call it a "public-plunder bill"; and I move, Mr. President, at this time that the report of the conference committee lie on the table, in the hope that at another time, and in the near future, necessary public buildings may be erected and a provision offered devoid of the extravagance and waste which distinguishes this proposed legislation.

The PRESIDENT pro tempore. The Senator from New York moves that the conference report lie on the table. [Putting the question.] The noes appear to have it.

Mr. KENYON and Mr. O'GORMAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM], but

under my arrangement with him I have authority to vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Nebraska [Mr. BROWN] and vote. I vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON] and on that account withhold my vote.

Mr. SMITH of Michigan (when his name was called). I make the same announcement as on the previous roll call, and shall vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Arizona [Mr. SMITH] and vote. I vote "nay."

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in the Chamber and I do not think he is among those who are recorded as voting.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. SIMMONS. I transfer my pair with him to the Senator from Virginia [Mr. MARTIN] and vote. I vote "nay."

The result was announced—yeas 17, nays 46, as follows:

YEAS—17.

Bristow	Kenyon	Owen	Williams
Cummins	Kern	Page	Works
Gardner	La Follette	Stone	
Gore	Lea	Thomas	
Gronna	O'Gorman	Townsend	

NAYS—46.

Ashurst	Curtis	McCumber	Smith, Ga.
Bankhead	Dillingham	Martine	Smith, Mich.
Bourne	Fall	Myers	Smith, S. C.
Bradley	Foster	Newlands	Smoot
Brady	Gallinger	Oliver	Stephenson
Brandegee	Gamble	Paynter	Sutherland
Bryan	Guggenheim	Penrose	Swanson
Catron	Johnson	Pittman	Thornton
Chamberlain	Jones	Poindexter	Warren
Chilton	Kavanaugh	Root	Wetmore
Clark, Wyo.	Lippitt	Sheppard	
Clarke, Ark.	Lodge	Simmons	

NOT VOTING—32.

Bacon	Crawford	Johnston, Ala.	Reed
Borah	Culberson	McLean	Richardson
Briggs	Cullom	Martin, Va.	Shively
Brown	Dixon	Nelson	Smith, Ariz.
Burnham	du Pont	Overman	Smith, Md.
Burton	Fletcher	Percy	Tillman
Clapp	Hitchcock	Perkins	Watson
Crane	Jackson	Pomerene	Webb

So Mr. O'GORMAN's motion to lay on the table was rejected.

The PRESIDENT pro tempore. The Chair feels it incumbent upon him to make a statement to the effect that the motion made by the Senator from New York [Mr. O'GORMAN] was inadvertently entertained by the Chair. The only motion in reference to conference reports is as to whether or not they shall be agreed to. The motion is not amendable, and it has to be direct. The question now is on agreeing to the conference report.

Mr. KERN. Mr. President, I have not the strength nor have I the inclination to occupy the time of the Senate to any great extent at this hour of the morning. If I believed that any material interest in this country would suffer by the defeat of this bill, I would interpose no objection to its passage under the circumstances that now surround us, but I can not persuade myself that any such interest would suffer by the postponement of the passage of any such bill as this to some time in the future. A special session of Congress will be called to convene on the 1st of April next, a little less than a month away. Upon to-morrow a new President of the United States will be inaugurated, a man who is pledged to carry out the promises of the Democratic platform. A new Congress will come in. In 60 days from this time every interest that is affected by this bill can be well taken care of and a public buildings bill can be framed on fair, equitable, and just lines. I see no reason for haste in passing this bill, nor do I see any reason for the great interest that is manifested here to-night that it should pass in its present form, which, according to an almost unanimous vote of the Senate taken a few days ago, is objectionable in the extreme.

In my judgment, Mr. President, the measure which we have now before us is the boldest and most audacious raid on the Public Treasury that has been attempted in recent years.

Mr. PENROSE. Will the Senator from Indiana permit an interruption in order that the action of the House of Representatives on the naval appropriation bill may be laid before the Senate?

Mr. KERN. Certainly.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, insisting upon its disagreement to the amendments still in disagreement, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I present the report of the committee of conference on the naval appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 7, 8, 9, 12, 28, 29, 35, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 11, 14, 15, 16, 17, 18, 19, 20, 22, 25, 26, 27, 30, 31, 34, 36, 38, 40, 41, 42, 43, 44, 51, and 52, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following: "*Provided*, That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint the dentist now at the United States Naval Academy a dental surgeon in the Navy for duty at the United States Naval Academy, to have the corresponding rank, pay, and allowances as the senior dental surgeon now at the United States Military Academy: *And provided further*, That he shall not be eligible for retirement before he has reached the age of seventy years, except for physical disability incurred in the line of duty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out and add the following proviso: "*Provided*, That section 1486 of the Revised Statutes shall not apply in the case of officers who enter the Navy after the passage of this act, and all such officers shall take precedence when of the same grade according to their respective dates of commission in that grade"; and the Senate agree to the same.

On page 3 of the bill, line 25, strike out the word "fifty" and in lieu thereof insert the words "thirty-five."

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "specified" in line 7; strike out the comma and insert a period; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out "$46,491.95" and insert in lieu thereof "$17,838.28"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: After the word "for" strike out the semicolon and insert the word "and"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: After the word "stations" insert the following: "*Provided*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Strike out "roadway to hospital, $7,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out "$42,000" and insert in lieu thereof "$35,000"; and the Senate agree to the same.

Page 29 of the bill, line 8, strike out "$4,088,945" and in lieu thereof insert "$4,348,945."

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Restore the matter stricken out; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with amendments as follows: In said amendment, in line 16, after the word "service," insert the words "other than temporary service"; in line 28, strike out the word "seventy" and insert the word "sixty-four." Strike out the last proviso in said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"The President is hereby authorized, by and with the advice and consent of the Senate, to appoint Nathaniel Matson Terry and William Woolsey Johnson professors in the corps of professors of mathematics in the Navy with the rank of lieutenant as extra numbers not in the line of promotion: *Provided*, That for pay and other purposes their service as instructors or professors at the United States Naval Academy previous to being commissioned shall count as service in the Navy: *Provided further*, That for the purpose of this act limitations as to age at the time of appointment shall not apply nor shall age constitute a claim for retirement, and nothing in this act shall operate to create a claim for back pay."

And the Senate agree to the same.

Page 31 of the bill, line 17, strike out "$667,000" and insert "$737,000."

Page 45 of the bill, line 19, strike out "$35,703.28" and insert "$35,711.28."

Page 45, line 24, strike out "$4,502,496.78" and insert "$4,503,296.78."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Page 46, line 12, the following was stricken from the bill in the House on a point of order and, by error, printed in the bill as reported to the Senate, and is therefore stricken out: "and no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or hereafter may be allowed enlisted men in the Army."

Strike out all of the second paragraph in said amendment.

Page 51 of the bill, line 6, strike out "$7,557,433.78" and insert "$7,558,233.78."

On amendments 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, and 58 the committee of conference have been unable to agree.

BOIES PENROSE,
H. C. LODGE,
J. R. THORNTON,
Managers on the part of the Senate.

L. P. PADGETT,
GEORGE EDMUND FOSS,
Managers on the part of the House.

The report was agreed to.

Mr. PENROSE. I now move that the Senate further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. PENROSE, Mr. LODGE, and Mr. THORNTON conferees on the part of the Senate.

PUBLIC BUILDINGS BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes.

Mr. KERN. The principle upon which this bill was framed and the methods by which it was carried through the other House of Congress are obnoxious in the extreme. Senators on every hand will admit that such principles and such methods are obnoxious. Mr. President, the "pork" in this barrel is of such quality that it "smells to heaven." It has been said by people from my State that the amendment offered by me to this bill will affect one or more buildings proposed in my State. I would oppose this bill if it affected every county and every town in my State, because the bill is wrong.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from California?

Mr. KERN. Certainly.

Mr. WORKS. The Senator from Indiana has referred to the effect of his amendment upon appropriations proposed to be made in his State. I should like to know whether the Senator has made any effort to determine what would be the effect upon the whole bill in the way of reducing the amount of the appropriation? It has been said here that the amount would be insignificant. I agree with the Senator from Indiana thoroughly in what he has said with respect to this bill. I think it is a kind of legislation that ought to be discountenanced; but if the Senator could give us some idea as to the effect of his amendment I should like to have it.

Mr. KERN. It was stated here the other night by a Senator who claimed to know, that the amendment referred to would affect some 90 of these buildings. If the average for each building were $50,000, it would mean a saving of $4,500,000. If the average cost of each building reached half that amount, it would, of course, save something over $2,000,000; but whether it be much or little, it is the principle involved here to which I am unalterably opposed.

Mr. President, it has not been many years since the people of this country were startled by the announcement that in a few years the expenses of the administration of this Government had doubled, and had reached the enormous amount of a billion dollars a year. I say that people were startled by that announcement. They soon came to know what a billion dollars meant; they began to understand what it meant to take a billion dollars a year out of the earnings of the people for the public purposes involved in the carrying on of the Government; they realized further that that was to be added to the burdens of State taxation, county taxation, township and district taxation; they came to know, sir, that a billion dollars represented nearly the value of the entire corn crop of the country, averaged for a period of 10 years; they came to know that it amounted to twice as much as the entire wheat crop of the country amounted to. The total value of the wheat crop in 1912 was $554,000,000; the total value of the oat crop of the country in that year was $439,000,000; and the total value of all the wheat and all the oats raised in this country in that year was only $994,000,000.

Mr. President, the total capital of all the national banks in the United States is less than a billion dollars. The capital stock and surplus of all the private banks in the United States is only $667,000,000. All the specie and all the legal-tender notes in all the national banks of the United States amount to less than a billion dollars. The total assessed value of all the property of the States of Alabama, California, Georgia, and Iowa amounts to only about four billion dollars. The total assessed value of all the property in the three States of Alabama, Arkansas, and Vermont, added together—the entire property value of those three great States in the Union—amounts to only a billion and eighty-five million dollars, or less than the amount carried by the total supply bills of this year.

I say the people came to know this, and their attention was still further attracted a little later when the distinguished then Senator from Rhode Island, Mr. Aldrich, the Republican leader upon this floor, declared here that a business man controlling this Government could carry on the Government at an expenditure of $300,000,000 less than it was being carried on for now, with the further declaration that even under the present crude and unscientific system of carrying on the Government there ought to be a saving of a hundred million dollars a year.

My party during all these years has been denouncing the extravagance which led up to this total expenditure of a billion dollars a year. My party has been denouncing that kind of extravagance which takes annually out of the earnings of the people an amount in excess of the value of their wheat and oat crop, an amount in excess of the value of all the taxable property in three great States of the Union. For 30 years I have been upon the stump promising the people that when my party came into power and when the leaders of my party came upon the floor of the Senate and upon the floor of the House of Representatives, their voices should be raised and their votes recorded against that kind of extravagance which bears down so heavily upon a people who are finding it hard to get along in the struggle of life.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. KERN. Yes; I will yield to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I have been very much interested in what the Senator from Indiana has said regarding the promises of economy made by his party. I simply desire to suggest that this bill, of which he complains, originated in the House of Representatives, where his party is in absolute control, and contained, when it came to this Chamber, appropriations amounting to over $25,000,000, while but $8,000,000 has been added in this body; so that, if there is claim to economy, it seems to me that the claim would apply to the Senate and not to the House of Representatives, which is dominated by the Senator's party.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New York?

Mr. KERN. Certainly.

Mr. O'GORMAN. If the Senator from Michigan will familiarize himself with the public buildings bill, he will discover that $19,000,000 of appropriations were added by the Republican Senate to the $25,000,000 appropriated by the House bill.

Mr. SMITH of Michigan. Yes, Mr. President, in the first instance; but upon reflection, as the Republican Party usually acts, they have determined to cut down the Senate appropriations to a little over $8,000,000; but I have not seen the slightest indication upon the part of the House of Representatives, controlled by the party to which the Senator from Indiana and the Senator from New York belong, to cut down the very scandalous appropriations made by the House of Representatives in this bill.

Mr. CLARK of Wyoming and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Indiana yield?

Mr. KERN. I will yield to either of the Senators, although I believe I can take care of myself. [Laughter in the galleries.]

The PRESIDENT pro tempore. Occupants of the galleries may not be aware of the fact that there is a rule of the Senate forbidding all demonstrations in the galleries, and it must not be repeated. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. KERN. I do.

Mr. CLARK of Wyoming. I wanted to suggest to the Senator from New York that the opportunity is still present; and if the Democratic Members on the other side of the Chamber had joined with the Republicans on this side of the Chamber who voted for his motion, he would find a majority against the bill in the Senate Chamber.

Mr. KERN. I am somewhat sorry that the Senator from Michigan and the Senator from Wyoming have undertaken to turn this discussion into a political discussion. I am not speaking of this matter from the standpoint of a partisan, I am sure; and I think it is remarkable that because a Democrat speaks upon a supply question and even calls the attention of members of his own party to the pledges that that party has made, Senators on the other side should find any fault with that sort of thing. I think the Republicans are as much interested in the defeat of this bill as are the Democrats; they ought to be. If they will study the last election returns and will read the result they will discover that, after the years of extravagance to which I have referred, the people of this country rose, divided their party in twain, and left them in so pitiable a condition that they only have a call from the Rocky Mountains of Utah, on the one hand, reaching over to the Green Mountains of Vermont, on the other, as the only evidence that there is any Republican Party left at all. [Laughter.] What brought that about? It was brought about by the kind of extravagance to which I have referred and through disregard of the rights and interests of the people which made possible this expenditure of a billion dollars a year.

Let me return to the thread of my discourse. I spoke about this great expenditure and the situation when this Congress commenced. I am finding no fault with the gentlemen of my party at the other end of the Capitol. They found a vastly increased pension burden, for which I am in part responsible. There is nothing political about that. They had to provide for it. They found $22,000,000 had to be raised to meet obligations of the Government incurred in past Congresses. The head of the Appropriations Committee battled valiantly and patriotically against the demands that were made in this and in some other bills; but under the vicious system of which I am complaining this vast amount that was in the bill when it came here found its way in over there. Members of the House of Representatives from my own State came to me and said, "This bill is wrong"; they have come to me and said, "We will give you a public building in your district if you will vote for the bill." Some of them were afraid to refuse that, lest they might be charged with recreancy to the interests of their constituents. That is one of the vicious things to which I referred a while ago when I spoke of the vice that was interwoven all through this bill.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to ask him a question?

Mr. KERN. Yes.

Mr. SUTHERLAND. The Senator has made a political argument with reference to this matter.

Mr. KERN. I disclaim any purpose to make a political argument.

Mr. SUTHERLAND. The Senator has made it, whether that was his purpose or not. Can the Senator tell us the proportion of items put in by the Democratic House of Representatives that would be affected by his amendment, as compared with the items put in by the Senate?

Mr. KERN. I can not. I have had no time to make that kind of a calculation. It was not in my mind to do so.

I regard this bill, as I said a while ago, as wrong in principle. It contains scores of items that are utterly indefensible. Believing that no legitimate interests of this country will suffer by having this bill go over to the special session of Congress, where it can have more careful consideration, I am opposed to the bill.

Mr. SUTHERLAND. I will say to the Senator that by far the greater part of the items have been put in by the House; that there are only three or four items of buildings put in by the Senate that could be affected by the amendment.

Mr. KERN. I am not criticizing the Senate; neither am I criticizing the House. I am criticizing the bill, and the infamous quality of the bill as I look at it, from my standpoint, regardless of who is responsible for it. It does not help the bill any to say that it was drafted by a Democrat. It does not hurt it any to say that Republicans aided in it. The question here is, Is the principle underlying the bill right or wrong? Are the items and provisions contained in it right or wrong? If the principle of the bill is right, and the bill itself is right, and it is right to support it, we should give it our support conscientiously.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from New York?

Mr. KERN. Certainly.

Mr. O'GORMAN. The Senator from Utah, the chairman of the Public Buildings Committee, has just stated that a large proportion of the concededly objectionable features of this bill originated in the House and not in the Senate. That he is in error will be demonstrated by an examination of a single series of appropriations affecting the State of Wyoming, so well represented in this body by Senators, one of whom has participated in this discussion.

In the House bill there were two provisions for the erection of public buildings in Wyoming. In one case, that of the city of Buffalo, in Wyoming, the postal receipts were $5,206, and the appropriation provided for a public building costing $62,500. The only other appropriation originating in the House for the State of Wyoming was for procuring a site in the town of Newcastle, where the postal receipts were $3,973.

When this bill came over to the Senate there were eight additional appropriations inserted, running from $60,000 to $100,000. The populations of these towns where the money of the taxpayers of the country was wasted ran as follows:

The town of Basin has a population of 2,000 people. The public edifice to be erected in that community was to take $75,000 out of the Public Treasury. The post-office receipts amounted to $5,701.

In the city of Buffalo, in that State, there is an appropriation for a public building amounting to $75,000. The population is 3,000 and the postal receipts are $5,206.

In the town of Cody——

Mr. SUTHERLAND. Mr. President——

Mr. O'GORMAN. I will be through in a moment.

In the town of Cody the appropriation asked is $75,000; the postal receipts are $7,000 and the population is 2,000.

In the town of Douglas an appropriation of $100,000 was asked.

Mr. SUTHERLAND. Mr. President——

Mr. O'GORMAN. The postal receipts are $7,000.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. O'GORMAN. I prefer to conclude the statement as I find it in the report of the Senate committee.

Mr. SUTHERLAND. The Senator is mistaken.

Mr. O'GORMAN. I have here the report of the Senate committee recommending these appropriations.

Mr. SUTHERLAND. The Senator is——

Mr. O'GORMAN. I insist upon concluding my statement, Mr. President.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. O'GORMAN. In the town of Green River a public building costing $75,000 is asked, with a population of 1,500 people and with postal receipts slightly in excess of $4,000 a year.

In the town of Newcastle, for a site and building, $75,000 is asked. The population is 2,000, and the postal receipts for an entire year aggregate $3,973.

In passing I may say that at the present time the rental paid for the post office in that town is $240, and yet they would have the Government pay out $75,000 to erect a building where they can procure the necessary accommodations for $240 a year. I ask any Senator in this body, if he were dealing with his own private property, whether he would take $75,000 of his capital to erect a building when he could procure what he needed for the small outlay of $240 a year?

Mr. CLARK of Wyoming and Mr. WARREN addressed the Chair.

Mr. O'GORMAN. I will conclude in a moment, Mr. President.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. O'GORMAN. In the town of Sundance—a town more or less familiar to some of us—with a population said to aggregate 1,000, they have postal receipts amounting to $2,387 for an entire year. Yet an appropriation of $75,000 is asked for Sundance.

Mr. CLARK of Wyoming. Mr. President——

Mr. O'GORMAN. Then there is Thermopolis, with a population of 1,700, with postal receipts of $4,900, and with a rental of $469. I ask the chairman of the Public Buildings Committee if I am not reading from the report of the committee?

Mr. SUTHERLAND. The Senator is not reading from the report of the committee.

Mr. O'GORMAN. Was not this document issued by the Senator's committee?

Mr. SUTHERLAND. I do not know what document the Senator has, but he is not reading from any report of the committee.

Mr. O'GORMAN. I will tell the Senator just what it is.

Mr. SUTHERLAND. Mr. President, the Senator has asked me a question, and I should like to answer it. I have been endeavoring to interrupt the Senator to tell him that he is far afield from the facts in what he has been stating. The items which the Senator has been quoting are not in this bill at all, with the exception of two of them.

Mr. O'GORMAN. Were they not recommended by the Senate committee?

Mr. SUTHERLAND. They are not in the bill and they are not in the report. I suppose what the Senator has is a docket of the committee, simply giving a statement of the bills that were introduced and were before the committee.

Mr. O'GORMAN. And that were reported favorably by the committee?

Mr. SUTHERLAND. And that were not reported by the committee.

Mr. O'GORMAN. Not reported at all?

Mr. SUTHERLAND. They are not reported in this bill.

Mr. O'GORMAN. None of the items to which I have referred?

Mr. SUTHERLAND. I have said to the Senator that two of them are in this bill.

Mr. O'GORMAN. Is there not a provision for Sundance, Wyo.?

Mr. SUTHERLAND. No, sir. Let me answer the Senator——

Mr. O'GORMAN. Has not a site been procured in Sundance?

Mr. SUTHERLAND. There has been no site procured in Sundance. The Senator stands up here and makes the statement that there are items in this bill for eight towns in Wyoming. If the Senator had examined the bill, he would know that he is mistaken in making that statement.

Mr. O'GORMAN. I am reading from a statement that was issued from the Senator's committee.

Mr. SUTHERLAND. The Senator is reading from a committee docket, giving a list of the bills that were introduced and referred to that committee.

Mr. O'GORMAN. And recommended by the Senators from Wyoming?

Mr. SUTHERLAND. The Senator ought not to make the statement upon the floor of the Senate that these eight items are in the bill, when the most cursory examination of the bill would disclose that he is mistaken about it.

Mr. O'GORMAN. What items does the Senator say are not in the bill?

Mr. SUTHERLAND. I say that the items that are in the bill are Basin and Cody. Those are the only items that were put in.

Mr. O'GORMAN. What is the building that it is proposed to put up at Cody?

Mr. WARREN. Mr. President, will the Senator allow me to interrupt him a moment?

Mr. O'GORMAN. Yes.

Mr. WARREN. I was out when the Senator commenced his remarks. I do not know what he may have said before I came in; but not a single word he has said since I came in is within a mile of what he is aiming at.

Mr. O'GORMAN. I am simply reading from this record.

Mr. WARREN. It makes no difference what the Senator is reading from. Not a single one of the towns he has mentioned since I came in here is recognized in the least in this bill. The entire amount carried in the bill for the State of Wyoming, which in acreage is several times as large as the State of New York, is $167,500. If the great State of New York thinks that is too much for Wyoming, I hope the Senator will proceed to show us why. There is nothing in what he is reading.

Mr. O'GORMAN. The Senator from New York thinks the whole bill is vicious.

Mr. WARREN. Yes; because the Senator from New York did not happen to get exactly what he wanted, I suppose.

Mr. O'GORMAN. No.

Mr. SUTHERLAND. Does the Senator from New York base that statement upon any more accurate information than he has been giving to the Senate?

Mr. O'GORMAN. I simply have a record from the Senator's committee, which I assume is accurate.

Mr. SUTHERLAND. The Senator does not answer my question.

Mr. O'GORMAN. What is the question?

Mr. SUTHERLAND. I have stated to the Senator that the items that he has been reading, with the exception of two of them, were not put in the bill.

Mr. O'GORMAN. Does the Senator now state that a greater number of the objectionable items originated in the House than were inserted by the Senate committee?

Mr. SUTHERLAND. There is not any doubt about it, Mr. President.

Mr. O'GORMAN. According to the Senator's own declaration, in the State of Wyoming the Senate committee allowed at least two which were objectionable, as were the two allowed by the House.

Mr. SUTHERLAND. I do not think they are objectionable. In the case of Cody, for example, there is not only a post office but there are other governmental offices there.

Mr. CLARK of Wyoming. Mr. President, since the Senator from New York has seen fit especially to state these alleged facts about Wyoming, I will say to him that from one of these places for which a building is proposed in this bill the Treasury of the United States receives every three months a sum that will more than pay for every site and every building provided in this bill for Wyoming.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. KERN. I yield.

Mr. PAYNTER. I understood the Senator from Indiana to say that he was objecting to this bill on account of infamous provisions in it. Mr. President, if there are infamous provisions in it, necessarily that is the result of infamous conduct on the part of the Senator who put them in there.

Mr. KERN. Oh, no.

Mr. PAYNTER. I do not quite understand that. I do not know whether the Senator wants to insist that the provisions are infamous or not; but I wish to call his attention to the statement he has made.

Mr. KERN. Mr. President, I desire in this connection to say that I gave, or undertook to give, numerous reasons for voting against the bill. If I used the word "infamous," it was an adjective much stronger than I intended to use. I wanted to convey the idea that divers provisions of the bill are highly objectionable and wrong, atrociously wrong, as against the interests of the taxpayers of this country.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Arizona?

Mr. KERN. Certainly.

[Mr. ASHURST addressed the Senate. See Appendix.]

Mr. PAYNTER. Mr. President——

Mr. KERN. Mr. President, I have the floor. I desire to say at this point that I think every man in the Senate who knows me understands thoroughly that I have not sought to impute bad motives to any Member of this body, nor have I con-

sciously used any language that was intended to reflect upon the motives or the purposes of any Member of this body. I think that is well understood. If I used the word that has been referred to, it was not used in the sense of reflecting on any man here. That is understood. I was characterizing the nature of the bill, and I was trying to point out the principle underlying the way the bill was formed; that was all.

I do not intend to carry on the discussion much further. I was pointing out, when I was interrupted, that the distinguished chairman of the Committee on Appropriations of the House used every effort that he could to prevent the passage of this bill, but it came over here. I am not criticizing the men who voted for it over at the other end of the Capitol, because in many instances there was a species of compulsion used to induce their votes. But the bill came here carrying something like $26,000,000, which, added to appropriations previously made, made the appropriations for this year considerably more than a billion dollars.

When these bills came here in the shape they did, carrying those vast amounts, there was deep concern over the fact that the amount to be collected from the people in the ensuing year should so far exceed the amounts of past years of which they had so bitterly complained. So it was hoped that in this body, where it is supposed that there is greater deliberation, where it has been supposed that there is greater conservatism, some way would be found to give the people some measure of relief, to prune down these things, to save to the people some of the money which was threatened to be taken away from them by these vast appropriations. But instead of that the appropriations have been increased, and it is proposed that the burdens shall be made heavier.

I am appealing to the Members of the Senate to-night, and my sole purpose in rising here is to appeal to the Members of the Senate to have in mind in this matter the interests of the people at large; to call their attention to the enormous amount of the appropriations which are going to fasten these burdens upon the people of this country; to appeal to them to postpone this bill until the special session, when the matter can be taken up carefully and worked out in a scientific way so that no injustice will be done in any particular instance.

I could occupy much time here to-night in reading the names of towns which are in this bill, the postal receipts of each town, and the present expense of operating the post offices in those towns, to show that in a score or more instances as a business proposition it looks almost stupid to make these vast appropriations; but I will not do that. I simply desire to call the attention of Members on both sides of the Chamber to the facts I have stated and the reasons for my opposition to this bill, and to appeal to them to let this bill go over, to vote it down here, that it may be taken up in three months from this time, when every demand and every need of the country so far as public buildings are concerned will be fully and amply and well taken care of.

Mr. ROOT. Mr. President, I am very sorry the result of the conference was to strike out from this bill the provision for a great public building in the city of New York, which is the home of both my colleague and myself. I am still more regretful that the result of the conference was to modify the amendment introduced by the Senator from Indiana [Mr. KERN] so that it does not apply to this bill, but is to apply only in the future. I dislike to vote for the bill with that amendment so limited, although I think the criticisms upon the bill have been extravagant.

The bill has been scrutinized carefully by a good committee, certainly a very good committee in the Senate, composed of most honest, and honorable, and painstaking, and trustworthy men, in whom I have great confidence. Still, I do not like to vote for the bill with the Kern amendment out. I wish it were there; I think it ought to be there; but the committee could not get it. I am going to vote for the bill, however, because of the many good things that are in it—many good things for the benefit of all the people of the United States, and in respect of their Government here in their Capital City.

I think, sir, that it is little less than criminal for us to go on without doing something like we have provided in this bill in regard to the treatment of lower Rock Creek, cesspool and pesthole as it is. I think it is our duty to do what we do in this bill regarding a Hall of Archives, so that we shall not meet the fate that we met in my own State, where a fire in the State Capitol destroyed documents of inestimable value. I think sound business judgment requires us to do what we are doing in this bill about a building for the Geological Survey—a modern business building—to take that great work out of the inadequate rented buildings where it is now housed.

There are a considerable number of other provisions in this bill for the benefit of the Government. The main part of what the Senate has done to the bill has been these provisions for the benefit of the Government and the people of the United States, and because of them I am going to vote for the bill. I think they far overbalance any just criticism that can be made against it.

Mr. WILLIAMS. Mr. President, in the early history of the country, when the pioneers were settling the timbered West, they used to help one another out. One would say, "I will come over and help you put up your log house, and you and your sons can come over and help me put up mine." The phrase "logrolling" originated on that account. It was useful for the early settlers. It is very pernicious in legislation.

There is not a bill that comes before the House or the Senate where the principle of logrolling is involved that is not pernicious in a great many of its items. We ought to stop this business of omnibus pension bills, omnibus claims bills, omnibus public building bills, and all other bills where you take A's bill and tack it on B's bill and tack them on C's and D's, and thereby obtain the support of A, B, C, and D. You will never have a proper system with regard to either pension claims or war claims or public buildings until you make each bill stand on its own bottom.

Now, what is the spectacle we have witnessed here to-night, in which men have lost their tempers, because men always lose their tempers whenever some private end is about to be balked? What is this spectacle? Gentlemen upon that side of the Chamber and gentlemen upon this side of the Chamber, admitting extravagance and wrong principle as underlying this bill, and each trying to stand out from under it as a party and to lay the blame upon the other, stand here a majority on each side of this Chamber supporting this bill, and yet on each side of the Chamber charging the other side with the viciousness of it, the extravagance of it, and the wrong principle of it.

Now, there is no one of us who does not know that there are a great many projects upon this bill that never could have gotten upon it, and after they had gotten upon it never could have passed, except upon the log-rolling principle. That is what is vicious about this measure. As to the other matters to which the Senator from New York referred—great public buildings that are needed for great public purposes—nobody who was not parsimonious and foolish would object to them. But they are made to carry through a whole lot of other things. The Senator from New York may vote with you to help do it by the fact that great and important buildings for great and important purposes are tacked to the others, and he can not get them without voting for the others. I take exactly the opposite view. If I can not dispense with the unworthy projects upon this bill without dispensing with the worthy ones, I will dispense with the worthy ones and trust to the good sense of the two Houses later on to remedy the evil.

It is very unfortunate that to-night anything of a partisan character could have been said about the bill as was said upon both sides. So far as my 20 years of public experience are concerned, logrolling is bipartisan. I do not call it graft, because logrolling is an ancient and respected custom. No man has a right to charge anybody with any corruption on account of it. It is a legislative custom, and whatever is old in years to man is godlike, somehow. But this is one of the things that is old in years that ought not to be godlike. Logrolling, like all meeting-together forces for the purpose of running things, is essentially bipartisan and has been in this country for a long while.

I wished to make these few remarks because I did not want to be understood as charging anybody upon that side of the Chamber any more than charging ourselves with this wrong custom. Hence it is that nobody is chargeable for it. We found it existing. It grew up first out of the necessities of the pension system. Hundreds of private pension bills were introduced. It was difficult to get them through, and then after a while men said, "Let us put them all in an omnibus pension bill," and I have seen them passed in 5 to 10 minutes. Then the other side said, "Well, if you are going to do that with pensions, here are these southern war claims, which are just and ought to be paid; here are 200 Members who have introduced private claims bills; let us put them in an omnibus claims bill"; and thereupon the weak bills, just as in the pension case, were welded with the good bills and enough votes gotten to pass the whole big omnibus bill. Then you undertook to apply it to public buildings, where there is less excuse for it than in any of the other cases. We ought to stop it.

In my opinion this particular bill ought not to pass. I said so when we were discussing it once before. I think it would be well for us to move as a substitute for it the first great supply bill necessary for the existence of the Government whenever it comes in here, because by 12 o'clock to-morrow they must be passed, and it does not make much difference whether this bill

is passed or not. The good features of it can be reenacted or we can start out on a new plan, as I hope we will, and make every public building bill stand upon its own merit, as ought to be the case.

Mr. THOMAS. Mr. President, I presume when debate has ended this bill will in all probability pass. What has been said in opposition to it can be said with reference to almost every one of the supply bills that have come before the Senate for consideration. What has been said by the Senator from Mississippi, I think, is especially applicable to most of them.

The Senator from Iowa [Mr. CUMMINS] has criticized what he calls the system behind a bill of this sort. To my mind there is no system behind it except that which may be represented by what I shall call a community of interest. What it needs is some system, and I hope that hereafter, as he states, there will be some basis, if not that of the Senator from Indiana, some other.

It has been said that this is supposedly a conservative body, that is to say, that we deliberate much more largely than is possible in the House of Representatives, and hence it is perfectly proper and natural that the vast body of the people should look to the Senate of the United States to exercise that conservative influence toward the decrease instead of the increase of public expenditures. I think I can say without the slightest hesitation that not a single one of these supply bills has come to the Senate that has not been sent back after it has been largely increased here. I make that statement in no spirit of criticism, I merely state a fact, something for which this Senate is no more responsible than many of its immediate predecessors.

The conference committees that are now out have largely to do with additions made to the bills here. Take the naval appropriation bill, for example. The House proposed to build one battleship, which must cost somewhere over $16,000,000. The Senate demands two battleships, which will cost something over $32,000,000, and that in the face of the fact that we have five already that are uncompleted and are short 300 officers and 6,000 men to properly equip and man those which we have completed heretofore.

I know that there is no system there, but when I made, or attempted to make, a motion instructing our own members of the conference committee, if you please, not the committee itself, whereby they could be authorized to recede from this addition provided the Senate were so disposed, we were met first with an objection that it was out of order—that is to say, because of some musty precedent made some time ago and read into the RECORD we were not able, as a large business organization equipped with one-half of the legislative power of this country, to instruct our own members of the committee what we would like to have them do. Rules of course must exist in all deliberative bodies if we are going to make any progress whatever, but rules of that sort are not designed to promote but to prevent legislation, and seem to be used most effectively in the expiring hours of this session.

I will not call it an argument, and yet perhaps it was, but the only position that seemed tenable with reference to that little episode of some hours ago was that the Senate had by a large majority expressed itself in favor of this additional expenditure of sixteen to eighteen million dollars, and it did not comport with our dignity to withdraw it or to give any such instructions. Sometimes this body is long on dignity and perhaps a little short on proper methods of business procedure.

But I deny, Mr. President, because this body by a large majority is in support of or against a particular measure that that is any reason whatever for supposing that it is right. This body by a large majority was for a long time opposed to a bill providing for the valuation of railroad property. My distinguished friend, the Senator from Wisconsin [Mr. LA FOLLETTE], for a long time spoke to empty seats upon the floor of this body. He endured obloquy, derision, social and political ostracism because of his advocacy of one of the greatest measures that was ever written into the statute books of the country, and the other day he saw it enacted into law without a dissenting voice. In this body at least where is the great majority of the Senate which once expressed itself with so much dignity against that measure?

The great majority of the Senate for some time, for thirty-odd years, was opposed to the principle of electing Senators by direct vote of the people. It took a long time to obtain a hearing upon such a proposition. But to-day it is within a few States of being embodied in the Constitution, and that majority against those two measures has disappeared. We are no longer against these things; we are under them. Some time ago there was a majority, and a large one, in this Chamber in favor of the Payne-Aldrich bill. That is something else that a great political party is now under.

I have no doubt that this bill will pass by such a majority, and that the others when they come will command similar ones. But, Mr. President, I indulge the hope that the time has come—not that it is coming, but the time has come—when different methods will prevail and a different system of legislation will obtain. The light will break in the east to-morrow morning, and the old order is changed.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. OWEN. Mr. President, I do not want to detain the Senate on this bill, but I do want to point out my objection to it, which I will do in five minutes.

The vice of the bill is that there are very many items on it which are more particularly designed to serve small localities where the general welfare does not require a public building, and so a large part of the expenditure is not really inspired and controlled by the public welfare. Our whole country is going through a change of opinion, Democrats and Republicans alike. Our people are beginning to consider more fully processes of government.

I simply desire to put in the RECORD my objection to this bill, just as I objected to the rivers and harbors bill, which was not, as I understood it and take it, moved by the general public interest alone, but was moved largely by mere local interest. Two years ago I made a protest on the same ground against the rivers and harbors bill when the previous bill passed. I renewed it this time. I insisted upon the Senate voting upon a proposal that the President might return to Congress any item on the bill which was not justified in the public interest; in other words, that he might exercise by a legislative act substantially the right of veto upon any of these items, and in that way do away with the vice of cohering a large number of private interests, so as to pass through a bill containing many items of this kind which were not properly moved by the national interests. There has been going on in our country for a year or two a very careful examination in regard to questions of economy and efficiency by the President's Commission on Economy and Efficiency, Mr. Frederick A. Cleveland, Mr. W. W. Warwick, and Mr. M. O. Chance, commissioners.

They have made a report to Congress upon the question of economy and efficiency. I do not believe that any Member of the Senate or of the House has seriously considered the report made to us by the Economy and Efficiency Commission, but we simply go on ignoring the very work we have done in the interest of scientific legislation and pass these bills that are derisively called throughout the country pork-barrel bills. I greatly regret to have the country regard bills passing through the Senate as pork-barrel bills. I think the term is to a certain extent unjust. There are many things in this public buildings bill that I very strongly approve of, particularly the Rock Creek provision for the park here in the National Capital. There are many items of that kind that I approve of, and that I should like to see the law.

I merely wanted to call to the attention of the Senate and put in the RECORD, and I shall be content not to detain the Senate, the declaration of this commission with regard to the river and harbor bill as to what we ought to do in that way. In the summary of proposed changes in law, setting forth what legislation it is thought should be enacted in order to enable the administration to transact public business with greater economy and efficiency with regard to rivers and harbors the commission propose—

> The enactment of legislation which will require that before any new projects for river and harbor improvement are adopted, and before any additional contributions are made for the purpose of developing canals, roads, or other transportation facilities, a definite plan shall be submitted and approved by Congress, pursuant to which all authorizations, appropriations, or contracts for new improvements or developments of this kind shall be granted or made; and in such an act it is recommended that there be stated the conditions under which the Federal Government will contribute to transportation enterprises to be carried on by municipal and State authorities.

And so, with regard to public buildings, the commission propose—

> The enactment of legislation requiring that before an authorization, appropriation, or contract shall be made or entered into for any new public building a comprehensive plan for Government housing shall be approved by the Congress in a separate bill, which shall govern its location and the conditions under which it shall be erected, and that thereafter any authorization, appropriation, or contract which may be made or entered into shall be in accordance with such plan or in accordance with an authorized modification of the same, and among the conditions precedent to such action as set forth in the act would be a statement of the minimum of population of a city in which public buildings shall be constructed, the minimum average rentals for a given number of years which the Government is required to pay before an authorization may be given, the maximum of expenditures as determined by a minimum rate of capitalization of average rentals, and

the circumstances or conditions under which the Government would undertake to contribute to buildings which are used jointly for municipal, State, and Federal purposes.

I was hopeful that these principles might be put into effect in the river and harbor bill which we just passed and in the public buildings bill which we are about to pass. It was in the line of that suggestion that the Senator from Indiana [Mr. KERN] proposed the amendment which has now been practically stricken out of the bill, and which I think is much to be regretted. I do not wish to be understood as criticizing the committee of the House or the committee of the Senate, either; we are all moved by habit and custom and practice, myself quite as much as any other Member of this body and, perhaps, even more so; and it is true that under the old customs with regard to rivers and harbors and the public-buildings bill and the sundry civil bill for that matter and the Indian appropriation bill a Senator is almost regarded as having the right to come in and ask something out of the bill as his part of what is going on.

I remember when the tariff bill was up an appeal was made to me as a Senator from Oklahoma that I might as well get my part out of it while the thing was going, and I did actually vote to put 15 per cent on oil because my State was engaged in the oil business, producing some 50,000,000 barrels a year. It was pointed out to me that it would save our producers down there $7,000,000, and I was induced to make the fatal blunder of giving my support to that item, and to that extent at least contributing to the system of an individual interest against the general welfare. That is the vice of all these bills. It is the cohering of the individual interest in such numbers as to ignore the general welfare and producing vicious legislation along those lines. The time has come to end it, and I say now here in the Senate that there never will be passed through this body again a pork-barrel bill either for rivers and harbors or for public buildings.

The PRESIDENT pro tempore. The question is on agreeing to the conference report, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Under the arrangement formerly announced of the transfer of my pair with the Senator from Illinois [Mr. CULLOM] I am at liberty to vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Nebraska [Mr. BROWN] and vote "yea."

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague [Mr. OVERMAN] is paired with the senior Senator from California [Mr. PERKINS].

Mr. PAYNTER (when his name was called). Mr. President, has the senior Senator from Colorado [Mr. GUGGENHEIM] voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. PAYNTER. I have a general pair with him. I transfer that pair to the Senator from Maryland [Mr. SMITH] and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote. I vote "yea."

Mr. CHILTON (when Mr. WATSON's name was called). My colleague [Mr. WATSON] has a general pair with the Senator from New Jersey [Mr. BRIGGS].

The roll call having been concluded, the result was announced—yeas 44, nays 16, as follows:

YEAS—44.

Ashurst	Clark, Wyo.	Lodge	Sheppard
Bankhead	Clarke, Ark.	McCumber	Simmons
Bourne	Curtis	Martine, N. J.	Smith, Ga.
Bradley	Dillingham	Myers	Smith, S. C.
Brady	Fall	Newlands	Smoot
Brandegee	Gallinger	Oliver	Stephenson
Bryan	Gamble	Paynter	Sutherland
Catron	Johnson, Me.	Penrose	Swanson
Chamberlain	Jones	Poindexter	Thornton
Chilton	Kavanaugh	Pomerene	Warren
Clapp	Lippitt	Root	Wetmore

NAYS—16.

Bristow	Gronna	Lea	Thomas
Burton	Kenyon	O'Gorman	Townsend
Cummins	Kern	Owen	Williams
Gore	La Follette	Page	Works

NOT VOTING—35.

Bacon	Dixon	McLean	Shively
Borah	du Pont	Martin, Va.	Smith, Ariz.
Briggs	Fletcher	Nelson	Smith, Md.
Brown	Foster	Overman	Smith, Mich.
Burnham	Gardner	Percy	Stone
Crane	Guggenheim	Perkins	Tillman
Crawford	Hitchcock	Pittman	Watson
Culberson	Jackson	Reed	Webb
Cullom	Johnston, Ala.	Richardson	

So the report was agreed to.

REORGANIZATION OF THE CUSTOMS SERVICE.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, referred to the Committee on Finance, and ordered to be printed.

The message is as follows:

To the Senate and House of Representatives:

Whereas by virtue of the provision of chapter 355 of the acts of 1912, approved August 24, 1912, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," I was authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914, reducing the total cost of said service for said fiscal year by an amount not less than $350,000, and I was further authorized in making such reorganization and reduction in expenses to abolish or consolidate collection districts, ports and subports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in my judgment may be necessary to make such reorganization effective and within the said limit of cost; and

Whereas it was further provided that such reorganization should be communicated to Congress at its next regular session and should constitute for the fiscal year 1914, and until otherwise provided by Congress, the permanent organization of the customs service: Now therefore

It is hereby ordered and communicated that the following plan shall be the organization of the customs service for the said fiscal year 1914, and unless otherwise provided by Congress the permanent organization of the customs service:

I.

CUSTOMS DISTRICTS.

In lieu of all customs-collection districts, ports, and subports of entry and ports of delivery now or heretofore existing there shall be 49 customs-collection districts, with district headquarters and ports of entry as follows:

(1) The district of Maine and New Hampshire, to include all of the State of Maine and all of the State of New Hampshire, except the county of Coos, with headquarters at Portland, Me., in which Portland, Houlton, Fort Fairfield, Mars Hill, Van Buren, Madawaska, Monticello, Machias, Lubec, Bath, Boothbay, Limestone, Fort Kent, Bridgewater, Eastport, Calais, Bangor, Ellsworth, Rockland, Vanceboro, Lowelltown (or Holeb), Belfast, Rockport, Castine, Vinal Haven, South West Harbor, and Portsmouth (including Kittery), shall be ports of entry.

(2) The district of eastern Vermont, which shall include the counties of Orleans, Essex, Caledonia, Washington, Orange, Windsor, and Windham in the State of Vermont and the county of Coos in the State of New Hampshire, with district headquarters at Newport, in which Newport, North Troy, Derbyline, Island Pond, and Beecher Falls shall be ports of entry.

(3) The district of western Vermont, to include all of the State of Vermont not expressly included in the district of eastern Vermont, with district headquarters at Burlington, in which St. Albans, Richford, Burlington, Alburg, Swanton, and Highgate shall be ports of entry.

(4) The district of Massachusetts, to include all of the State of Massachusetts, with district headquarters at Boston, in which Boston, Gloucester, Salem (including Beverly, Marblehead, and Lynn), Provincetown, Plymouth, Barnstable, Vineyard Haven, Fall River, New Bedford, Worcester, Springfield, and Holyoke shall be ports of entry.

(5) The district of Rhode Island, to include all of the State of Rhode Island, with district headquarters at Providence, in which Providence and Newport shall be ports of entry.

(6) The district of Connecticut, to include all of the State of Connecticut, with district headquarters at Bridgeport, in which Hartford, New Haven, New London, Stonington, Middletown, South Manchester, Bridgeport, Stamford, Greenwich, and Norwalk shall be ports of entry.

(7) The district of St. Lawrence, in the State of New York, to include all of the counties of Clinton, Essex, Franklin, St.

Lawrence, Jefferson, and Lewis, with district headquarters at Ogdensburg, in which Ogdensburg, Nyando, Morristown, Rouses Point, Malone, Fort Covington, Plattsburg, Champlain, Chateaugay, Moores Junction, Waddington, Cape Vincent, Alexandria Bay, Chaumont, and Clayton shall be ports of entry.

(8) The district of Rochester, to include all of the counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, and Wyoming, with district headquarters at Rochester, in which Rochester, Oswego, Utica, Syracuse, Charlotte, Fair Haven, and Sodus Point shall be ports of entry.

(9) The district of Buffalo, to include all of the counties of Niagara, Erie, Cattaraugus, and Chautauqua, with district headquarters at Buffalo, in which Buffalo, Niagara Falls, North Tonawanda (including Tonawanda), Dunkirk, and Lewiston shall be ports of entry.

(10) The district of New York, to include all that part of the State of New York not expressly included in the districts of St. Lawrence, Rochester, and Buffalo, and also to include the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth, in the State of New Jersey, with district headquarters at the port of New York, in which New York, Newark, Perth Amboy, Patchogue, Greenport, and Albany shall be ports of entry.

(11) The district of Philadelphia, to include all that part of the State of Pennsylvania lying east of 79° west longitude, all of the State of Delaware, and all of that part of the State of New Jersey not included in the district of New York, with district headquarters at Philadelphia, in which Philadelphia (to include Camden and Gloucester City, N. J.), Somers Point, Thompsons Point, Tuckerton, Chester, Wilmington, and Lewes shall be ports of entry.

(12) The district of Pittsburgh, to include all of the State of West Virginia and all of the State of Pennsylvania lying west of 79° west longitude, except the county of Erie, with district headquarters at Pittsburgh, in which Pittsburgh and Wheeling shall be ports of entry.

(13) The district of Maryland, to include all of the State of Maryland, the District of Columbia, and the county of Alexandria, in the State of Virginia, with district headquarters at Baltimore, in which Baltimore, Washington, Crisfield, Annapolis, and Alexandria shall be ports of entry.

(14) The district of Virginia, to include all of the State of Virginia except the county of Alexandria, with district headquarters at Norfolk, in which Norfolk and Newport News, Richmond, Petersburg, Cape Charles City, Chincoteague, and Reedville shall be ports of entry. The port of Norfolk shall include both of said cities and the waters and shores of Hampton Roads.

(15) The district of North Carolina, to include all of the State of North Carolina, with district headquarters at Wilmington, in which Wilmington, Elizabeth City, Newbern, Manteo, and Beaufort shall be ports of entry.

(16) The district of South Carolina, to include all of the State of South Carolina, with district headquarters at Charleston, in which Charleston, Georgetown, and Beaufort shall be ports of entry.

(17) The district of Georgia, to include all of the State of Georgia except the north shore of the St. Marys River and the city of St. Marys, with district headquarters at Savannah, in which Savannah, Brunswick, Darien, and Atlanta shall be ports of entry.

(18) The district of Florida, to include all of the State of Florida and the north bank of the St. Marys River and the city of St. Marys, Ga., with district headquarters at Jacksonville, in which Tampa (including Port Tampa), Key West, Punta Gorda, Boca Grande, Miami, Jacksonville, Pensacola, St. Andrews, St. Augustine, Fernandina (including St. Marys, Ga.), Cedar Keys, Port Inglis, Apalachicola, and Carrabelle shall be ports of entry.

(19) The district of Mobile, to include all of the State of Alabama and all that part of the State of Mississippi lying south of 31° north latitude, with district headquarters at Mobile, in which Mobile, Birmingham, Gulfport, and Scranton shall be ports of entry.

(20) The district of New Orleans, to include all of the State of Louisiana and all that part of the State of Mississippi lying north of 31° north latitude, with district headquarters at New Orleans, in which New Orleans and Morgan City shall be ports of entry.

(21) The district of Sabine, to include the following territory, viz, beginning on the Gulf of Mexico at the center of the stream of Sabine Pass; thence north with the center of the stream of Sabine Pass to Sabine Lake; thence with the center of the stream of Sabine Lake to a point directly opposite to the Sabine River; thence north with the east shore of the Sabine River to the north boundary line of Shelby County, Tex.; thence west to the Neches River; thence down said river with its west shore to a north boundary line of Jefferson County; thence in a westerly direction with the said north boundary line to the east boundary line of Liberty County, Tex.; thence south to the Gulf of Mexico; thence in an easterly direction along the Gulf shores to the place of beginning with district headquarters at Port Arthur, in which Port Arthur and Sabine shall be ports of entry. The district of Sabine is retained as a separate district with boundaries as above provided because of the express provision of the act approved June 19, 1906, detaching the same from the district of Galveston and creating it a separate district in consideration of the conveyance to the Government of the Port Arthur Ship Canal and other waterways in said act described.

(22) The district of Galveston, to include all of the State of Texas, except the territory included in the districts of Sabine, Laredo, El Paso, and Eagle Pass, with district headquarters at Galveston, in which Galveston (including Port Bolivar and Texas City), San Antonio, Dallas, Houston, and Port Lavaca shall be ports of entry.

(23) The district of Laredo, to include all of the counties of Cameron, Hidalgo, Starr, Nueces, Zapata, Duval, Brooks, Willacy, Jim Wells, Aransas, Webb, La Salle, Dimmit, McMullen, Live Oak, Bee, Refugio, and San Patricio, in the State of Texas, with district headquarters at Laredo, in which Laredo, Brownsville, Rio Grande City, Corpus Christi, Roma, and Santa Maria shall be ports of entry.

(24) The district of El Paso, to include all of the counties of El Paso and Culberson in the State of Texas and all of the State of New Mexico, with district headquarters at El Paso, in which El Paso, and Columbus, N. Mex., shall be ports of entry.

(25) The district of Eagle Pass, to include all of the counties in the State of Texas lying along and contiguous to the Rio Grande River not included in the districts of Laredo and El Paso, with district headquarters at Eagle Pass, in which Eagle Pass, Boquillas, Del Rio, and Presidio shall be ports of entry.

(26) The district of Arizona, to include all of the State of Arizona, with district headquarters at Nogales, in which Nogales, Naco, Yuma, and Douglas shall be ports of entry.

(27) The district of southern California, to include all that part of the State of California lying south of 35° north latitude, with district headquarters at Los Angeles, in which Los Angeles, San Pedro, San Diego, Calexico, Campo, and Tia Juana shall be ports of entry.

(28) The district of San Francisco, to include all that part of the State of California lying north of 35° north latitude, with district headquarters at San Francisco, in which San Francisco (including Oakland), Eureka, and Port Hartford shall be ports of entry.

(29) The district of Oregon, to include all of the State of Oregon, with district headquarters at Portland, in which Portland, Astoria, Newport, and Empire shall be ports of entry.

(30) The district of Washington, to include all of the State of Washington, with district headquarters at Seattle, in which Seattle, Port Townsend, Aberdeen, Anacortes, Bellingham, Blaine, Chopaka, Danville, Everett, Ferry, Friday Harbor, Laurier, Molson, Northport, Port Angeles, Roche Harbor, South Bend, Spokane, Sumas, and Tacoma shall be ports of entry.

(31) The district of Alaska, to include all of the Territory of Alaska, with district headquarters at Juneau, in which Juneau, Eagle, Ketchikan, Cordova, Sulzer, St. Michael, Skagway, Unalaska, Wrangell, Fortymile, Fairbanks, and Nome shall be ports of entry.

(32) The district of Hawaii, to include all of the Territory of Hawaii, with district headquarters at Honolulu, in which Honolulu, Hilo, Kahului, Kaloa, and Mahukona shall be ports of entry.

(33) The district of Montana and Idaho, to include all of the States of Montana and Idaho, with district headquarters at Great Falls, in which Great Falls, Eastport, Port Hill, Plentywood, Sweetgrass, and Gateway shall be ports of entry.

(34) The district of Dakota, to include all of the States of North and South Dakota and the county of Kittsen in the State of Minnesota, with district headquarters at Pembina, in which Pembina, Noyes, St. Vincent, Portal, St. John, Hannah, Neche, Ambrose, Souris, Walhalla, Sarles, Sherwood, Hansboro, Crosby, and Antler shall be ports of entry.

(35) The district of Minnesota, to include all of the State of Minnesota lying south of 46° north latitude, with headquarters at St. Paul and Minneapolis, in which St. Paul and Minneapolis

shall be the port of entry, which port shall include both of said cities.

(36) The district of Duluth and Superior, to include all of the State of Minnesota, except the county of Kittsen, lying north of 46° north latitude, and all of the State of Wisconsin lying north of said latitude, and the Island of Isle Royal in the State of Michigan, with district headquarters at Duluth and Superior, in which Duluth and Superior, International Falls, Warroad, Rauier, Two Harbors, Ashland, and Isle Royal shall be ports of entry. The port of Duluth and Superior shall include both of said cities and West Superior.

(37) The district of Wisconsin, to include all of the State of Wisconsin lying south of 46° north latitude, with district headquarters at Milwaukee, in which Milwaukee, Green Bay, Kenosha, Kewaunee, Manitowoc, Marinette (including Menominee), Racine, Sheboygan, and Sturgeon Bay shall be ports of entry.

(38) The district of Michigan, to include all of the State of Michigan, with district headquarters at Detroit, in which Detroit, Port Huron, Saginaw, Alpena, Bay City, Marine City, St. Clair, Grand Rapids, Grand Haven, Charlevoix, Ludington, Manistee, Manistique, Muskegon, St. Joseph, Petoskey, Sault Ste. Marie, Cheboygan, Mackinaw, Detour, Escanaba, Gladstone, Houghton, and Marquette shall be ports of entry.

(39) The district of Chicago, to include all of the State of Illinois lying north of 39° north latitude and all that part of the State of Indiana lying north of 41° of north latitude, with district headquarters at Chicago, in which Chicago, Peoria, and Michigan City shall be ports of entry.

(40) The district of Indiana, to include all of the State of Indiana lying south of 41° of north latitude, with district headquarters at Indianapolis, in which Indianapolis and Evansville shall be ports of entry.

(41) The district of Ohio, to include all of the State of Ohio and the county of Erie, in the State of Pennsylvania, with district headquarters at Cleveland, in which Cleveland, Conneaut, Ashtabula, Fairport, Lorain, Sandusky, Put-in-Bay, Toledo, Cincinnati, Columbus, and Dayton, Ohio, and Erie and Corry, Pa., shall be ports of entry.

(42) The district of Kentucky, to include all of the State of Kentucky, with district headquarters at Louisville, in which Louisville and Paducah shall be ports of entry.

(43) The district of Tennessee, to include all of the State of Tennessee, with district headquarters at Memphis, in which Memphis, Nashville, Chattanooga, and Knoxville shall be ports of entry.

(44) The district of Iowa, to include all of the State of Iowa, with district headquarters at Des Moines, in which Des Moines, Sioux City, and Dubuque shall be ports of entry.

(45) The district of St. Louis, to include all of the States of Missouri, Kansas, Arkansas, and Oklahoma, and all that part of the State of Illinois lying south of 39° north latitude, with district headquarters at St. Louis, in which St. Louis (including East St. Louis), Kansas City, and St. Joseph, Mo., and Cairo, Ill., shall be ports of entry.

(46) The district of Omaha, to include all of the States of Nebraska and Wyoming, with district headquarters at Omaha, in which Omaha and Lincoln shall be ports of entry.

(47) The district of Colorado, to include all of the State of Colorado, with district headquarters at Denver, in which Denver shall be the port of entry.

(48) The district of Utah and Nevada, to include all of the States of Utah and Nevada, with district headquarters at Salt Lake City, in which Salt Lake City shall be the port of entry.

(49) The district of Porto Rico. (This district is not affected by this reorganization, for the reason that the expenses of the district are not payable from the appropriation "Expenses of collecting the revenue from customs.")

II.

The use of the terms "port of delivery" and "subport of entry" is hereby discontinued, and all ports of entry, subports of entry, and ports of delivery not above specifically mentioned as ports of entry are hereby abolished.

III.

The privileges of the first and seventh sections of the act of June 10, 1880, commonly known as the "immediate transportation act" shall remain as heretofore existing with respect to the ports of delivery above mentioned.

IV.

There shall be one collector of customs for each of the customs collection districts above established, who shall receive the compensation hereafter set forth, which shall constitute all the compensation and emoluments to be received by him and which shall be in lieu of all fees, commissions, salaries, or other emoluments of any name or nature (including the right to charge for blank manifests and clearances under the provisions of section 2648 of the Revised Statutes) heretofore received by or allowed to him.

Maine and New Hampshire	$5,000
Eastern Vermont	4,000
Western Vermont	4,000
Massachusetts	8,000
Rhode Island	4,500
Connecticut	5,000
St. Lawrence	5,000
Rochester	4,500
Buffalo	6,000
New York	12,000
Philadelphia	8,000
Pittsburgh	4,500
Maryland	7,000
Virginia	5,000
North Carolina	2,500
South Carolina	2,500
Georgia	3,000
Florida	6,000
Mobile	3,500
New Orleans	7,000
Sabine	3,000
Galveston	5,000
Laredo	3,500
El Paso	4,500
Eagle Pass	4,000
Arizona	3,500
Southern California	5,000
San Francisco	7,000
Oregon	4,500
Washington	6,000
Alaska	4,000
Hawaii	5,000
Montana and Idaho	3,500
Dakota	3,500
Minnesota	4,000
Duluth and Superior	4,000
Wisconsin	4,500
Michigan	6,000
Chicago	7,000
Indiana	4,000
Ohio	6,000
Kentucky	3,500
Tennessee	3,500
Iowa	3,000
St. Louis	6,000
Omaha	2,500
Colorado	3,500
Utah and Nevada	2,500

All moneys collected or received by such collectors of customs in their official capacities, whether as fees, storage, commissions, or from the sale of blank forms or otherwise, shall be covered into the Treasury.

V.

Such collectors shall maintain their principal offices at the headquarters of their respective districts, with the exception of the collectors for the districts of Virginia, Minnesota, and Duluth and Superior, who shall maintain a principal office at both Newport News and Norfolk, and at both St. Paul and Minneapolis, and at both Duluth and Superior, respectively.

VI.

The collector of customs or the surveyor of customs (if there be no collector) for any district heretofore existing in which the port above mentioned as the headquarters of a district hereby created is located shall continue to hold office as the collector of customs for such new district under his existing commission, or if the port so designated as the headquarters of any district hereby created be an independent port of delivery the collector or surveyor (if there be no collector) shall continue to hold office as the collector of customs for such new district under his existing commission, and the terms of office of all other collectors of customs, and the terms of office of all other surveyors of customs, except the surveyors of customs at the ports of Portland, Me., Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., New Orleans, La., and San Francisco, Cal., shall cease and determine upon this reorganization going into effect.

VII.

The Secretary of the Treasury may appoint a deputy collector to have charge of each port of entry, who shall perform such duties and receive such compensation as the Secretary of the Treasury shall determine.

VIII.

The Secretary of the Treasury is hereby authorized to prescribe uniform blank forms to be used in connection with the entry and clearance of merchandise, and to cause such forms to be printed and to be kept on sale at the various ports of entry as he may direct, the net proceeds of such sales to be covered into the Treasury.

IX.

Merchandise shall not be entered or delivered from customs custody elsewhere than at one of the ports of entry hereinbefore designated, except at the expense of the parties in interest, upon express authority from the Secretary of the Treasury and under conditions to be prescribed by him. When it shall be made to appear to the Secretary of the Treasury that the interests of commerce or the protection of the revenue so require, he may cause to be stationed at places in the various collection districts, though not named as ports of entry, officers or employees of the customs with authority to enter and clear vessels, to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws.

X.

All persons now in the classified civil service whose employment may be discontinued by reason of this reorganization shall be retained upon the list of eligibles for appointment to fill any vacancies hereafter occurring in the customs service.

XI.

The notice of dissatisfaction and protest provided for by subsections 13 and 14 of section 28 of the act approved August 5, 1909, shall be deemed to be finally abandoned and waived unless within 30 days from the date of filing thereof the person who filed such notice or protest shall deposit with the collector of customs a fee of $1 with respect to each appraisement, entry, or payment objected to. Such fee shall be deposited and accounted for as "Miscellaneous receipts," and in case the notice of dissatisfaction or protest in connection with which such fee was deposited shall be finally sustained in whole or in part, such fee shall be refunded to the importer, with the duties found to be collected in excess, from the appropriation for the refund to importers of excess of deposits.

Attached hereto is a detailed estimate of the expenses of the customs service under the reorganization above provided.

Done at Washington, D. C., this 3d day of March, 1913.

WM. H. TAFT.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On March 3, 1913:

S. 267. An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes;

S. 5137. An act for the relief of Alice V. Houghton;

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.;

S. 8000. An act providing for publicity in taking evidence under act of July 2, 1890;

S. 8589. An act relating to the supervision of the Lincoln memorial;

S. 8178. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

REGULATION OF THE WATERS OF NIAGARA FALLS.

Mr. O'GORMAN. Mr. President, will the Chair lay before the Senate the concurrent resolution which has just come over from the House of Representatives, giving authority to the Committee on the Judiciary of that body to employ certain assistants?

The PRESIDENT pro tempore. The Chair will first lay before the Senate a joint resolution previously coming from the other House.

The joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, was read the first time by its title.

Mr. BURTON. Mr. President, I ask unanimous consent for the present consideration of that joint resolution.

Mr. O'GORMAN. I reluctantly object to unanimous consent for its consideration.

Mr. BURTON. Then, Mr. President, I move that the Senate proceed to its consideration, notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to the consideration of the joint resolution.

Mr. CHILTON. Had it not better be read, Mr. President? We do not know what it is.

The PRESIDENT pro tempore. The joint resolution will be read.

The joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, was read the second time at length, as follows:

Resolved, etc., That the provisions of an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, be, and they are hereby, extended and reenacted from March 4, 1913, being the date of the expiration of the operation of said act, to March 4, 1914: *Provided*, That the first proviso in section 2 of said act limiting the transmission of electrical power from the Dominion of Canada into the United States to 160,000 horsepower be amended by striking out the words "one hundred and sixty thousand" and inserting in lieu thereof the words "two hundred and fifty thousand."

Mr. O'GORMAN. Mr. President, I hope this joint resolution——

Mr. BURTON. I take it, Mr. President, that the motion to proceed to the consideration of a measure is not debatable; but in answer to the Senator——

The PRESIDENT pro tempore. It is usually held that the motion is not debatable.

Mr. BURTON. But the Senator from New York having made a brief statement, I think I am also entitled to do so.

I regard the passage of this joint resolution as extremely important. In the language of the Chief of Engineers the situation will be more or less chaotic, unless the joint resolution passes.

The PRESIDENT pro tempore. The motion is not considered debatable. The Senator from Ohio moves to proceed to the consideration of the joint resolution just read. [Putting the question.]

Mr. O'GORMAN. I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Senator from New York appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. O'GORMAN. Perhaps I am under a misapprehension. Will the Secretary state the precise motion that was made by the Senator from Ohio?

The PRESIDENT pro tempore. The Chair will state it. The motion was, that the Senate should proceed to the consideration of the joint resolution which had been read, notwithstanding the objection of the Senator from New York. The question is on agreeing to the motion. [Putting the question.] The "ayes" appear to have it.

Mr. O'GORMAN. I call for a division.

Mr. MYERS. Mr. President, is the question on the appeal or on the joint resolution?

The PRESIDENT pro tempore. The Chair understood that the Senator from New York withdrew the appeal.

Mr. O'GORMAN. That is withdrawn.

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the joint resolution.

The question being put, there were, on a division—ayes 26, noes 16.

The PRESIDENT pro tempore. The division discloses the lack of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	McCumber	Smith, S. C.
Bankhead	Cummins	Martine, N. J.	Smoot
Bourne	Dillingham	Myers	Stephenson
Bradley	Gallinger	O'Gorman	Stone
Brady	Gamble	Owen	Sutherland
Brandegee	Gore	Page	Thomas
Bristow	Johnson, Me.	Paynter	Thornton
Bryan	Jones	Penrose	Warren
Burton	Kavanaugh	Pittman	Wetmore
Catron	Kern	Poindexter	Williams
Chamberlain	La Follette	Pomerene	Works
Chilton	Lea	Root	
Clapp	Lippitt	Sheppard	
Clark, Wyo.	Lodge	Simmons	

The PRESIDENT pro tempore. On the call of the roll 53 Senators have answered to their names. A quorum of the Senate is present. The question is——

Mr. BURTON. I ask for the yeas and nays, Mr. President, on my motion.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. O'GORMAN. Mr. President, I desire to call the attention of the occupant of the chair to Rule VIII, which provides that all motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate. As this motion does not fall within that class, the motion to proceed to the consideration of a matter evidently permits discussion. I invite the attention of the Chair to Rule VIII.

Mr. SMITH of Georgia. This is after 2 o'clock.

Mr. CLAPP. Mr. President, I think everybody will agree that while there is no designation the mention of an hour means post meridian. It is now several hours before the 2 o'clock which naturally, and I think logically, is referred to in the rule.

Mr. O'GORMAN. We are still in the legislative day of March 3.

The PRESIDENT pro tempore. The rule manifestly applies when the Senate meets in the morning and has a morning hour, and the motion made before 2 o'clock on such a day is to be determined without debate; but the Chair will have to ask some one to count up the particular portion of the day in which we are now legislating, the Senate having met at nearly 3 o'clock in the afternoon, as the Chair understands.

Mr. O'GORMAN. At 3 o'clock?

Mr. SMOOT. It was 10 minutes to 3.

Mr. O'GORMAN. We met on March 3. We are in the legislative day of March 3, although we are now in the calendar day of March 4.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. The Chair is of the opinion that the 3d and 4th of March, with one exception, have always been treated as one legislative day, and that proceedings on the 4th day of March were merely a continuation of the proceedings on the 3d.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The message also announced that the House had passed the bill (S. 7747) for the relief of Charles Dudley Daly.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

JUDICIAL DISTRICTS IN GEORGIA.

Mr. SMITH of Georgia. Half an hour or more ago I asked unanimous consent from the Senate to recall the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which is a local bill, applying alone to the State of Georgia. I did so because in the House it is found that two words were left in it by mistake that nullified the effect of the bill. I ask the unanimous consent of the Senate to correct those two words.

The PRESIDENT pro tempore. The Senator from Georgia moves to reconsider the vote by which the bill was passed.

Mr. SMITH of Georgia. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. SMITH of Georgia. In the House print, page 1, line 6, I move to strike out the words "to read"; in the Senate amendment, on page 1, in the first line, I move to strike out the comma before the word "after," and to strike out the lower-case "a" and insert a capital "A."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. PENROSE. Mr. President, if the naval bill is on the table, I would ask to have it submitted. It will take but a moment.

The PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

Mr. PENROSE. Mr. President, the Senate has already agreed to all of the amendments in the naval appropriation bill, with the exception of three or four, all of which are applicable to the battleship question. The conferees have recently met and have agreed on one battleship to be built in a Government navy yard, and I have the report here, in which I ask the concurrence of the Senate.

Mr. ROOT. May I ask the Senator if he will state what was the action of the House of Representatives with regard to the battleships?

Mr. PENROSE. Mr. President, I ought to state that the House, by a majority of 24, sustained the position of the House conferees for one battleship and defeated the amendment of the Senate for two battleships. So, rather than take the responsibility of defeating the bill, which contains many very excellent provisions for the benefit of the Navy Department and the Navy, the Senate conferees, with great reluctance, have agreed to the one-battleship proposition. I ask for a vote on the conference report.

The PRESIDENT pro tempore. The report will be read.

Mr. PENROSE. It is not necessary to read it, unless the Senate wants it read. It only covers the battleship issue. The amendments are five in number, purely technical. Of course they can be read, if desired.

The PRESIDENT pro tempore. Unless some Senator demands it, the conference report will be printed in the RECORD without reading.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 46, 47, 48, 49, 53, 54, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In said amendment in line 3 strike out the words "one of the battleships" and in lieu thereof insert the words "the battleship"; and the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out "$21,768,228" and in lieu thereof insert "$19,818,228"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out "$490,000" and insert in lieu thereof "$430,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: Strike out "$15,618,912" and in lieu thereof insert "$11,724,192"; and the Senate agree to the same.

That the House recede from its disagreeemnt to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Strike out "$41,230,416" and in lieu thereof insert "$35,325,695"; and the Senate agree to the same.

BOIES PENROSE,
H. C. LODGE,
Managers on the part of the Senate.

L. P. PADGETT,
A. W. GREGG,
GEORGE EDMUND FOSS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I submit a conference report on the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming presents a conference report, which will be read.

Mr. WARREN. Mr. President, I wish to say that it is probably unnecessary to read the report, unless it is asked for. I will say that the conferees have agreed upon all the items but one, and that one has been acted on in the House, and I am informed they voted to adhere to their disagreement. The mover of the amendment in the Senate, who is not in the Chamber at present, knowing of the vote in the House, expects me to move to recede from that one amendment and thereby close the consideration of the sundry civil bill.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary proceeded to read the conference report.

Mr. SMOOT. I ask unanimous consent that the further reading of the report be dispensed with and that it be printed in full in the RECORD.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the further reading of the report be dispensed with and that it be printed in the RECORD. Is there objection? The Chair hears none.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 9, 16, 20, 21, 22, 23, 28, 50, 55, 58, 59, 62, 63, 67, 83, 84, 101, and 103.

That the House recede from its disagreement to the amendments of the Senate numbered 19, 47, 68, 70, 71, 94, 95, 96, 100, 102, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,305,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided, however*, That the Secretary of the Interior is hereby authorized and empowered to grant a lease for the construction and maintenance of a substantial hotel and buildings in connection therewith in accordance with and under the provisions of the act of June 4, 1906 (34 Stat. L., p. 207), relating to concessions in Yellowstone National Park, and the act of March 2, 1907 (34 Stat. L., p. 1219), amendatory thereof, and any part of section 2 of the act of October 1, 1890, concerning the Yosemite National Park, in conflict herewith is hereby repealed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"To provide for the participtation of the United States in the Panama-Pacific International Exposition.

"There shall be exhibited at the Panama-Pacific International Exposition, to be held at San Francisco in 1915, such articles and materials as illustrate the function and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and the President is authorized to provide for the collection and exhibition of such articles and materials under the direction of a board, which is hereby created, to be known as the Government Exhibit Board, which shall be composed of three members, to be named by the President from persons in the executive departments, who after consultation with the heads of the executive departments and the regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the governor of Porto Rico, the governor of Alaska, the governor of Hawaii, and the United States Geographic Board, shall determine the nature, character, and extent of the exhibits to be made, and shall be charged with the selection, purchase, preparation, safe-keeping, exhibition, and return of such articles and materials as said board may decide shall be exhibited. Before any obligations are incurred of any nature said board shall have arranged the scope of such exhibits so as to provide for the collection, exhibition, and return of such articles and materials at a cost, which, together with all other expenses herein authorized, shall not exceed the amount hereinafter appropriated. The President shall designate one member of said board as chairman, and from persons in the employ of the United States Government may designate a secretary and a disbursing officer for said board, and may also detail such other persons, including officers of the Army and Navy, as he may deem necessary to assist said board. All officers and employees of the Government who may be detailed as aforesaid shall receive no compensation in addition to their regular salaries, but shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, but in no case to exceed $5 per day while necessarily absent from their homes engaged upon the business of the board. Any officer of the Army or Navy so detailed shall receive this allowance in lieu of the transportation and mileage now allowed him by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform, shall not apply to persons detailed to duty in connection with said Panama-Pacific International Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine: *Provided*, That compensation shall not be paid to any such employee at a rate in excess of $3,000 per annum. The disbursing officer shall give bond in the sum of $30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer, from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation herein made for the governmental participation in the exposition, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibition as authorized by the exhibit board.

"Suitable buildings for the housing of all said exhibits shall be provided by the Panama-Pacific International Exposition Co. without expense of any kind to the Government of the United States.

"For the purpose of inaugurating, installing, maintaining, and returning said Government exhibits, together with all other expenses of every kind connected therewith, $500,000. Said sum shall be paid by the Secretary of the Treasury from time to time under such regulations as he may prescribe.

"The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission, which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive, in addition to his original compensation, his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary, at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission.

"Said commission shall be authorized and empowered to act as a board of arbitration to settle and determine any and all disputes arising between the commissioners of foreign Governments and the directors of said Panama-Pacific International Exposition whenever a formal request for such action is made by any foreign commissioner, and said National Exposition Com-

mission shall represent the Government of the United States at said exposition in the reception and care of persons officially representing foreign Governments.

"Said National Exposition Commissioners shall be detailed not earlier than July 1, 1914, and their term of service as said commissioners shall not extend beyond July 1, 1916, and the President may terminate said commission at any time after January 1, 1916."

And the Senate agree to the same.

On amendment numbered 130 the committee of conference have been unable to agree.

F. E. WARREN,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
SWAGAR SHERLEY,
Managers on the part of the House.

Mr. WARREN. In view of the action taken by the House on the appropriation of $250,000 for the Knoxville Exposition, I now move that the Senate recede from their amendment in that particular.

The PRESIDENT pro tempore. The question will first be upon agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore. The Senator from Wyoming now moves that the Senate recede from the amendment which the Secretary will state.

Mr. WARREN. It is the last amendment in the bill, and carries $250,000 for the Knoxville Exposition.

The PRESIDENT pro tempore. It is amendment numbered 130. The question is on the motion of the Senator from Wyoming that the Senate recede from its amendment.

The motion was agreed to.

HOUSE COMMITTEE ON THE JUDICIARY.

Mr. O'GORMAN. Mr. President, before passing on the point of order on the question submitted, I ask unanimous consent to have laid before the Senate the concurrent resolution just received from the House of Representatives. (H. Con. Res. 73.)

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which the Secretary will read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That the managers on the part of the two Houses be authorized and directed to insert in H. R. 28858, "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes," the following:

"After March 4, 1913, those members of the Committee on the Judiciary who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on the Judiciary during the first session of that Congress, are authorized to expend for experts, accountants, and clerical and other assistants for the purposes stated in House resolution 486, out of the contingent fund of the House, a sum not in excess of the balance unexpended under said resolution."

Mr. O'GORMAN. I am advised that there is urgent and pressing need for the adoption of the concurrent resolution. I ask for its favorable consideration by the Senate.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to.

REGULATION OF THE WATERS OF NIAGARA FALLS.

Mr. BURTON. Mr. President, House joint resolution 402 was before the Senate, and I asked for its consideration.

The PRESIDENT pro tempore. The Senator from New York [Mr. O'GORMAN] raised the point of order that a motion made after 2 o'clock—that is, after two hours from the time the Senate convenes—is a debatable motion. The Chair has not time, under the circumstances, to go through the precedents on that point, but will simply say that, so far as the present occupant of the chair is concerned, a motion to proceed to the consideration of any matter has not been considered a debatable motion.

Mr. BRISTOW. Mr. President, if the Chair will pardon me, Rule VII, paragraph 6, on page 10, reads as follows:

6. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

The PRESIDENT pro tempore. The Chair did lay the matter before the Senate, and objection was made to its consideration. Then a motion was made to proceed to its consideration, and the Senator from New York made the point of order that the motion is debatable under the rules. The Chair will be pleased to hear Senators who desire to express their views as to whether or not the point of order is well taken.

Mr. BURTON. Mr. President, so far as I am concerned, I do not care whether the debate precedes the vote or succeeds it, but it seems to me the rule is perfectly clear on this point—that the motion must be placed before the Senate without debate.

Mr. BRANDEGEE. Mr. President, is the expression that the Chair "may at any time * * * lay before the Senate any bill or other matter" equivalent to a motion to proceed to its consideration?

Mr. CUMMINS. It is to lay it before the Senate.

The PRESIDENT pro tempore. It was laid before the Senate by the Chair, and the Senator from Ohio [Mr. BURTON] asked unanimous consent to proceed to its consideration, which was objected to.

Mr. BRANDEGEE. That is a different proposition from laying it before the Senate, Mr. President.

The PRESIDENT pro tempore. Absolutely; the Chair so recognizes. Then the Senator from Ohio moved to proceed to its consideration, whereupon the Senator from New York [Mr. O'GORMAN], reading the latter paragraph of Rule VIII, insisted that it was a debatable question. The Chair never has known that point to be raised when a motion has been made to proceed to the consideration of a bill; and the Chair must ask time to look up the precedents.

Mr. BURTON. Mr. President, I very much regret to note that there has been apparently a partisan division on this motion. This joint resolution passed the House of Representatives a day or two ago by a unanimous vote. Members of the House of Representatives living in the State of New York, who had made objections to it because they felt that jurisdiction should be exercised by the State, waived those objections and acquiesced in the passage of the joint resolution.

Action on this measure is absolutely necessary, Mr. President and Senators, for the proper preservation of Niagara Falls. This subject has been repeatedly before the House and the Senate. This act was passed originally in 1906 and has been twice extended. The second extension expires on this very day.

In regard to the situation Gen. Bixby, the Chief of Engineers, having in charge subjects relating to the Falls, very recently made this report:

Unless the act in question is extended or replaced by like legislation the question of the control over water diversion and power development at Niagara Falls will be left in a state more or less chaotic. If the act expires by limitation it is probable that all permits granted thereunder will immediately terminate. At any rate, the War Department will find it difficult, if not impossible, to exercise any control over such permits or over the disposition of any unused or unallotted water power; and no executive will be specifically charged with the duty of supervising the use of water for power development on the American side or the transmission of electrical power from or to Canada.

The object to be gained, as I have stated, was to secure the rights of the United States in this boundary stream and also to preserve Niagara Falls. An act, which was passed in the year 1906, to which I have referred, provided that the 15,600 cubic feet per second might be diverted and that 160,000 electrical horsepower might be transmitted into the United States from Canada. That limitation has existed up to this time. Four years later, in 1910, in pursuance of this original act, a treaty was made with Great Britain, under which authority was granted to divert 20,000 cubic feet on our side of the Niagara River and 36,000 feet on the Canadian side. There have been reports made by the engineers to the effect that even the diversion of 15,600 cubic feet materially interferes with the beauty of the cataract. On this subject a report is contained in volume 1 of the Report of the Chief of Engineers, 1909, in which it is said:

The combined lowering tends to uncover shallow portions of the crest line of the American Falls. It is further accompanied by greater and consequently more harmful effects both in the American rapids and at the easterly or Terrapin Point end of the Horseshoe Falls.

Terrapin Point is on the New York side of the boundary, and as depths there are naturally slight, the loss of 2.5 inches in depth, which is the total due to all existing diversions, is a matter of moment in its relation to continuity of crest line. But it is on the Canadian side of the boundary that the impairment of the falls is most serious.

Then follows a discussion of the serious effect of the diversion on the crest line.

I want to read just a few words from an address delivered by a man very highly respected in the United States—Ambassador Bryce. The language I read is from an address on "National parks; the need of the future," delivered before the annual meeting of the American Civic Association, at Baltimore, November 20, 1912:

And, lastly, there is the question of water power, which has in recent years, since the scientific discoveries enabled it to be applied in the form of electricity, become an asset of great commercial value. You fortunately have a great supply of splendid water power. I am far from saying that a great deal of it, perhaps most of it, may not be very properly used for industrial purposes, but I do say that it has been used in some places to the detriment, and even to the ruin, of scenery. It has been used in Niagara, for instance, to such an extent as to change completely the character of what was once the most beautiful water-

fall landscape in the whole world. Those of you who did not see it, as I did, 42 years ago, and are not in a position to contrast it now with what it was then, can not know what a wretched shadow of its former self it has become—not so much by the diminution of the flow of the river as by the hideous erections which line the shores. It is not too late to repair what has been done, and I hope the day will come when the pristine flow of its waters will be restored and when the devastating agencies will have been removed. That we will leave for a future which has begun to appreciate scenery more highly than men did 30 years ago, when the ruin of which I speak was beginning to be wrought.

Mr. President, to my mind it is unthinkable that we should neglect this great spectacle of nature, the finest in the New World, which belongs not merely to the State of New York or to the United States but to the whole world—a marvel of beauty and grandeur far exceeding any one of the seven wonders of the world. But the ruthless hand of the promoter has been laid upon this river; and thus the cataract has been diminished in size and the scenic effect has been impaired, not only by diminishing the flow and the quantity of the water but by the structures on the banks. Franchises were given in the State of New York to use this water. They are not to blame, perhaps. At first this development was approved, but it was found necessary for the Federal Government to take control. It was found necessary to settle this question by a treaty with Canada.

I want to say, Mr. President, that in all my experience in either House of Congress I have never known such an aggregation of persons to come here seeking to rob and to despoil as those who have come here after this power. If there is anyone who wishes them to succeed, he must answer to the country for it. They not only desired the water above the Falls but they now desire to withdraw the waters below in the rapids, which are second in beauty only to the Falls themselves. Persons have come here under the guise of public spirit, or even of philanthropy, when it was but a thin veil to conceal a scheme to get possession of the waters of the Niagara River.

We ask that for a year this law be continued to stay the hand of the despoiler.

Repeated efforts have been made to adjust this matter by statute, to turn over a certain amount of authority to the State of New York, but we have failed. A bill on the subject was introduced in the House a few weeks ago which was reported with practical unanimity. One member dissented; but all of the majority, 15 or so, asserted the authority of the Federal Government over this stream.

In this connection I wish to read briefly from the treaty. No one can read carefully this treaty with reference to the Niagara River without deriving from it the inference that it was intended that the United States, the Federal Government, should have control.

Article 2, on page 4, says:

> Each of the high contracting parties reserves to itself or to the several State governments on the one side and the Dominion or provincial governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters.

Thus there is one section which provides that the respective Governments or the several State governments may control waters flowing across the boundary or flowing into the boundary waters. That is one provision.

In article 3 there is a provision in which it is agreed that there shall be no further or other uses of boundary waters except by authority of the United States or of the Dominion of Canada, omitting the reference to the States, and showing that as to boundary waters it was expected that the control would be exercised by the respective Federal Governments—that is, the Government of the Dominion of Canada and the Government of the United States. That was the general provision. But the article pertaining to the Niagara River is even more specific:

> So long as this treaty shall remain in force no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.
>
> The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.
>
> The United Kingdom, by the Dominion of Canada or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second.

This shows in the most distinct language that the jurisdiction to permit the diversion of power was to rest with the United States so far as waters on our side were concerned; but that a different rule prevailed on the other side, as shown by the fact that the expression is in the alternative:

> The United Kingdom, by the Dominion of Canada, or the Province of Ontario.

Indeed, Mr. President, if this act should terminate, I do not see but that the power users would be in a very uncertain state, in that they would be withdrawing power without any authority whatever. The act of 1906 in its first section in the clearest language asserts the jurisdiction of the United States. It states:

> That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section 2 of this act.

It then goes on to state the amount that may be diverted, the kind of regulations, and so forth.

In section 5 it is stated:

> That the provisions of this act shall remain in force for three years from and after date of its passage—

It has been extended so that its operation has continued until to-day—

> at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

It is perfectly plain what the object of the act was—to assert and to establish the jurisdiction of the United States in the Niagara River. Permits were to be granted during the life of this law. When the law expired, the permits, or the rights granted by the permits, ceased, and it is expressly stated that nothing in them is to be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power.

Mr. President, I do not want to go into the subject of conservation here. This situation does not involve the general subject of diversion from navigable waters merely. This is a boundary stream, and as such the United States has complete control over it. In providing for the general defense Congress might pass a law or make regulations with a view to making the flow of water abundant or rapid in one stream so as to prevent invasion from across the border, and scanty in another, so as to make invasion of the other side easy. It is a navigable stream also. Strangely, it is navigable from Lake Erie almost to the Falls. Appropriations have been made by Congress to promote the navigability of this stream down to the very point where the intakes are situated, and improvements have been made down to that point. For both these reasons we have jurisdiction over it.

But, Mr. President, it may be conceded that the chief interest of Congress has been to prevent the ruin of the Falls. I know there are some who say that water power is becoming so valuable that the time is coming when the whole cataract must run dry. One of our prominent comic newspapers had a cartoon representing the situation as it would be with no water flowing over the crest of the Falls, with its beauty and grandeur departed, and with power houses on every hand. I do not think it was very humorous after all, for it was an intimation of what might happen.

"Oh," they say, "you can take any amount of water without diminishing the grandeur of the cataract or its beauty."

Mr. President, it is too obvious a proposition that when you have taken away nearly a fourth of the whole volume of water flowing over the Falls you can not take more without diminishing the scenic beauty. It is not merely a matter of the height on the crest, but of the volume. Both alike are required for the grandeur and beauty of the spectacle.

In the original act the amount of electrical power that could be brought over from Canada was limited to 160,000 horsepower. I do not like to see this amount increased, but in view of the insistent arguments that were made it seemed best to consent that that amount be increased to 250,000 horsepower, which is probably all that will be available for transmission from Canada into the United States under the amount of water which may be diverted by the terms of the treaty.

Mr. President, the petitions that were presented to Congress in the year 1906 praying for some action by Congress for the preservation of these Falls surpassed in number of signers and representative quality any petitions that I have ever known to be presented here. We have a responsibility to the country. We have a responsibility to save that cataract in all its beauty and grandeur. We have a responsibility to keep away the promoter, who would destroy its beauty, oftentimes coming here and saying, "Oh, we are interested in the Falls," but who are yet desirous of withdrawing so great an amount of water as practically to ruin their beauty and their grandeur as well.

But it is said, "The State of New York can take care of the situation." Why, Mr. President, the State of New York has no sufficient legislation on this subject, and I say, without intending to censure, that the State of New York allowed a condition to arise there in which it was necessary for Congress, by universal acquiescence, to act. Since the Niagara is a boundary

stream and a navigable stream, it is not possible that the State of New York should have that degree of jurisdiction over it which will make adequate control possible. It is for us; it is our responsibility. I say again that I am willing to join with the Senator from New York or with anyone else whenever they will bring in here legislation that will sufficiently safeguard the cataract. But I object to turning this subject over to a State, because, in the first place, that State has provided no adequate legislation nor any proper machinery of government for its control; and, in the second place, because jurisdiction necessarily, under the treaty and under established law, must belong to the United States.

We sometimes look into the future, Mr. President. I do not believe there is any question to which a greater degree of attention will be given than to this subject when the new administration comes into power. I tender that administration my best wishes. If the principles which it advocates are best for the country, we shall acquiesce. The course of the new administration with reference to the preservation of Niagara Falls will be watched, not simply by one person, not simply by thousands, but by the whole of the American people, from the Atlantic to the Pacific.

We can not afford to let this act expire. We can not afford to throw the doors open for these men who have been crowding around this Capitol. One great reason why it has not been possible to frame satisfactory legislation on this subject has been that the different persons who were grasping for water power have been quarreling among themselves. If the act falls, they can go ahead one by one and divert water. It is no answer to say that the State of New York can or will prevent it.

Why, the State of New York has granted franchises in which there is no limit on the amount of water that may be diverted. There are now three or four companies at the falls whose use of water is strictly limited under regulations we have made, one of them having the right to withdraw 8,600 cubic feet per second, one 6,500, and another 500—in all, 15,600. How are you going to determine which one of those shall use any additional withdrawal which might be allowed? There they are, all three, ready to draw from the river an additional amount.

It is no answer to say that the total withdrawal is limited to 20,000 cubic feet per second. You have no regulations to control such withdrawal. You have framed no statutes on the subject. You have no sufficient power to do it. It belongs to the United States Government, under this treaty, to do it.

Again, if this act should fall, even if restricted by the treaty to the 20,000 cubic feet, the remaining 4,400 cubic feet allowed by the treaty would be immediately drawn out. That is the very thing that the engineers of the United States Army, those who have been most familiar with the conditions already existing, have said would be a calamity, because of the depletion which has already occurred.

Mr. President, with all the earnestness I can command, I insist that this resolution be passed this morning. I think otherwise we should fail in our duty to the people of this country, who love not merely the promotion of industries but beauty of scenery and that which inspires and uplifts. It is not meet that our whole civilization should be melted down into dollars. What would be the choice of the people of the United States between a few thousand more horsepower on the one side and the beauty and glory of Niagara Falls on the other? Shall we leave this question to those who wish the power, or shall we regard the wishes of those who desire the preservation of this, one of the most magnificent spectacles in the world, visited by millions, the object which many who have crossed the sea desired to visit more than any other? Shall we leave that out of account altogether?

Mr. OWEN. Mr. President, this resolution comes late. If it be of such urgent importance, it ought to have come sooner.

Mr. BURTON. Mr. President, will the Senator from Oklahoma yield to me for a moment?

Mr. OWEN. I will.

Mr. BURTON. I recognize that there has been some ground for complaint in that regard. A bill was introduced in the House some considerable time ago, and it was believed that it would pass. It was reported—I do not know the exact date—at a time sufficiently long before the expiration of the session to give promise that it would pass. But it was found that it could not obtain consideration, so this resolution was introduced in the House, because something must be done. It was passed promptly by the House and is now reported to the Senate by the Committee on Foreign Affairs.

Mr. NEWLANDS. Will the Senator from Oklahoma permit me to ask a question of the Senator from Ohio?

Mr. OWEN. Yes.

Mr. NEWLANDS. Do I understand from the Senator from Ohio that the legislation already in existence expires in its operations to-morrow?

Mr. BURTON. It expires to-day.

Mr. NEWLANDS. To-day?

Mr. BURTON. Yes.

Mr. NEWLANDS. Have rights been built up under that legislation?

Mr. BURTON. Water has been withdrawn only under permits which specify the quantity which may be diverted. This law specifies the time during which they shall continue.

Mr. O'GORMAN. Are not all those permits revocable by the Secretary of War?

Mr. BURTON. They are all revocable by the Secretary of War. The law contains a provision in respect to that which I have already read.

Mr. O'GORMAN. Has any fee been exacted from either of the two companies that have a monopoly of the water power at Niagara Falls at the present time by virtue of permits from the Secretary of War?

Mr. BURTON. No; there has not, because they had charters from the State of New York, which were granted to them before the Federal Government exercised any authority, which were absolutely without limit or reservation. There was no reservation as to quantity. Under the laws of New York these companies might have taken out all of the waters of Niagara. There is one minor company. There are two large ones. I will read the names of these companies from the official record: The Niagara Falls Power Co., which has the right to divert 8,600 cubic feet, and the Niagara Falls Hydraulic Power & Manufacturing Co., which has the right to divert 6,500 feet. Then there is a minor company which enjoyed rights before this change was made, the Lockport Hydraulic Co., which has the right to divert 500 feet.

I will state—for I think that point should be made clear—that it was the purpose of this act to recognize existing rights there, or what were thought to be rights, under grants from the State of New York; to stop further diversion, but to allow existing users to withdraw just the same quantity of water which they had been withdrawing in the past.

Mr. NEWLANDS. Was it the main purpose of the National Government in the matter to preserve the scenic beauty of Niagara Falls?

Mr. BURTON. Yes; not only in this act but in the treaty which was made with Great Britain.

Mr. NEWLANDS. If the operation of this act is extended for one year, it will give us an opportunity to inquire into the law and all the facts and to legislate intelligently upon the subject?

Mr. BURTON. It will; certainly. As I said a little while ago, if it had not been for the contest between parties who were seeking privileges in that water and their failure to agree, we would have passed a statute long ago.

Mr. OWEN. Mr. President, I should like to proceed now without further interruption.

Mr. PAYNTER. I should like to be permitted to ask a question for information.

Mr. OWEN. I yield to the Senator from Kentucky.

Mr. PAYNTER. Would the right of these power companies to get water cease when this act ceases to operate?

Mr. BURTON. I am of the opinion that it would. First, the Federal Government asserted its jurisdiction in unequivocal terms by the act of 1906. Second, in that act it was provided, incidentally, that the permits should be granted by the Secretary of War and might be canceled by him, and that the permits should cease on the termination of the act. Third, the treaty with Great Britain in explicit terms defines the quantity of water that may be diverted—20,000 cubic feet per second—and states that the United States may authorize and permit diversion, and so forth. To show that this meant the Federal Government, I have already called attention to the fact that the treaty in other places recognizes the right of the States under certain conditions to control the flow of water, and that in the very next paragraph authority is given either to the Dominion of Canada or to the Province of Ontario.

Mr. PAYNTER. For what purpose is the power used?

Mr. BURTON. For electrochemical processes, and it is transmitted to Buffalo and other points for general power purposes.

Mr. PAYNTER. For street car purposes?

Mr. BURTON. To an extent for that. The larger use, I think, is for chemical processes. The production of aluminum is one such use.

Mr. MARTINE of New Jersey. And carbides.

Mr. PAYNTER. What is the right in the company to utilize the power?

Mr. BURTON. I think the companies diverting water would be, to say the least, in a very doubtful position if this resolution should fail.

PROPOSED RECESS.

Mr. SMITH of South Carolina (at 3 o'clock a. m., Tuesday, March 4). I move that the Senate do now adjourn.

Mr. OWEN. I have the floor, and I decline to yield for a motion.

The PRESIDENT pro tempore. The Senator from Oklahoma declines to yield.

Mr. OWEN. Mr. President, I have been waiting for a convenient opportunity to submit some remarks to the RECORD. I have not been willing to delay any legislation which I thought of any great importance, and I have waited until this moment when a convenient opportunity might be afforded. Since I can hardly hope to entertain or to instruct Senators, and since it will take me some little time to say what I am going to say, I wish to give a gentle suggestion to Senators who may care for a little repose while I address the RECORD.

Mr. PENROSE. Will the Senator permit me to interrupt him?

Mr. OWEN. I will.

Mr. PENROSE. I wish to make a suggestion to the Senator from Oklahoma and to the Senate, if it is agreeable. I ask unanimous consent that at 4 o'clock the Senate shall take a recess until 9.30 o'clock.

Mr. OWEN. That will be agreeable to me.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that at 4 o'clock the Senate stand in recess until 9.30. Is there objection?

Mr. SMITH of South Carolina. I object.

Mr. PENROSE. I hope the Senator from South Carolina will withdraw the objection.

Mr. SMOOT. What is the Senator's request?

Mr. PENROSE. I have just asked unanimous consent that the Senate take a recess from 4 o'clock until 9.30. I will supplement it with the request that no business be transacted except reports of conference committees.

Mr. BRANDEGEE. Between now and 4?

Mr. PENROSE. Yes.

Mr. NEWLANDS. I would have no objection to that, provided no business will be done prior to 4 o'clock except the legislative appropriation bill.

Mr. PENROSE. That is all right; it is merely the reception of the report.

Mr. SMOOT. That is the very report we want to consider.

Mr. NEWLANDS. I understand that there has been some understanding among the conferees, but the exact nature of it I have not learned. I should like to have the report submitted if it is ready before the hour suggested.

Mr. SMOOT. I can say to the Senator if he is not satisfied with the report, then the bill will fail; there is no question about that. So the unanimous-consent agreement asked for will not affect that report.

Mr. NEWLANDS. That is what I wanted to do. I want it to fail if it proposes to sacrifice the interests of the great mining regions which I represent and which many others represent here.

Mr. SMOOT. I will say to the Senator that there are others here as much interested in that region as the Senator—I for one—and I am perfectly willing to accept the report when it comes in. If the Senator does not want to accept it, all he has to do is to object to it, and that will cause the bill to fail, without a question, at this session.

Mr. NEWLANDS. I will take that responsibility very quickly.

Mr. PENROSE. I ask the Chair to put my request again for unanimous consent that the Senate take a recess at 4 o'clock until 9.30.

The PRESIDENT pro tempore. The Senator from Pennsylvania renews his request for unanimous consent.

Mr. WILLIAMS. What is the request?

Mr. ROOT. Could there be coupled with that a clause that no vote be taken between now and 4 o'clock?

Mr. LODGE. The conference report on the legislative appropriation bill, it is hoped, will be ready before 4 o'clock.

Mr. GAMBLE. I should think that action upon all conference reports on appropriation bills should be included in the understanding, and that an exception should not be made of any one bill.

Mr. OWEN. I will state that it is possible I shall occupy all the time until 4 o'clock.

The PRESIDENT pro tempore. The Chair will put the request of the Senator from Pennsylvania, so that it will be understood. It is that by unanimous consent the Senate stand in recess at 4 o'clock until 9.30. Is there objection?

Mr. WILLIAMS. In connection with that request for unanimous consent, I want to make a few innocuous observations. I think the time has about arrived when the Senate ought to serve notice upon any one or two Members of it that if they happen to differ with the balance of the Senate they can hold the Senate up, but they can not force it to quit; they can not intimidate it; and they can not make the Senate leave off the ordinary business.

Now, I do not know whether it is right or wrong to abolish the assay offices and mints that have been abolished in the legislative appropriation bill. I do not care whether it is right or wrong. I am rather inclined to vote, when the proposition comes up on its merits before the Senate, with the Senator from Nevada. But that is a different thing from holding a knife at my throat, and at the throat of the Senate, and giving notice that unless you agree to do what I want to do you may take a recess until 9 or 10 o'clock, or some other time, but the Senate shall not transact any business.

There are important matters of public business pending before this body, and I see no reason why 94 men should be any weaker in endurance physically or mentally than any one or two. My idea is that we should stay in session and let gentlemen talk or do whatever else they are going to do. They can not do much harm. The extra session will soon come, and these matters will have to come up again, and we will then have such a length of time before us that gentlemen can not talk things to death.

I want to maintain the right of unlimited speech in the Senate. I want to do it for minority and sectional reasons. I have been in a minority nearly all my life, and I do not expect to remain in a majority all the balance of my life. But I do think it is about time we were reading a riot act upon the question of holding up the Senate and the public business upon small and immaterial matters. When a great principle of human liberty is at stake, when a great principle of natural right is at stake, when a great principle of sectional preservation is at stake, I would stand here and metaphorically, if not literally, die in the ditch. But I do not think that this right which is so precious to the Republic ought to be abused about little bits of things, and I think the only way to keep it from being abused is to let gentlemen understand that when they serve notice upon an overwhelming majority of the Senate the overwhelming majority of the Senate will make rejoinder.

Mr. NEWLANDS. Mr. President, there is no necessity for any heat on the part of the Senator from Mississippi. I have served no notice upon the Senate. I simply insist that new legislation affecting a very material industry in the West, the great mining industry, is just as important to that region as the agricultural industry is to the Senator from Mississippi, and when that new legislation comes up in an appropriation bill it should be discussed just as thoroughly as if it came up by an original bill.

Mr. WILLIAMS. If the Senator will pardon me for one question, perhaps I misunderstood him, but I understood him to say in response to a question by the Senator from Utah that that was just what he wanted; that he wanted the bill to fail unless he could accomplish the purposes of his amendment.

Mr. NEWLANDS. I said that very candidly. I do.

Mr. WILLIAMS. That was the notice to which I referred as having been served upon the Senate.

Mr. PITTMAN. Mr. President, I simply want to state, as the colleague of the senior Senator from Nevada, that I am in thorough accord with the position that he has taken in this matter. I wish to state to the Senator from Mississippi that I took pleasure the other night in hearing him state that if the river and harbor bill was not passed there would be no other appropriation bills passed at this session of Congress. I have always looked to him for advice. We are still looking to him for advice with regard to matters that affect his section of the country. We are looking to him for advice with regard to the parliamentary rules of this body—at least I am. I have the highest respect for him.

I did not intend to say a word with regard to this matter, because I believe that my colleague has more ably presented it than I am able to present it. But I would not be willing to stand here and have him take the burden of this matter without saying anything. I want to state now that I do not believe that the other House of Congress understood the necessity of this matter, because this body which has heard it argued has voted for it by a large majority. I think that we have the right to speak sufficiently long on this matter to satisfy ourselves that the question is understood, and whether it be a

subject of particular interest to any particular locality, I want to state most emphatically that I am going to discuss this question until I have satisfied myself that it is thoroughly understood by every Senator who desires to vote upon it. I will not be limited in that matter either by the wishes of any other Senator or by the hours that that argument may cease.

Mr. WILLIAMS. If the Senator from Nevada will pardon one more interruption, I am informed——

Mr. OWEN. The Senator from Oklahoma will yield to the Senator from Mississippi.

Mr. WILLIAMS. Oh, I beg pardon; I thought the Senator from Nevada had the floor.

Mr. NEWLANDS. It was by the courtesy of the Senator from Oklahoma.

Mr. WILLIAMS. If the Senator from Oklahoma will pardon an interruption, I understand that the junior Senator from Nevada [Mr. PITTMAN] referred to me as having said that unless the rivers and harbors bill be passed no other appropriation bill should pass. What I said was that unless I could get a vote in the Senate upon the rivers and harbors bill I would never consent to its displacement, no matter what else came; and I say the same thing about this and all the routine supply bills and ordinary appropriation bills. I say the Senate ought to say that unless there can be gotten a vote it will not be intimidated by the fear of losing any other bills.

Mr. NEWLANDS. If the Senator from Oklahoma will pardon me——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Nevada?

Mr. OWEN. I yield to the Senator from Nevada.

Mr. NEWLANDS. I wish to say that this is not the individual matter of the State of Nevada; that some 15 States are interested largely in the mining industry; and that the Representatives of those States are of one mind regarding this legislation; and the Senate was apparently of the same mind, for it sustained us in a recent discussion.

This is a matter that the Appropriations Committee of the House has taken in hand. It has dealt with the question purely as one of economy. As I stated before, it has not considered the question at all from the standpoint of economics as it affects the great industries of the West. We of the West insist that this action is just as prejudicial to our interest as would be the action of the Appropriations Committee of the House if, without consulting the committee having jurisdiction, it should on an appropriation bill take away the appropriations for all the agricultural experiment stations in the farming States.

Thus far the subject has not had the consideration of the proper committee of the House. I had a conversation only a few moments ago with the Representative who is chairman of the Committee on Coinage, Weights, and Measures, which has jurisdiction of this subject, and he was surprised to find that it had any other side than that relating to economy, and when I presented the other considerations he said he would look up the conferees of the House and suggest to them that they should yield, and that the matter should go to the proper committees for consideration during the next session. It would then be taken up in an orderly way by the proper committee of the House and the proper committee of the Senate, and we would abide by the judgment of the Senate and House guided by its committees.

Mr. PENROSE. I desire to renew my request——

Mr. WILLIAMS. I object to the request made by the Senator from Pennsylvania.

The PRESIDENT pro tempore. Objection is made.

Mr. BRANDEGEE. Will the Senator from Oklahoma kindly yield to me? I will take but a moment.

Mr. OWEN. I yield to the Senator.

Mr. BRANDEGEE. I wish to say very briefly that I heartily agree with the sentiments expressed by the Senator from Mississippi. This body is one of the greatest deliberative bodies in the world. Everybody admits that. There is absolute freedom of speech and no limit upon it. There was a time when the privilege of indefinite debate was not abused. I have been here six or seven years, and on several occasions when we get, as we are now, within less than nine hours of the time when, under the Constitution of our country, we have to adjourn, certain gentlemen always appear who see a great issue in some local or State issue which leads them to say that it is their intention to inform the Senate at such length upon the matter in question as that it necessarily defeats great national measures of general interest.

I agree with the Senator from Mississippi that the country is getting sick of an abuse of what was designed to be a bulwark and a protection against oppression, and I simply prophesy that if it continues to occur on matters that are not of vital national interest there is certain be a rule introduced here and adopted by which, when a certain great preponderance of Senators—say nine-tenths of this body—are sufficiently informed and want to come to a vote upon any measure pending before the Senate, there shall be some form of cloture in this body.

I for one, although I have hitherto stood for absolute freedom of debate, am getting very near the point where I am ready to vote for some form of cloture unless these perfectly obvious abuses shall cease.

Mr. OWEN. I assume that unanimous consent is impossible, but I should be glad, as far as I am concerned, if I might have unanimous consent simply to put in the RECORD the remarks I propose to make; but it is contrary to the rules of the Senate, and I suppose there would be objection.

Mr. WILLIAMS. I am perfectly willing to give unanimous consent to the Senator to put his remarks in the RECORD.

Mr. OWEN. I would be very glad to have permission.

Mr. BRANDEGEE. I would object to that, not because I have any personal feeling as to the remarks of the Senator, but it is against the traditions of the Senate.

Mr. OWEN. Not only did I not wish to detain the Senate, but there was the further reason that I did not want to lacerate the feelings of the Senator from Mississippi, because I am going to speak upon the initiative and referendum.

Mr. PENROSE. I do not know whether the Senate realizes that a great deal of work must be done in this Chamber before the apartment can be fitted for the ceremonies to-day. All these chairs must be taken out and others put in their places, the room must be cleaned, and some time must be allowed to employees of the Senate for that work.

I move that the Senate take a recess at half past 4 until half past 9 o'clock.

Mr. SMITH of Georgia. Why make it half past 4? Let us take it now.

Mr. SMOOT and others. No.

Mr. WILLIAMS. It may be true that in consequence of this threat we might meet here to-morrow, with no place provided for the ambassadors and not much place for the incoming President, but the country will understand who brought about that state of affairs. That we should consent to be intimidated into taking a position because we will not be quite cleaned up by the time we make a new inauguration it seems to me adds no strength to the argument for it. It seems to me to add strength to the argument against it. Now, if any two or three gentlemen want to take the responsibility, just simply because the salaries of a few employees are involved, of holding up not only the Senate but the inauguration ceremonies of the first Democratic President who has been elected for 16 years, let them take it.

Mr. SMOOT. There is no inclination to hold it up, I will say to the Senator. If the Senator from Oklahoma will begin with the speech which he says he desires to make——

Mr. WILLIAMS. I am not objecting to the speech of the Senator from Oklahoma.

Mr. SMOOT. We can stay here, and the conferees on the legislative bill may be ready to report.

Mr. SMITH of Georgia. Why could we not agree by unanimous consent that at the conclusion of the speech of the Senator from Oklahoma we will take a recess until half past 9 to-day.

Mr. WILLIAMS. I ask unanimous consent that at the conclusion of the speech of the Senator from Oklahoma we take a vote upon the conference report.

Mr. PENROSE. Would you have a quorum?

Mr. SMOOT. There would not be a quorum.

Mr. PENROSE. If there would be no quorum on the vote we could not then take a recess.

Mr. SMOOT. We could not take a recess then.

Mr. SMITH of South Carolina. Mr. President, I want to ask a question of the Senator from Mississippi, and I hope that the Senators from Nevada will hear the question that I ask the Senator from Mississippi. The other day when the debate developed on this question of the assay offices and the mints out in the West and the Northwest I asked if they were of real convenience to the people and if there was a necessity for them. In perfect good faith I put the question, and the reply was in the affirmative.

If I understood the Senator from Mississippi a moment ago he puts it upon the basis that in order to retain a few officials in office these gentlemen are making this fight. If that be true, I quit.

Mr. WILLIAMS. That is about true; from what I understand the conferees agree to keep them until the end of the next fiscal year and it involves only the loss of a few offices.

Mr. NEWLANDS. I wish to say that in making that statement the Senator from Mississippi shows such ignorance re-

garding the fact that I shall insist on taking sufficient time to give him some information.

Mr. WILLIAMS. That may possibly be true. I was informed by a Senator a few moments ago, in whose judgment and knowledge I have a great deal of confidence, that they had agreed to continue these assay offices and mints in existence until the end of the fiscal year.

Mr. NEWLANDS. The end of the next fiscal year?

Mr. WILLIAMS. Yes; that was my understanding.

Mr. NEWLANDS. When we receive an assurance of that kind we will acquiesce.

Mr. SMITH of Georgia. I ask that my request be put.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that at the conclusion of the remarks of the Senator from Oklahoma the Senate take a recess until 9.30 o'clock. Is there objection?

Mr. WILLIAMS. I object.

The PRESIDENT pro tempore. Objection is made. The Senator from Oklahoma is recognized.

THE INITIATIVE AND REFERENDUM.

Mr. OWEN. Mr. President, the greatest duty of government is to make effective the primary principle of the Declaration of Independence; to secure to the people, and to all the people, the inalienable right to life, liberty, and the pursuit of happiness.

This inalienable right with which the people were "endowed by the Creator" has been purloined from millions to the benefit of the few through a series of political, commercial, and financial monopolies slowly built up during the last 75 years.

This system has diverted the proceeds of the labor of millions to the coffers of the few, until in spite of the wonderful modern inventions of this age, which pours out a stupendous flood of material things which men desire, we see a thousand millions of dollars of wealth in the hands of a single man and millions of human beings, willing and anxious to do honest labor, without the certainty of food and shelter to-morrow.

The unrestricted right to enjoy life, liberty, and the pursuit of happiness is thus denied millions, and the duty of the Government to make effective the fundamental doctrine of the Republic as yet remains unperformed.

I deem it my duty to call the attention of the United States Senate and the attention of the country to the *cause* and the *remedy* of this serious condition. I make no complaint of a class, emphatically no complaint of a rich class, nor do I complain of the past. I am exclusively concerned with the immediate future welfare of men, women, and children.

THE CAUSE.

The cause is this: The people's-rule party Government under Jefferson has been in past years (from 1844 to 1908) steadily, if not stealthily undermined and replaced by the machine-rule party government. In place of the people's rule the machine rule, financed and engineered by special interests, has placed in power on a vast scale in legislative, administrative, and judicial positions machine-rule representatives—in municipalities, States, and Nation. The rule of the few was thus established. The people have voted, but they have not really ruled.

The rule of the few, consciously or unconsciously, has been too largely for the benefit of the few at the expense of the many.

The few have established all-pervading commercial and financial monopolies; destroyed all competitive markets in selling and buying; limited production on a giant scale, and deliberately as a policy, thus limiting the employment of labor; manufactured watered stocks and bonds by billions of value, on which the people have been compelled to pay interest; squeezed and expanded the credit market, damaging millions, that a few might absorb values; and have compelled the laboring millions to compete under harsh conditions with each other, until millions of women and children have been driven from the American home into the labor market, and millions of children as well as women and men have been denied the reasonable opportunities of "life, liberty, and the pursuit of happiness."

Machine-made representatives in legislative, executive, and judicial position have granted and protected privilege to the few at the expense of the many until we are face to face with the most tremendous extremes of wealth and poverty the world has ever known.

The cause has been machine-rule party government in collusion with corrupt commercial and financial allies governing for the benefit of the few at the expense of the many, at the expense of all of the people, at the expense of the real producers of wealth.

There are two very different kinds of "*representatives*" in the governing business. The machine-rule party government representatives who take the point of view favorable to privilege and to the few, and the people's-rule party government representatives who take the point of view favorable to equal rights to all, favorable to the great mass of men who labor as artisans, workers in shop, field, forest, and mine, as professional men or in transportation or in other human activities.

I do not trouble myself to question the motives of men; I am concerned with the effect of the actions of men.

THE REMEDY.

The remedy is to restore people's-rule party government and provide a mechanism by which the intelligence and patriotism of the mass of men can control party government and can control the actual direct government by people's-rule representatives in the legislative, executive, and judicial branches of the government.

The statutes necessary to this end are—

First. A thoroughgoing honest registration act.

Second. A thoroughgoing direct mandatory primary act.

Third. Honest election laws and machinery.

Fourth. A thoroughgoing corrupt-practices prevention act.

Fifth. The initiative, referendum, and recall; and the most important of all these acts is the initiative and referendum, which is the open door to all other reforms.

Above all the initiative and referendum offers the line of least resistance in obtaining reform for the reason that no candidate before the people *dares refuse the people* the right of the initiative and referendum where the demand is vigorously insisted on.

In its entire history the Senate has never had a more important question before it. It is the duty of the Senate to throw the weight of its influence on the right side.

And I feel entirely justified in calling the attention of the Senate and of the country to the urgent, vital importance of this issue and to defend it against the unjust assaults of its enemies.

Whatever I may say in regard to the matter must be regarded as entirely impersonal, as I fully concede the right of others to differ with me and shall carefully abstain from attributing to other Senators any unpatriotic motive in promoting their political philosophy, however mischievous and disastrous I may think the effects of such doctrines would be if they should be adopted.

Mr. President, on January 2, 1912, a then Senator from Texas [Mr. Bailey] delivered an address of three hours in the Senate in an attempt to show that "such a system of direct legislation" as "the initiative and referendum" would establish would be in conflict with "the representative principle" on which he alleged "this Republic was founded."

This speech, on February 4, 1913 (CONGRESSIONAL RECORD, p. 2530), was offered to be printed as a Senate document.

In order to make this deliberate assault on the principles of popular government the then Senator raised a moot question by submitting and speaking to the following resolution:

Senate resolution 413.

Resolved, That such a system of direct legislation as the initiative and referendum would establish is in conflict with the representative principle on which this Republic was founded and would, if adopted, inevitably work a radical change in the character and structure of our Government.

No action was requested on this resolution. It is obvious that this speech, offered to be printed as a Senate document, was intended to be used as a campaign document by those who oppose popular government and the initiative and referendum, which is the open door to real popular government. This opposition to popular government has recently prepared numerous speeches which have been printed as Senate documents for the campaign against the people's rule, some of which I shall mention. For example:

1. An address delivered by Mr. LODGE (Senator from Massachusetts) at Raleigh, N. C., November 28, 1911, on "The Constitution and its makers," and presented to the United States Senate by a Senator from North Carolina [Mr. OVERMAN], with the request that it be printed as a Senate document. (S. Doc. No. 122.)

2. An address delivered by Hon. ELIHU ROOT at the annual meeting of the New York Bar Association in New York City on January 19, 1912, entitled "Judicial decisions and public feeling," presented by a Senator from Utah [Mr. SUTHERLAND], with the request that it be printed as a Senate document, January 2, 1912. (S. Doc. No. 271.)

3. An address delivered by Mr. Nicholas Murray Butler, president of the Columbia University, late Republican vice presidential candidate before electoral college, before the Commercial Club of St. Louis, November 27, 1911, entitled "Why should we change our form of government," presented by a Senator from Utah [Mr. SUTHERLAND] on January 3, 1912, with the request that it be printed as a Senate document. (S. Doc. No. 238.)

4. An address delivered by Hon. SAMUEL W. MCCALL, a Member of Congress from Massachusetts, before the Ohio State Bar Association, on July 12, 1911, entitled "Representative as against direct government," presented by a Senator from Michigan [Mr. SMITH] to the United States Senate, with the request that it be printed as a Senate document, January 23, 1912. (S. Doc. No.

5. An address delivered by Hon. Emmett O'Neal, governor of Alabama, at the one hundred and forty-third annual banquet of the Chamber of Commerce of the State of New York at the Waldorf, November 16, 1911, entitled "Representative government and the common law—A study of the initiative and referendum," presented to the Senate by a Senator from Texas [Mr. Bailey], with the request that it be printed as a Senate document, January 3, 1912. (S. Doc. No. 240.)

6. An address by President Taft to the general court of the Legislature of Massachusetts, at Boston, Mass., March 18, 1912, against giving the people direct power, presented to the United States Senate by a Senator from New Hampshire [Mr. GALLINGER] with a request that it be printed as a Senate document, March 22, 1912. (S. Doc. No. 451.)

7. An address by Mr. Wendell Phillips Stafford (an Associate Justice of the Supreme Court of the District of Columbia), before the New York County Lawyers' Association, February 17, 1912, entitled "The new despotism," referring to the despotism of a majority of the citizens in the several States and in the United States over the minority, presented by a Senator from Utah [Mr. SUTHERLAND] to the United States Senate, with the request that it be printed as a Senate document. (S. Doc. No. 344.)

8. An address delivered in the United States Senate by a Senator from Utah [Mr. SUTHERLAND], July 11, 1911, entitled "Government by ballot," denouncing the initiative, referendum, and recall (the principles of the constitution of Utah). (Senate document room.)

9. An address by Hon. William H. Taft (President of the United States) at Toledo, Ohio, on March 8, 1912, entitled "The judiciary and progress," opposing the recall and the extension of popular government, presented to the United States Senate by a Senator from Pennsylvania [Mr. OLIVER], with the request that it be printed as a Senate document, March 13, 1912. (S. Doc. No. 408.)

10. An address by Hon. HENRY CABOT LODGE (a United States Senator from Massachusetts), delivered at Princeton University, March 8, 1912, entitled "The compulsory initiative and referendum and the recall of judges," presented to the United States Senate by a Senator from New Hampshire [Mr. GALLINGER], with the request that it be printed as a Senate document. (S. Doc. No. 406.)

11. An address by a Senator from Texas [Mr. Bailey] opposing the initiative and referendum and the recall, delivered January 2, 1913.

The glaring error of these various arguments against the principles of popular government I caused to be answered by one of the clearest thinkers and most patriotic men in the United States, C. F. Taylor, Esq., editor of Equity, Philadelphia. (S. Doc. No. 651, May 8, 1912.)

But these speeches against the principles of popular government are not the only ones printed as Senate documents and in the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD, Sixty-second Congress, first session, volume 47, page 3738, contains an argument against the initiative, referendum, and recall, by Clinton W. Howard, introduced into the RECORD by a Senator from Washington [Mr. JONES].

Hon. HENRY CABOT LODGE, a Senator from Massachusetts, delivered a speech before the Central Labor Union of Boston, opposing the right of the people of Massachusetts to express their opinion on any public policy, which was such a valuable contribution to political literature that it was printed as a Senate document. (S. Doc. No. 114, Sixtieth Congress, first session.)

Hon. James A. Tawney delivered a speech before the Minnesota Bankers' Association, June 21, 1911, opposing the initiative, referendum, and recall, which was so highly approved by Hon. JOSEPH G. CANNON, formerly Speaker of the House of Representatives, that he had it put in the CONGRESSIONAL RECORD the first session of this Congress. (CONGRESSIONAL RECORD, vol. 47, p. 4231.)

And the Hon. George W. Wickersham, Attorney General of the United States, delivered a speech at Syracuse, N. Y., repeated it at Cleveland, and repeated it again at Princeton, N. J., and which was also printed in this Congress as a Senate document. (S. Doc. No. 20.)

Hon. George W. Wickersham, Attorney General of the United States, delivered another argument against the initiative, referendum, and recall before the law school of Yale, which was printed in this Congress as a Senate document. (S. Doc. No. 62.)

They are, with only two exceptions, the arguments of leading standpat Republicans of the most reactionary type. It is the point of view of the federalist as opposed to the democratic point of view. (See Federalist Letter No. 10.)

I need not mention other speeches in opposition. These are sufficient to show who opposes, and to make it easy to ascertain what their point of view is. However worded, the argument of all these gentlemen proceeds from a common basis—a distrust of the people, a lack of confidence in the capacity of the people for self-government.

The then Senator from Texas complained in the beginning of his remarks of the "unparalleled zeal" of those who favor the initiative and referendum, and suggested that "the men who are opposed to the initiative and referendum have made no special effort to combat them." The various speeches above referred to against popular government shows an extensive propaganda against popular government being carried on by the leaders of the Republican Party of the extreme type.

President Taft six years ago traveled 1,600 miles to make a set speech against the initiative and referendum at Oklahoma City, advising the people of Oklahoma against this "cumbersome and illogical legislative method" contained in their proposed constitution, pointing out the dangers that would ensue from such "hasty, irrational, and immoderate" legislation, and so forth.

The people of Oklahoma having considered well the views of Mr. Taft voted in favor of the initiative and referendum by 107,000 majority, substantially only the Republican officeholders and the voters they could influence being against it.

It is an interesting matter to observe that the then Senator from Texas, in his crusade against the initiative and referendum, is found in close working sympathy with the Republican statesmen above referred to, the followers of Alexander Hamilton and his theory of the wisdom of the rule of the few and of the folly of the rule of the common people (Senator LODGE, Senator ROOT, Senator SUTHERLAND, President Taft, James A. Tawney, JOSEPH G. CANNON, Representative MCCALL, Nicholas Murray Butler, W. P. Stafford, C. W. Howard, Attorney General Wickersham, Senator OLIVER, Senator GALLINGER, Senator JONES, Senator SMITH of Michigan). The then Senator explained that he had been called a "reactionary." It is his arguments, his public utterances, and his company in the assault on the initiative and referendum and on popular government that have doubtless contributed to fix this public estimate of the Senator.

THE WEIGHT OF POPULAR OPINION FAVORS THE INITIATIVE AND REFERENDUM WHEREVER IT HAS BEEN DISCUSSED.

I call attention to the fact that the State lately represented by the then Senator—Texas—has just returned his successor—Mr. MORRIS SHEPPARD—who was overwhelmingly elected by the people of Texas over the opposition of the recent Senator after Mr. SHEPPARD had made a campaign defending popular government and the initiative, the referendum, and the recall. So that the people of Texas have thus approved the principles of the initiative and referendum, advocated by their present Senator, and have not been persuaded to the contrary by the eloquence of his predecessor.

Not only have the people of Texas thus approved the advocate of the initiative and referendum [Mr. SHEPPARD], but the great adjacent Commonwealths of Oklahoma, Arkansas, and Missouri have placed the initiative and referendum in their constitutions. The vote in Mississippi in 1912 was two to one in favor of the initiative and referendum, but failed of adoption because of the antiquated provision requiring a majority of all votes cast in the election; and the advisory vote in Illinois was over three to one, but a machine jack-pot legislature trampled upon the direct mandate of the people. The States of Washington, Oregon, California, Arizona, Nevada, Utah, Montana, South Dakota, Colorado, Nebraska, and even the far eastern State of Maine, Arkansas, Missouri, and Idaho and the central State of Ohio, have adopted the initiative and referendum in their constitutions, and many other States are on the point of adopting the initiative and referendum, so that we may speedily expect the adoption in at least 14 additional States of the initiative and referendum which President Taft denounced six years ago when Oklahoma was beginning this great fight for restoring popular government. When I entered the Senate only Oregon had the initiative and referendum in good working order, two other States—Montana and South Dakota—then having adopted it in a weak form. It has become a nation-wide issue among the States, and we find ourselves even in the United States Senate

face to face with numerous Senate documents containing many addresses delivered against the principles of direct popular government by various Republican leaders—Senator LODGE, at Raleigh; Senator ROOT; Nicholas Murray Butler; Congressman MCCALL; Senator SUTHERLAND; President Taft before the Massachusetts Legislature; President Taft at Toledo; Justice Stafford, of the District of Columbia, in New York City; Attorney General Wickersham; James A. Tawney; Senator LODGE at Princeton.

This great progressive movement for perfecting popular government has seized upon the heart of the national Democracy which has chosen as the next President a man who thoroughly understands this issue and has thrown himself with enthusiasm into the leadership of it.

Ninety per cent of the Democratic Party membership is thoroughly progressive. Ten per cent of the members, perhaps, may not clearly understand the issue, or some may be still blinded or misled by private interests, and some may be influenced unconsciously by their attachment to the old game of machine politics, which is now staggering to its final fall on American soil. Shallow epithet or thoughtless denunciation will no longer serve to meet the grave issues presented in this country for the complete reestablishment of popular self-government.

WHY THE PEOPLE NEED THE INITIATIVE AND THE REFERENDUM.

The people need the *initiative* to pass the laws they do want and need and which the legislature (especially a machine-controlled legislature) for any reason fails to pass, and they need the *referendum* so as to have the power of veto over crooked and corrupt or undesired laws which might be passed by the legislature (especially a machine-controlled legislature).

Why is it that they do not get the laws they want, and why is it that they get the laws they do not want?

MACHINE POLITICS OR BOSS RULE.

The answer to this is known to every student of our public law. It is due to the evil results of machine politics, which, in its worst form, begins with a crooked precinct organization, controls nominations and ballot boxes and election machinery, and has contrived to bring about a gross and corrupt miscarriage of our "representative democracy," wherein nominations are fraudulently extracted from prearranged conventions, wherein State officers are nominated by State conventions composed of machine politicians thrice refined through the State convention, the county convention, and the precinct convention or caucus. Machine party rule is organization, once honorable and legitimate, which has fallen into the hands of machine men, where the principle of good government is not the controlling force but where selfish private ambition or private gain controls.

Under this system, if a governor is to be nominated by one or the other of the two leading parties (the process has largely been the same in either party when the corrupt machine is once established), the following method is pursued: The State chairman calls for delegates to a State convention, assigning each county so many delegates. Thereupon the county chairman calls for a county convention, consisting of delegates, assigning to each precinct one or more delegates, whereupon, the precinct committeeman (who when the machine actually exists is a petty precinct boss, a cog in the machine) calls a precinct convention or caucus to select the delegate or delegates to the county convention. Such a precinct boss will call the precinct caucus on short notice, obscure advertisement, at an inconvenient time and place, possibly over a saloon, and will pack this little precinct caucus with his own henchmen and friends by extraordinary diligence. He will have prepared on a slip of paper the delegates he wants elected. He will call the meeting to order perhaps 10 minutes before the time set, his watch being a little fast, he will ask if there are any nominations, and one of his henchmen will nominate the boss himself, perhaps, or some equally trusted gentleman of the machine, and they will vote instantly. It will be carried by acclamation and the meeting will adjourn sine die, and *then and there the governing power* departs from the "dear people," never to return. The 300 votes in the precinct have then and there had their governing power purloined and stolen by the machine. The American eagle has fallen into the trap of the machine and is safely tied down. The county convention—when under machine management—consists of such high-minded patriots, self-selected, who will nominate the most select of their own class to represent the citizenship of that county in the State convention, and the State convention, consisting of these self-selected rulers by this highly refining process, will dispose of the nominations of all important State offices, governors, attorneys general, supreme court judges, legislators, and so forth and nominate "hand picked" delegates to nominate a presidential candidate in national convention.

In this State convention these self-selected rulers write the party platform which binds the State legislature and the State officials of all classes, from the governor down. The governing business has thus been transferred through the machine-organized precinct from the body of the good citizens, who are unorganized and unobservant, and who possibly may not suspect fraud, into the hands of a band of organized mercenaries.

A national convention based on fraud at the precinct is one degree worse than a State convention. These self-selected rulers who have thus by the crafty process of machine politics succeeded in framing State conventions, county conventions, district conventions, etc., and national conventions, and in nominating the officials of the State and Nation and in laying down the party platform, which means the rule of government, having nominated their chosen friends for various positions, proceed to elect them by processes even more criminal. To start with, they stuff the registration lists with dead men and ghosts. They put down the names of men who do not exist and have their henchmen arrange strikers to represent these artificial voters. In Oklahoma City recently there were large numbers of such false registrations reported. In New York City at one time they discovered over 30,000 of such false registrations. In Philadelphia, I am advised, there were disclosed over 70,000 at one time, and only the Lord of Truth knows how many they really have had in this Nation. These organized scamps get charge of the election machinery, they name the State election board, and the county election boards, the city and county precinct election officials; they have control of the ballot boxes and of the ballots; they bribe or coerce weak voters; sometimes they stuff the boxes; and sometimes, where public opinion will not stand for this, they content themselves by voting thousands of falsely registered names; they arrange that a machine tool may vote five times in a precinct under five different names, and then repeat his vote as many times under other names in each of 10 other precincts. Such a useful voter—called a repeater—deserves to be rewarded with public employment and usually is rewarded by being given some political preferment in a small way, sometimes merely by being paid so much money for his services and by an occasional job.

The machine may control the police, and at the ballot boxes they can see to it that no interference with their plans is permitted. They also control sometimes the judges of the courts, who will accord "a fair hearing" to any scamp that belongs to the machine and shield him from lawful punishment. There are found sufficient technical reasons why these scoundrels never get inside of the jails. It is not enough to stuff the ballot boxes in this way; these officers of election can also deface and count out the ballots of citizens who are "against the machine." They can, under their rules of management, throw out a precinct or a whole county where the better element prevails for fictitious reasons, deliberately devised by this system of organized rascality. So that, even where an honest majority might, in spite of all pitfalls, be found, the machine, through the process of thus fraudulently nominating and fraudulently electing candidates, can overthrow the majority and retain possession of the governing business. Patriotic men have discovered these evil elements to be in control of the governing powers of the States in greater or lesser degree, and that the machine and its agents and representatives have become the allies and the agents of organized greed and corrupt selfishness, until in some States and cities the whole system of government has become so despicable that the best citizens of the State, in despair, absent themselves from the polls and take little or no interest in public affairs, on the ground that politics is a "dirty business." Honest citizens justly complain of the corrupt alliance between the political party machine—often bipartisan, as in New York, Illinois, and Pennsylvania—and the corrupt corporations, which deliberately engaged in swindling the people out of vast property rights by granting privileges and properties that belong to the people without fair consideration. What is even worse, this evil system has not only given the people no relief against the organized monopoly that has slowly absorbed nearly all of the opportunities of life and are oppressing the people beyond reason in a mad race for wealth accumulation, but has tremendously contributed to the establishment of monopoly by legislative favor and by executive immunity. Congress itself has exemplified this system and until recently had not given relief which the people had a right to ask, although the political parties had been promising the people relief for years.

Those who have opposed enlarging the direct power of the people, led by President Taft, loudly proclaimed in the cam-

paign of 1908, in answer to the Democratic demand for the "people's rule," *that the people did rule through the Republican Party*, and that those who claimed that the people were not ruling were merely agitators and demagogues.

The great progressive party of the country, the Democratic Party, raised this issue of direct legislation and declared in favor of it in the national platform of 1900. They demanded the direct election of Senators; they demanded the publicity of campaign contributions; they demanded an end to corrupt practices; and they demanded "the people's rule" in terms most emphatic in the platform of 1908, denouncing the graft and political corruption traced to the representatives of predatory wealth, the debauchery of elections, and declaring "the rule of the people" to be "the overwhelming issue."

The people realized in 1909, when the Republican Party leaders passed the Payne-Aldrich Tariff Act, that the Republican leaders did not represent the people but represented privilege and private interests. It was obvious from their conduct that the people did not really rule the country, but that organized plutocracy was in control. In an address to the Senate before the campaign of 1910 on the 28th day of May, 1910, I called the attention of the country to the fact that the people did not really rule in Congress; that the people had been promised many things for years by the party in power and had been continually disappointed. I pointed out then many things which the people justly desired and had prayed for in vain.

That they had urgently desired—

The control of monopoly.

Lower prices on the necessaries of life and on manufactured goods.

Lower railroad rates. Lower passenger rates.

Physical valuation of railroads and of telegraph and telephone and industrial corporations.

Reciprocity with other nations.

An act preventing corrupt practices in governmental processes.

A sweeping control of improper campaign contributions.

An end of gambling in agricultural products, cotton, and foodstuffs.

The abatement of the gigantic stock and bond gambling establishment in Wall Street.

An end to overcapitalization of stocks and bonds.

An end to unfair railway discriminations.

The development of good roads.

The legitimate development of national waterways.

An income tax.

A progressive inheritance tax.

An employers' liability act.

An act providing adequate workmen's compensation.

A minimum wage for women.

An eight-hour labor day.

Fair treatment for child labor.

Fair prices for their crude products.

The right both to buy and to sell on a competitive market.

All these things the people had sought and had not received because *they did not really rule* through the Republican Party.

RELIEF IS ABOUT TO COME THROUGH THE PROGRESSIVE DEMOCRATIC PARTY.

The demand for *the people's rule* became the battle cry of the Democracy in 1908, and in 1910 the people captured the House of Representatives through the Democratic Party and immediately undertook the fulfillment of these promises for a better government by overthrowing Cannonism and by passing numerous acts reducing the tariff, all vetoed by Mr. Taft.

The Democratic Party made good in 1911 and 1912, and in the campaign of 1912 they took further advanced ground toward purifying the processes of government and establishing the rule of the people in the following magnificent declaration:

> We direct attention to the fact that the Democratic Party's demand for a return *to the rule of the people, expressed in the national platform four years ago*, has now become the accepted doctrine of a large majority of the electors. We again remind the country that only by a *larger exercise of the reserved power of the people* can they protect themselves from the misuse of delegated power and the usurpation of governmental instrumentality by special interests. For this reason the national convention insisted on the overthrow of Cannonism and the inauguration of a system by which United States Senators could be elected by direct vote. *The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.*

They went further; they provided for *a preferential ballot for presidential candidates in 1916 by a primary* and for election likewise of members of the Democratic national committee, who should immediately take their places and put an end to the machine management of the Democratic national committee in the following language:

> We direct that the national committee incorporate in the call for the next nominating convention a *requirement* that *all expressions of preference for presidential candidates* shall be given and the selection of delegates and alternates made through a *primary election* conducted by the party organization in each State where such expression and election *are not provided for by State law. Committeemen* who are hereafter to constitute the membership of the Democratic national committee and whose election is not provided for by law shall be chosen in each State *at such primary elections*, and the service and authority of the committeemen, however chosen, shall begin *immediately* upon the receipt of their credentials, respectively.

They did more. They pledged an end to abuse of money in elections by publicity and by limiting individual contributions in the following plank:

> We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any *individual from contributing any amount above a reasonable maximum.*

They went further to break up machine rule by proposing to put an end to the abuse of patronage by a President in renominating himself in the following plank:

> We favor *a single presidential term*, and to that end urge the adoption of an amendment to the Constitution making the President of the United States *ineligible for reelection*, and we pledge the candidate of this convention to this principle.

They declared for *the control by the people of the United States Senate* by the direct election of Senators.

The Democratic Congress of 1910 and 1912 was a Congress of magnificent accomplishment, overthrowing Cannonism, passing acts to lower taxes, providing the direct election of Senators, admitting progressive Arizona and giving New Mexico an amendable constitution, limiting the election expenses of Senators and Representatives, passing a bill to prevent the abuse of injunction, passing a bill giving an eight-hour day for workmen, and so forth.

The Democratic Party in its platform of 1912 promised the people the relief which they have all these years hoped for—tariff reform, control of the trusts, lowering the cost of living, physical valuation of railroads, express companies, telegraph and telephone lines, proper banking legislation, development of waterways and roads, declaring in favor of conserving the property of the people, the protection of the rights of labor, to establish a Department of Labor, to establish an independent public health service, to establish the parcel post (now the law), and to reform the administration of the civil and criminal law.

The tremendous effect of the sound, honest, wise Democratic point of view on next week—March 4, 1913—will be far removed from the point of view of the Aldrich régime of six years ago.

Mr. President, the people are going to rule through the progressive Democratic Party, *which has pledged itself as an agency through which they can really enforce the matured public opinion of the country.*

The progressive policies of the Democratic Party mean the absolute overthrow of the political machine, and I rejoice in the declaration of the noble platform that—

> The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.

And I remind my fellow Senators that the initiative and the referendum and the recall comprise the quickest, most direct, adequate available means by which to put an end to corrupt machine politics in the Nation and to overthrow the baleful influence of the machine.

The ideals of the machine are low. The notion of the machine politician is to get a job at governmental expense for himself and his cronies; perhaps to make money out of the governing business by selling privileges to those who wish to buy at the expense of the people—it may be the selling of municipal contracts; it may be selling franchises; it may be selling immunity from the law intended to control vice and criminal conduct; it may be the blackmailing of legitimate business through a jack-pot legislature, or the withholding, until paid for, the statutes required by the people. There are numerous degrees of the machine, from the comparatively harmless to that which is utterly corrupt and criminal.

There are many perfectly honest men, however, who stand by a party organization as a matter of party loyalty, not realizing when legitimate organization becomes illegitimate organization; when honest party organization becomes a dishonest organization unworthy the support of good men, when their party management falls into the hands of a selfish or corrupt machine.

This mischief-breeding system has grown from the convention system, as established in 1832, which developed into the dangerous machine-rule system in 1844, against which Benton and Calhoun made their great protests. They forecasted what has happened, and we are now trying to undo the harm which was then

begun, and which in recent years has reached such an evil eminence. It is against the bad practices and evil results of machine government that thoughtful citizens have determined to promote the initiative and referendum. In 1902, by the vigorous *questioning of candidates* by nonpartisan organizations, a wedge was forced into the iron-clad panoply of the two great political parties, in both of which the machine existed in greater or less degree, and in this way an opening was made for the establishment of the greatest of all of the agencies for enforcing "representative democracy." We had the form of a representative democracy—we did not have its substance for the reason that in many cases the representatives in State legislatures and in Congress and in executive and judicial offices, owing their elections to the machine, and the political machine having a good working agreement with the corrupt commercial and financial interests, prevented the representatives of the people really representing the people and had them in fact representing the special interests as against the general interest.

The people need the initiative and referendum as the quickest means by which they can conveniently overthrow the corrupt political machines in the United States. By the initiative the people can pass any law they do want, and by the referendum they can veto any law they do not want, and this is a deadly peril to the machine and to the "representative" who is really a representative of corrupt special interests, while it is a shield and buckler to the "representative" who really at heart represents the people. A good representative is glad to have any bill which he passes referred to the people, and he is glad to have the people initiate any bill which they really desire.

WHAT IS THE INITIATIVE AND REFERENDUM?

THE INITIATIVE.

In its ordinary meaning it is this: The initiative means the right of the people, under forms prescribed by law, to initiate any law they want and to whch they can get a sufficient number of thousands of citizens to attach their signatures on petitions, to be submitted by the secretary of state at the next regular election to the voters of the State for their adoption or rejection. It is very troublesome to get up an initiated petition. It is expensive. It is only done by those who are moved by a powerful interest and who believe that their proposal would meet the approval of the majority of the citizens of the State. The *initiative permits a certain number of thousands of voters to make a motion* before all of the citizens of the State, which shall be voted on, just as one man in a mass meeting *can make a motion* and have it voted on, or as one member of a legislative assembly *can make a motion* that a certain bill which he drafts shall be voted on. But the initiative by the people before it can be moved must have thousands of people say that they want it voted on by signing a petition to that effect. It takes over 18,000 voters in Oklahoma to initiate a bill. It gives the people an opportunity to pass any law they do want in this way when their legislature for any reason—particularly for the reason that the legislature is controlled by a crooked bipartisan political machine—refuses to pass laws which are of fundamental importance, such as a thoroughgoing corrupt practices prevention act. Oregon could never get a corrupt practices prevention act that was efficient until Oregon had the initiative and referendum, because the organized rascality of that State was in control of the legislature and would not permit it to be done. They could not get a proper direct primary nor other needed statutes.

THE REFERENDUM.

It is merely this: That the people, within 90 days after an objectionable act is passed, may in like manner sign a petition by a certain number of thousands of voters requesting that the particular objectionable act passed by the legislature which the petitioners believe injurious to the people shall be suspended in its operation until the next regular election, at which time the people shall have the right either to confirm or reject such statute so passed by the legislature. Usually 8 per cent of the voters can initiate a bill they want, and 5 per cent of the voters can have a referendum. A better system would be to require a fixed number of qualified voters, as 10,000, or 15,000, or 30,000, as in Maine. This fixes a definite standard and more clearly visualizes to the public the size and dignity of the demand for a proposed measure before it can be submitted to the whole people.

THE INITIATIVE AND THE REFERENDUM AND THE MACHINE.

The initiative and referendum, as I have said, is a deadly enemy to the machine. The machine can only retain its power power by preventing the passage of a corrupt practices prevention act, by preventing honest election laws, and preventing the establishing of honest election machinery. The organized rascality of the machine will always be found in the way of a thorough-going corrupt practices prevention act and will always be found opposed to perfecting the election machinery.

This is why in New York the bipartisan machine, led by machine politicians on the Democratic side, and by machine politicians on the Republican side, defeated a primary law. This is why proper laws controlling corrupt practices and perfecting the election machinery so as to make it absolutely honest have not been passed in New York, in Pennsylvania, and in numerous other States, and this is why the people of California adopted the initiative and referendum and the recall; this is why Oregon adopted it; this is why Oklahoma adopted it, and this is why so large a number of States have adopted the initiative and referendum, and why so many others are about to adopt it, and this is the reason why it is going to be adopted in every single one of the 48 States of this Union.

And no amount of political sophistry is going to stop the American people from adopting the means by progressive measures for putting an end to organized misconduct in the governing business in the United States.

The American people know what the trouble is, and the great English ambassador, James Bryce, in the American Commonwealth, photographed it for their information under the headings "The machine," "Rings and bosses," "Spoils, etc.," in 1888. (American Commonwealth, Vol. II, pp. 51–141, ed. 1888.) Public opinion has not been hasty, but has moved slowly, very slowly, too slowly.

Why, Mr. President, even the control of corrupt practices in the nomination and election of the President of the United States and in electing Senators and Members of Congress has never been properly passed. The law on the publicity of campaign contributions, the law which we have passed, is grossly defective, requiring no publicity of certain individual contributions, no publicity of any committee spending money wholesale on national elections, except where that committee is confessedly in charge of two or more States, and there is no machinery for making effective publicity of campaign contributions. The reason is that the power of the machine has been so great in the House and in the Senate that the perfecting of this law has appeared to be impossible. The American people are going to end it by putting their hands on the governing business with power and with direct authority through the initiative, the referendum, and the recall. These statutes open the door for the passage of corrupt practices prevention acts and for the recalling of unfaithful representatives.

By the initiative and referendum we can pass the Australian ballot, which being a secret ballot prevents the financial and commercial bullies of the country coercing the suffrage of the poor citizens whose bread and butter these bullies control.

By the initiative and referendum we can pass *a mandatory primary law* in spite of the legislature controlled by the machine, and in this way can permit the citizens to nominate their proposed representatives and take the nomination of public officials out of the hands of the convention system, out of the machine, out of the hands of organized rascality.

By the initiative and referendum we can pass a thoroughgoing *corrupt practices prevention act* that will destroy machine politics and corrupt practices in this Republic, and will drive out of public life machine-picked candidates, who are the allies and often the agents of monopoly and of the corrupt commercial and financial interests, who have not hesitated to use money on a gigantic scale. We have had in recent years overwhelming evidence of this.

By the initiative and referendum a new era of pure and upright government will be introduced into the United States and into the States of the Union in which the welfare of men, of women, and poor children will be the great motive force of law making and of law executing, and an end will be put to the use of legislative and executive power for the purpose of promoting merely the financial and commercial power of organized greed.

By the initiative and referendum we can promote organized righteousness in government and overthrow organized corruption.

By the initiative and referendum we can overthrow the corrupt convention system and establish the rule of the intelligence and conscience of the majority of our citizens.

By the initiative and referendum we can overthrow organized selfishness and establish organized altruism.

By the initiative and referendum we can overthrow the liquor traffic in the United States and establish sobriety and temperance and providence in this Republic.

By the initiative and referendum we can overthrow the Patent Medicine Trust and establish a department of health that will

save hundreds of thousands of citizens annually from preventable diseases and death.

By the initiative and referendum we can establish the rights of the weak, of poor feeble men, of women, and of children who can not stand up against the grinding conditions established in this Republic and brought about by the combination of machine politics and organized corrupt selfishness.

It is no wonder that 4,000,000 voters broke away from all party ties and followed Theodore Roosevelt when he threw himself at the head of this vital demand for righteousness and efficiency in government. It is no wonder that Woodrow Wilson, having for years questioned the practicability of the initiative and referendum, changed his mind about it and threw himself on the right side of this vital question and is now a great exponent of this doctrine and the head of a party which thoroughly believes in it.

This noble doctrine of the democracy has won over millions of good citizens heretofore affiliated with other parties and led directly to the organization of the Progressive Party, so called.

The Democratic Party has long been the more progressive party of the Nation, even if it has had its efficiency impaired by corrupt machine politics in some of the States. It has been demanding the direct election of Senators for many years. It has violently opposed the corrupt use of money and the coercion of voters by commercial and financial interests, and has been opposing the trusts for many, many years. The Democratic Party declared itself boldly and strongly in favor of "*direct legislation*" in its platform of 1900 in the following language:

We favor *direct legislation* wherever practicable.

This means the initiative and referendum. And in its great platform of 1908 was the following noble declaration of progressive principles:

We rejoice at the increasing signs of an awakening throughout the country. The various investigations have *traced graft and political corruption to the representatives of predatory wealth*, and laid bare the unscrupulous methods by which they have *debauched elections* and preyed upon a defenseless public *through the subservient officials whom they have raised to place and power.*

The *conscience of the Nation is now aroused* and will free the Government from the grip of those *who have made it a business asset of the favor-seeking corporations.* It must become again *a people's Government*, and be administered in all departments according to the Jeffersonian maxim—"equal rights to all; special privileges to none."

"Shall the people rule?" is the overwhelming issue which manifests itself in all the questions now under discussion.

The people can only rule by having the right of direct legislation which they may exercise *at their option.* They do not wish to exercise this right except in important cases. They prefer their representatives to make, judge, and execute the law. It is only when their representatives fail to represent the people that the people would care to exercise direct power. By arranging that the people may exercise direct power *at their option*, the representatives would make it unnecessary for the people to exercise this power, because the big stick of public opinion, being available through the initiative and referendum and recall, the legislator, the judge, the administrative officer will represent matured public opinion to the best of his limited understanding, and generally in a satisfactory manner.

Our President elect, Woodrow Wilson, although at one time regarding the initiative and referendum as unnecessary and unsuitable, came to change his mind substantially about it for the same reason that other thoughtful men changed their minds, and are daily changing their minds, on this great question; and that is, for the reason that you can not get the economic and humane reforms desired for the welfare of the race until you overthrow the machine and establish righteous and responsive government by giving the people a mechanism through which the public conscience and public intelligence can act. On August 26, 1911, in the Outlook, Gov. Wilson said:

For 15 years I taught my classes that the initiative and referendum wouldn't work. I can prove it now; but the trouble is *they do.* * * * *Back of all other reforms lies the means of getting it.* Back of the question, What do we want? is the question, How are we going to get it? *The immediate thing we have got to do is to resume popular government.* * * * We are cleaning house, and in order to clean house the one thing we need is a good broom. The initiative and referendum are good brooms.

And Theodore Roosevelt, before the Ohio constitutional convention on April 21, 1912, said:

I believe in the initiative and referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative.

United States Senator ROBERT M. LA FOLLETTE, of Wisconsin, has said:

In my judgment the public interests would be promoted if a majority of the voters possessed the option of directing by ballot the action of their representatives on any important issue, under proper regulations, insuring full discussion and mature consideration upon such issue by the voters prior to balloting thereon.

United States Senator JONATHAN BOURNE, of Oregon, has said:

The initiative and referendum is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate, because it encourages study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures. The referendum prevents abuses of the power temporarily centralized in the legislature.

United States Senator MOSES E. CLAPP, in San Francisco in 1911, said:

The initiative and referendum I regard as more than monitorial. If the American people are going to make a success of free government, they have got to take an interest in government. These measures are a thousand times more valuable as an educational and inspirational force, great as their monitorial value may be. They open an avenue to the voter, so that he does not have to ask any political boss permission to air his views.

Gov. John F. Shafroth, about to enter the Senate as the Senator from Colorado, said:

The initiative and referendum places the Government nearer to the people, and that has always been the aim of the framers of all republican forms of government.

Gov. Hiram W. Johnson, of California, the recent candidate for Vice President of the United States, and who received over 4,000,000 votes, said in his inaugural address before the California Legislature:

I commend to you the proposition that after all the initiative and referendum depend upon our confidence in the people and their ability to govern. The opponents of direct legislation and the recall, however they may phrase their opposition, in reality believe the people can not be trusted. * * * We who espouse these measures do so because of our deep-rooted belief * * * not only in the right of the people to govern but in their ability to govern.

Judge Ben B. Lindsay, of Denver, recently said in the Toledo News-Bee:

It is hard for me to understand how anyone familiar with the methods of the great privileged interests of the country in controlling courts and legislatures could fail to be an enthusiastic supporter of the initiative and referendum.

Prof. Franklin H. Giddings, of Columbia University, in an address before the City Club of Philadelphia on March 23, 1912, said:

I believe that the people of the United States are changing their form of government somewhat by introducing such new measures as the referendum, the initiative, the recall, and the direct primary, in part because their interests have become largely new, in part because of real restiveness under existing conditions, but in part also because, to an extent never before seen in our history, the people are now thinking about things, whereas during a great part of our political history they have thought not about things but only about *candidates.*

And Dr. Charles A. Beard, associate professor of politics in Columbia University, said:

* * * anxiety for the preservation of representative institutions need not lead anyone into the extreme view that the initiative and referendum are incompatible with them. They do not destroy representative government, neither is there any indication, nor anything in the nature of things, showing that they can destroy such government.

Switzerland has this system in excellent working order, and many of our American States have adopted it for the reasons which I have briefly suggested.

AN ANSWER TO THE ARGUMENT IN FAVOR OF SENATE RESOLUTION 413.

Mr. President, I shall now directly answer the proposals of Senate resolution 413, that the initiative and referendum as established or proposed in the American States is *in conflict with the representative principle* on which this Republic was founded and would work a radical change in the character of our Government.

The argument made by the then Senator from Texas on this point is that the language used by certain "representative" citizens in the Constitutional Convention of 1787 would argue that they thought the Government of the United States was intended to be "a representative democracy" and not a monarchy, an aristocracy, or a "pure democracy."

Conceding that these gentlemen made the illuminating remarks attributed to them, after all, what they said is immaterial and irrelevant.

The remarks of Charles Pinckney, or Madison, or Hamilton, or of Fisher Ames, or of Ellsworth, or of Pendleton, in secret convention or elsewhere, are unimportant in the presence of the actual history and constitutions of the 48 States, even if any accidental phrase or opinion emanating from any of these excellent gentlemen had relevancy, which they have not.

Some of these men suggested the importance of people in thickly settled communities delegating to representatives their governing powers as a matter of necessary convenience, and the wisdom of this observation no man disputes. Some of them pointed out that a "pure democracy" was not practicable or wise in a country such as ours, and to this proposal no advocate of the *optional* initiative and referendum, which is the only form proposed in America, takes issue.

Mr. LODGE has the precaution upon further study of this question to discuss the "*compulsory* initiative and referendum" (at Princton, March 8, 1912), which is not an issue in the United States, and he thereby practically concedes that he has no adequate argument *against* the *optional* "initiative and referendum," the only form suggested in this country.

The *compulsory* initiative and referendum would mean that the people would be compelled to pass on every law, which is not suggested by anyone as suitable in a Republic of 90,000,000 people. Mr. LODGE'S escape through the "compulsory door" is ludicrous and a humorous side light on his estimate of the ignorance of his Princeton audience.

Even if Madison and Pinckney and Hamilton had known what the modern initiative and referendum is and had opposed it in specific terms, their opinions would be of no importance. We might as well go back to 1787, a hundred and twenty-five years, and have them tell us how to devise a telegraph system, or to invent a telephone system, or to send messages 3,000 miles through the air without wires, or to run railway trains at 60 miles the hour, or to construct a *Maurctania* for the high seas. These innocent old gentlemen would fall dead with astonishment if they could see the conditions of modern life. They are not qualified to instruct us in statecraft.

The then Senator from Texas makes a crafty appeal to the sense of reverence which all men have for their *ancestors*, and then tries to argue that our *ancestors* were opposed to the initiative and referendum. The answer to all this is that our *ancestors* did not have the slightest idea what the modern optional initiative and referendum is; in the second place, our *ancestors* expressed no opposition to the modern optional initiative and referendum; and, in the third place, our *ancestors* had no conception of how a representative democracy could fall into the control of organized greed through the use of a political machine. They never considered the possibility of such a thing, and if they were to have the present facts before them they would probably support unanimously the initiative and referendum in order to perfect the representative system.

These ancestral statesmen, who met together in the seclusion of closed doors to discuss the framing of a Federal Constitution, were men as a rule of strongly reactionary sentiment. Two-thirds of them were quite thoroughly undemocratic; such leading Democrats as Thomas Jefferson, Samuel Adams, Patrick Henry, et al., were conspicuous by their absence. The debates were behind closed doors, in secret conclave, no member allowed to report or copy any of its proceedings, which were kept profoundly a secret for 50 years, until all the actors were dead. No wonder this profound secrecy was demanded and observed, for the 65 members of this convention *were not authorized* to draft a constitution, but merely to propose amendments to the Articles of Confederation, and in drafting the Constitution they were guilty of usurpation of political power.

The undemocratic character of the men who got into this constitutional convention is demonstrated by numerous secret speeches made by them when in that convention, and which they believed would never be known by the people.

Elbridge Gerry, for example, declared—

that democracy was the worst of all political evils. (Elliott's Debates, vol. 5, p. 557.)

Edmund Randolph observed, in tracing the political evils of this country to their origin, "that every man (in convention) had found it in the turbulence and follies of democracy."

Hamilton urged a permanent Senate "to check the imprudence of democracy."

Madison thought the Constitution "ought to secure the permanent interests of the country against innovation." (Elliott's Debates, vol. 1, p. 450.)

And Madison, in the Federalist, warned the people against "the superior force of an interested and overbearing majority."

And these distinguished gentlemen from whom the then Senator from Texas quotes with such gusto made a Constitution *practically unamendable by the people*, and *failed to put into the Constitution a bill of rights and the fundamental principles of liberty contained in the Declaration of Independence.*

James Allen Smith, professor of political science, University of Washington, well says:

From all evidence that we have, the conclusion is irresistible that they sought to establish a form of government which would effectually curb and restrain democracy. They engrafted upon the Constitution so much of the features of popular government as was, in their opinion, sufficient to insure its adoption.

And James Bryce makes a similar comment on their work. In speaking of checks and balances devised in the Federal Constitution Mr. Bryce says:

Those who invented this machinery of checks and balances were anxious not so much to develop public opinion as to resist and build up brick walls against it. * * * "The prevalent conception of popular opinion was that it was aggressive, revolutionary, unreasoning, passionate, futile, and a breeder of mob violence." (American Commonwealth, Morris ed., 1906, p. 260.)

The convention of July 4, 1776, and the Declaration of Independence was thoroughly democratic. The Constitution of the United States, drawn by the reactionaries 11 years afterwards, was thoroughly undemocratic in numerous particulars, to some of which I shall call attention.

There were only 65 members of this secret convention; only 55 members attended and only 39 members signed it, and they were nearly all reactionaries.

The Constitution they submitted was undemocratic in the following particulars:

First. The Constitution permitted a life President.

Second. The Constitution did not provide for the nomination or election of the President by the people, but by electors far removed from the people.

Third. The Constitution did not provide for the nomination or election of Senators by the people.

Fourth. The Constitution provided for an uncontrolled judiciary (by possible interpretation), in striking contrast to the laws of every State in the Union, including Utah.

Fifth. A minority of the House (34 per cent) can prevent the majority proposing an amendment to the Constitution. A minority of the Senate (34 per cent) can prevent the majority proposing an amendment to the Constitution. A President can prevent a majority of both Houses proposing an amendment to the Constitution. A small minority of the States (26 per cent) can prevent the amendment of the Constitution.

Sixth. No provision for the adoption of the Constitution was arranged by popular vote.

And some of the delegates who approved the Constitution from Virginia at least disobeyed the instructions of the people.

Seventh. The Constitutional Convention usurped the power in framing the Constitution.

They were only authorized to prepare amendments to the Articles of Confederation, not frame a new Constitution.

Eighth. The Constitution did not protect the right of free speech.

Ninth. The Constitution did not protect the right of free religion.

Tenth. It did not protect the freedom of the press.

Eleventh. It did not protect the right of the people to peaceably assemble.

Twelfth. It did not protect the right of the people to petition the Government for the righting of grievances.

Thirteenth. It did not protect the right of the States to have troops.

Fourteenth. It did not protect the right of the people to keep and bear arms.

Fifteenth. It did not protect the people against the quartering of soldiers upon them without their consent.

Sixteenth. It did not protect the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures nor against warrants, except upon suitable safeguards.

Seventeenth. It did not protect the people against being held for crime, except on indictment.

Eighteenth. It did not protect the people against a second trial for the same offense.

Nineteenth. It did not protect an accused against being compelled to be a witness against himself.

Twentieth. It did not protect the citizen against being deprived of life, liberty, or property without due process of law.

Twenty-first. It did not protect private property being taken for public use without just compensation.

Twenty-second. It did not secure, in criminal prosecutions, the right of a speedy and public trial by an impartial jury in the place where the crime was committed.

Twenty-third. It did not protect the accused in the right to be informed of the nature and cause of the accusation, of the right to be confronted with the witnesses against him, of the right to have compulsory processes in obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Twenty-fourth. It did not protect the right of the citizen in common-law suits to a trial by jury.

Twenty-fifth. It did not protect the citizen against excessive bail, against excessive fines, nor against cruel and unusual punishments.

Twenty-sixth. It did not safeguard the rights reserved by the people against invasion by the Federal Government.

Twenty-seventh. The Constitution is undemocratic in making no provision for its subsequent amendment by direct popular vote, although this was the method of the various States.

The ratification of this undemocratic Constitution was only obtained with the greatest difficulty, and in no States was it submitted to the people themselves for a direct vote.

Massachusetts, South Carolina, New Hampshire, Virginia, and New York demanded amendments; North Carolina and Rhode Island at first rejected the Constitution, and except for the agreement to adopt the first 10 amendments and make it more democratic, it would have assuredly failed.

George Washington, as president of the convention, was debarred from sharing in the debates. The Constitution had one very great merit, it established the Union; it had one very great demerit, it was grossly undemocratic. But it was not as undemocratic as some modern statesmen would make it appear. For instance, it did not formally prevent the recall of judges, but provided that judges should hold office "during good behavior," and placed the entire executive power in the hands of a President, and the legislative power in the hands of Congress, both of whom, in my judgment, have the power of removing any Federal judge upon the ground of a high crime and misdemeanor or for any bad behavior and without impeachment.

It was not so undemocratic as to deny the right of direct taxation of private citizens by an income tax, although the Supreme Court of the United States so misinterpreted the Constitution.

The Constitution says:

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

The enumeration referred to is as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number free persons, including those bound to service for a term of years, and excluding Indians, not taxed, three-fifths of all persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and then every subsequent term of 10 years in such manner as they shall by law direct.

The inhibition of a direct tax by the clause above referred to relates *alone to a direct tax on a sovereign State.*

I have heretofore fully shown this by its history, by the Constitutional Convention debates, and by the other parts of the Constitution and its interpretation by all departments of Government.

If this clause of the Constitution were written out in full, it would read:

No capitation tax against a sovereign State or other direct tax against a sovereign State shall be laid unless in proportion to the census or enumeration of the population of such States hereinbefore directed to be taken.

The Supreme Court of the United States, misled by fallacious arguments, interpreted this clause so as to make it read:

No capitation tax against a sovereign State or other direct tax against a private citizen shall be laid unless in proportion to the census or enumeration of the population of the States hereinbefore directed to be taken.

And on this interpretation held that an income tax, being a direct tax on a citizen, was inhibited by this clause of the Constitution.

Such an interpretation of above clause of the Constitution is incongruous and absurd. It is incongruous to interpret the clause to jump from a State to the citizen as its subject. It is absurd to say the clause intended to forbid a direct tax on a private citizen unless in proportion to the census. The United States has always directly taxed its citizens and does so now, so that this interpretation by the Supreme Court is in direct conflict with the historical and as yet unbroken interpretation of the Constitution. The Constitution of the United States, while undemocratic, was not as undemocratic as this.

We do not need to be advised by the undemocratic Alexander Hamilton, nor by the undemocratic members in this secret conclave of 1787, as to the true principles of democracy. These principles are abundantly set forth in the Declaration of Independence and in the constitutions of the 48 States, and show beyond the peradventure of a doubt that the people of the various States intended to preserve their liberties by retaining in their own hands the sovereign powers of government, and this is abundantly shown by the plain words of the Declaration of Independence and of the constitutions of the 48 States.

The then Senator from Texas lays great stress upon the opinions of several of the reactionaries in the secret conclave of 1787, in which 39 "*unauthorized*" delegates, selected by the legislatures before a constitutional convention was suggested, framed a constitution that still ties the hands and interferes with the liberty of 90,000,000 of human beings to freely govern themselves.

In point of fact there were about 3,000,000 people in America at that time outside of the secret conclave at Philadelphia, where certain "representatives" were embezzling power "for the good of the people."

These 3,000,000 people outside of the little Constitutional Convention at Philadelphia had some very sound opinions on human liberty and on freedom. These were the people who fought the war with Great Britain and established their independence and who proposed to keep it by not setting up any rulers over themselves or any laws over themselves which they could not at any time amend, alter, or abolish. The people of the United Colonies were all right and were believers in popular government and practiced it, and wrote it in their constitutions. Alexander Hamilton and some other reactionaries sympathizing with him were fundamental Tories and at heart opposed to popular government.

The principle on which this Republic was founded was not the representative principle (an incident of the people's basic power), but was the principle of popular sovereignty, the principle that all power was vested in the people by an *inalienable* right, indefensible, and that the people had the right at any time to exercise this *sovereign power.*

The Unanimous Declaration of the Thirteen United States of America, issued July 4, 1776, said:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends *it is the right of the people to alter or abolish it* and *to institute new government, laying its foundation on such principles* and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

This declaration is a declaration in effect that all powers of government emanate directly from the people. And this right is reiterated in the constitution of almost every State in the Union, declaring in various forms that all powers of government spring directly from the people. For example:

ALABAMA.

1819: "*All political power is inherent in the people,* and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times an *inalienable* and *indefeasible* right *to alter, reform, or abolish their form of government* in such manner as they may deem expedient."

ARKANSAS.

1836: "That *all power is inherent* in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have, at all times, an *unqualified right to alter, reform, or abolish* their government in such manner as they may think proper."

CALIFORNIA.

1849: "*All political power is inherent in the people.* Government is instituted for the protection, security, and benefit of the people, and they have *the right to alter or reform the same whenever the public good may require it.*"

COLORADO.

1876: "That *all political power is vested in and derived from the people;* that all government of right originates from the people, is *founded upon their will only,* and is instituted solely for the good of the whole."

CONNECTICUT.

1818: "That *all political power is inherent in the people,* and all free governments are founded on their authority and instituted for their benefit, and *they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient.*"

DELAWARE.

1792: "*All just authority* in the institutions of political society *is derived from the people* and established with their consent to advance their happiness, and *they may* for this end as circumstances require, from time to time, *alter their constitution of government.*"

FLORIDA.

1838: "That *all political power is inherent in the people,* and free governments are founded on their authority and established for their benefit, and therefore *they have at all times an inalienable and indefeasible right to alter or abolish their form of government* in such manner as they may deem expedient."

GEORGIA.

1777: "We, therefore, the representatives of the *people, from whom all power originates and for whose benefit all government is intended,* by virtue of the power delegated to us, do ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State."

IDAHO.

1889: "*All political power is inherent in the people.* Government is instituted for their equal protection and benefit, and *they have the right to alter, reform, or abolish the same when-*

ever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature."

ILLINOIS.

1818: "*That all power is inherent in the people*, and all free governments are *founded on their authority* and *instituted for their peace, safety, and happiness.*"

INDIANA.

1816: "*That all power is inherent in the people*, and all free governments are founded on their authority and instituted for their peace, safety, and well being. *For the advancemnt of these ends the people have at all times an unalienable and indefeasible right to alter and reform their government* in such manner as they may think proper."

IOWA.

1846: "That all political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and *they have the right at all times to alter or reform the same* whenever the public good may require it."

KANSAS.

1855: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and *they have the right to alter, reform, or abolish the same whenever they may deem it necessary*, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly."

KENTUCKY.

1792: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends *they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government* in such manner as they may think proper."

LOUISIANA.

1868: "All men are created free and equal and have certain inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving *their just powers from the consent of the governed.*"

MAINE.

1819: "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; *they have*, therefore, *an unalienable and indefeasible right to institute government and to alter, reform or totally change the same*, when their safety and happiness require it."

MARYLAND.

1776: "*That all government* of right *originates from the people*, is *founded in compact only* and instituted solely for the good of the whole."

MASSACHUSETTS.

The first constitution submitted in Massachusetts was rejected by the people by direct vote at town meetings in the spring of 1779, because it contained no bill of rights, and for other reasons. The next constitution submitted, that of 1780, the people adopted by direct vote at town meetings and by more than two-thirds of all who voted. The bill of rights declares:

BILL OF RIGHTS.

1780: "ARTICLE I. All men are born free and equal, and have certain *natural, essential, and inalienable rights;* among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

"ART. IV. *The people* of this Commonwealth *have the sole and exclusive right of governing themselves as a free, sovereign, and independent State*, and do, and forever shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

"ART. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and *are at all times accountable to them.*"

MICHIGAN.

1835: "All political power is inherent in the people.

"Government is instituted for the protection, security, and benefit of the people; and *they have the right at all times to alter or reform the same and to abolish one form of government and establish another* whenever the public good requires it."

MINNESOTA.

1857: "Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with *the right to alter, modify, or reform* such government whenever the public good may require it."

MISSISSIPPI.

1817: "That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times *an unalienable and indefeasible right to alter or abolish their form* of government in such manner as they may think expedient."

MISSOURI.

1820: "That *all political power is vested in and derived from the people.*"

MONTANA.

1889: "*All political power is vested in and derived from the people;* all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

NEBRASKA.

1866–67: "All men are born equally free and independent and have certain inherent rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, *deriving their just powers from the consent of the governed.*"

NEVADA.

1864: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and *they have the right to alter or reform the same whenever* the public good may require it."

NEW HAMPSHIRE.

In New Hampshire four constitutions were submitted to the people, who voted directly upon them at town meetings. The first three were rejected (American Political Science Review, Vol. II, p. 549) largely because there were no express limitations upon the power of the legislature—no bill of rights. The bill of rights of the fourth one, that of 1784, declares:

1784: "VII. The people of this State *have the sole and exclusive right of governing themselves as a free, sovereign, and independent State*, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

NEW JERSEY.

The New Jersey constitution of 1776 declares:

1776: "Whereas all the constitutional authority ever possessed by the Kings of Great Britain over these Colonies or their other dominions *was, by compact, derived from the people* and held of them for the common interest of the whole society, allegiance and protection are, in the nature of things reciprocal ties, each equally depending upon the other and liable to be dissolved by the others being refused or withdrawn. And whereas George III, King of Great Britain, has refused protection to the good people of these Colonies, and, by assenting to sundry acts of the British Parliament, attempted to subject them to the absolute dominion of that body, and has also made war upon them in the most cruel and unnatural manner for no other cause than asserting their just rights, all civil authority under him is necessarily at an end and a dissolution of government in each Colony has consequently taken place."

NEW YORK.

The New York bill of rights of 1777 declares:

1777: "I. This convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare that no authority shall, on any pretense whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them."

NORTH CAROLINA.

1776: "*That all political power is vested in and derived from the people only.*"

NORTH DAKOTA.

1889: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and *they have a right to alter or reform the same* when the public good may require."

OHIO.

1802: "That all men are born equally free and independent, and have certain *natural, inherent, and inalienable rights* * * * and every free republican government being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties and securing their independence; to effect these ends, *they have at all times a complete power to alter, reform, or abolish* their government whenever they may deem it necessary."

OKLAHOMA.

1907: "All political power is inherent in the people; and government is instituted for their protection, security, and benefit,

and to promote their general welfare; and *they have the right to alter or reform the same* whenever the public good may require it."

OREGON.

1857: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and *they have at all times a right to alter, reform, or abolish* the government in such manner as they may think proper."

PENNSYLVANIA.

1776: "That the people of this State *have the sole, exclusive, and inherent right of governing and regulating* the internal police of the same.

"That *all power being originally inherent in*, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, *are their trustees and servants*, and at all times accountable to them."

RHODE ISLAND.

1842: "*The basis of our political systems is the right of the people to make and alter their constitutions of government.*"

SOUTH CAROLINA.

1790: "*All power is originally vested in the people;* and all free governments are founded on their authority and are instituted for their peace, safety, and happiness."

SOUTH DAKOTA.

1889: "All men are born equally free and independent and have certain *inherent rights*, among which *are those of enjoying and defending life and liberty, of acquiring and protecting property, and a pursuit of happiness.* To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

TENNESSEE.

1796: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of those ends *they have at all times an unalienable and indefeasible right to alter, reform, or abolish the government* in such manner as they may think proper."

TEXAS (REPUBLIC).

1836: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and *they have at all times an unalienable right to alter their government in such manner as they may think proper.*"

TEXAS (STATE).

1845: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and *they have at all times the unalienable right to alter, reform, or abolish their form of government* in such manner as they may think expedient.

UTAH.

1895: "All political power is inherent in the people, and free governments are founded on their authority for all their protection and benefit; and *they have the right to alter or reform their government as the public welfare may require.*"

VERMONT.

1777: "*That all power being originally inherent in*, and consequently *derived from*, the people; therefore, *all officers of government*, whether legislative or executive, are *their trustees and servants*, and at all times accountable to them.

* * * * * * * *

"* * * and that *the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish government* in such manner as shall be, by that community, judged most conducive to the public weal."

VIRGINIA.

1776: "*That all power is vested in*, and consequently derived from, *the people.*"

WASHINGTON.

1889: "*All political power is inherent in the people*, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

WEST VIRGINIA.

1861–1863: "*The powers of government reside in all the citizens of the State*, and can be rightfully exercised only in accordance with their will and appointment."

WISCONSIN.

1848: "All men are born equally free and independent and have *certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights governments are instituted* among men, *deriving their just powers from the consent of the governed.*"

WYOMING.

1889: "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of these ends, *they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government* in such manner as they may think proper."

THE PEOPLE BETTER AUTHORITY THAN HAMILTON OR PINCKNEY.

Mr. President, here it will be observed that the people in the States declare all political power vested in and derived from the people, and that they have an inalienable and indefeasible right to alter, amend, or abolish, their form of government in such manner as they may deem expedient. So that we do not need the quotations from a few reactionary citizens who were disobeying their representative instructions in the secret conclave of 1787 to tell us what the Constitution and the law is.

It is rather astonishing to hear from various men of learning that the right of the people to legislate directly is unconstitutional; that it is "in conflict with the representative principle on which this Republic is founded."

This is the same old federalist argument that was answered in the Supreme Court of Oregon in the Pacific Telephone case, where it was urged that the Federal guarantee to the State of a *republican form of government* would forbid the initiative and referendum as in conflict with a republican form of government or with the so-called representative principle. (Exhibit B answers this argument.)

The adoption of the constitution of Texas was an act of *direct legislation* by the people of Texas by the referendum on the initiative of the constitutional convention.

And all of the State constitutions, almost without exception, have been adopted by the act of the people who *directly legislated* in establishing these various State constitutions by the referendum.

And they amend all the constitutions in the same fashion—by *direct legislation*, almost without exception.

James Bryce, in his American Commonwealth (Morris Edition, 1906, p. 258), very properly says:

> The people frequently *legislate directly* by enacting or altering a constitution. The *principle of popular sovereignty* could hardly be expressed *more unmistakably.* Allowing for the differences to which the vast size of the country gives rise, the mass of citizens may be deemed as directly the supreme power in the United States as the assembly was at Athens or Syracuse.

Indeed, from the beginning of the history of the American people they exercised the right of *direct legislation*, and exercised it in the old town meetings of New England and county meetings in the South. The Massachusetts towns still govern themselves by exercising the right of *direct legislation* in their town meetings, both the initiative and the referendum.

And all the States of the Union from time to time have provided for the exercise of the right of *direct legislation* by various forms of *local option.*

To deny the right of the people to *legislate directly* is to deny the fundamental principles of every one of the 48 State constitutions. The "representative principle," so called, is merely an incident of the *delegation* of legislative and ministerial power to "representatives" *as a matter of convenience.* This grant of power to public servants *does not*, as some statesmen believe, *establish public rulers whose right to rule can not be questioned.* The grant of legislative power by the people to a State legislature in no wise prevents the people from exercising their *inalienable and indefeasible right of direct legislation.* The initiative and referendum is perfectly harmonious with the representative principle. In one case the people legislate through their agents; in the other case they legislate directly without agents.

It does not overthrow the representative system of government; it perfects the representative system of government. Those who favor the initiative and referendum do not intend to impair the representative system. They are determined on the contrary to perfect the representative system, which is and always has been a mixture of the exercise by the people of direct power, direct legislation, and of indirect legislation through representatives.

RECALL NO NOVELTY.

Even the right of recall is no novelty under the American system of government. Every one of the 13 Colonies—the State of New Hampshire, the State of Massachusetts Bay, the State of Rhode Island and Providence Plantations, the State of New Jersey, the State of New York, the State of Connecticut, the State of Pennsylvania, the State of Delaware, the State of Maryland, the State of Virginia, the State of North Carolina, the State of South Carolina, the State of Georgia, on the 24th

day of July, 1778, solemnly agreed to the Articles of Confederation of 1777, in Article V, to the right of *recall*, in which it was expressly agreed that the various States should appoint delegates to meet in Congress on the first Monday in November of every year—

With a power reserved to each State to *recall* its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

DEMOCRATIC CONSTITUTIONS EASILY AMENDABLE.

Our State governments, while establishing the representative principle as a matter of convenience, have nevertheless incorporated in every instance the declared principle that all power is vested in the people, and that they retain the right at any time *to alter, amend, or abolish.*

All democratic constitutions are flexible and easy to amend. This follows from the fact that in a government which the people really control the constitution is merely the means of securing the supremacy of public opinion and not an instrument for thwarting it. * * * A government is democratic just in proportion as it responds to the will of the people; since one way to defeat the will of the people is to make it difficult to alter the form of Government, it necessarily follows that any constitution which is democratic in spirit must yield readily to changes in public opinion. (Spirit of American Government: Smith.)

The fact is that with the initiative and referendum the people merely propose *to amend the law* establishing the legislatures so as to give to the people *the option* to exercise the right of direct legislation where they may find it expedient and proper to do so. All that is necessary is to enlarge the ordinary State constitution so as to provide for the people the method of directly legislating by passing an initiated bill or vetoing a referred bill. The legislature got its power to legislate from the people and the people violate no principle by exercising directly the legislative power they possess, and which is *inalienable* and *indefeasible.*

In amending the State constitution so as to reserve to the people the power to initiate and pass a bill by direct vote, or by the referendum to veto or affirm, as the case may be, an act passed by the legislature, the people merely exercise their sovereign power in a moderate and restricted way, which they have found necessary after a hundred years of experience with representatives in the legislature who have, particularly in this generation, too frequently failed to pass the laws the people want, and who have too frequently passed the laws which the people do not want.

It is absurd to say that this Republic was founded on the "*representative principle.*" This Republic was not founded on the representative principle. *It was founded on the sovereign right of the people to manage their own business* (and not be managed by their servants), and it was for this reason that every State constitution declared this fundamental principle that all political power was inherent in the people, and that as sovereign they could at their pleasure alter, amend, or abolish even the constitutions themselves. This was the great foundation stone, and this is the principle now being asserted by the initiative and the referendum, to wit: *The right of the people to rule.* This is the very meaning of the word "democratic." Demos kratein means "the people have the right to rule." It is the origin of the word "democrat." A democrat is a man who believes in the right of the people to rule.

Aristocracy means the rule of the few, who consider themselves the best.

Autocracy means the rule of a single person.

Plutocracy means the rule of money.

Democracy means the rule of the people.

Delegating power to public servants was not new. It was a convenience and a mode of exercising popular sovereignty, not a means of destroying or of impairing it.

We established the system of delegating the legislative power to representatives in our State constitutions, who should meet in legislative assembly and debate and discuss and frame wise and virtuous laws drawn to promote the general welfare. When they are candidates they pledge their honor to the people to be guided by the general welfare. They go to the assembly and lift their hands to Almighty God and solemnly swear to be faithful to the people, and then special interests come and bring malign influences to bear upon the weakness of human nature that lead the legislator away from the paths of public virtue into passing laws against the general welfare, or in refusing to pass laws required by the general welfare. Representative government is a convenience for the people. No progressive wants to interfere with it or to change it where it is faithful and performs its proper duty; but when these representatives fail to pass laws of vital importance, when they pass laws doing a gross wrong to the public interest, the time has come when the people shall directly exercise so much of their legislative power as they may find it necessary to exercise at their option in passing the laws they do want and vetoing the laws they do not want.

THE ATHENS AND ROME ARGUMENT.

Oh, but say these opponents of popular government, remember the overthrow of the direct democracy of Athens and Rome.

It is difficult to argue with entire patience with men of learning and intelligence who will offer as a reason against popular government the so-called direct democracy of Athens and of Rome. We might as well go to Athens and to Rome to get our instruction in the management of modern railways and in handling the telegraph and telephone.

Only one person in 400 could read in Athens and in Rome. The people were divided into the very few intelligent and cultured and into the very, very many who were ignorant of letters and of the art of government, five-sixths of whom were slaves and the vast majority in hopeless poverty. They lacked the spirit of liberty, and the father controlled by law the son and his family as long as the father lived, with power of life and death and property.

It avails nothing to say that the populace of Athens had an appreciation of the beautiful forms of marble which their sculptors developed with great cleverness. The vital fact is that they had no knowledge of government; that they had no means of public communication except by word of mouth; no knowledge of liberty as we know it; and were actually ruled by an intellectual, financial, and military aristocracy under the forms of a direct democracy.

To-day the great body of our citizens can read and write. To-day we have millions of books available and libraries everywhere. To-day the most distant citizen can by the parcel post receive for a trifling expense the last word upon organized government and the art of government. To-day we have the telegraph and the telephone binding the ends of the world together and putting information with regard to government all over the world, its weakness and its strength, in the hands of every citizen who cares to know. To-day we have millions of men who do care to know, and who are interested in good government, and who are determined to have good government and to overthrow the rule of the self-seeking few and to terminate the commercial and financial piracy which has been dealing unjustly with the many for the benefit of the organized few. To-day we have modern newspapers, a miracle in art and in design, filled with news brought instantly by telegraph and telephone from the ends of the earth; filled with knowledge, literature, and art; filled with finance and commerce; filled with sport and humor and fun; filled with ten thousand times ten thousand wants and opportunities, which the poorest citizen can buy for one-hundredth part of his daily wage. Compare Athens and Rome of 2,000 years ago with Washington, Chicago, or New York!

Oh, no, Mr. President, the comparison can not be justly made; and that the opponents of popular government should go so far to find their argument against the rule of the people shows how poverty stricken and how poor and how mean are the fallacies and pretexts upon which they rely.

INITIATIVE AND REFERENDUM JOKERS.

Mr. President, there are six dangerous jokers which I wish to call attention to and which the friends of popular government should beware of.

Joker 1. *Limiting the initiative* to statute laws and prohibiting the voters from proposing and adopting amendments to the State constitutions.

The constitutional initiative is the most vital part of any amendment. For in the State constitutions are many jokers restraining popular government that need correction by constitutional amendment.

Joker 2. To require an improbable or impossible majority necessary to enact or reject measures submitted to the voters.

Every measure voted on should be decided by the majority of the votes cast thereon.

Joker 3. To require large petitions to render it difficult to secure them, no matter what per cent is required.

This is done by increasing the percentages beyond reason or to require a certain per cent of the legal voters of certain counties.

The signature of any voter in the State should count regardless of residence.

Joker 4. To so frame the emergency clause that the legislature may annul the referendum whenever it chooses. The emergency should only be declared upon a *two-thirds majority* of all members on a recorded vote, *setting forth the reasons for the emergency.*

Joker 5. To put an arbitrary limit upon the number of measures which may be submitted to the people at any one election, because the special interests can thus preclude submission of public measures by offering trivial measures in advance of the public measure.

Joker 6. Failure to provide an adequate and efficient method of informing the voters concerning the measures submitted to them. The only safety for the political machine is to keep the people in ignorance. The Oregon publicity pamphlet informs the people. Insist on the publicity pamphlet.

I submit herewith a model constitutional amendment for the initiative and referendum, free from jokers, and self-executing:

PROPOSED CONSTITUTIONAL AMENDMENT FOR THE INITIATIVE AND REFERENDUM.

The legislative authority of this State shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves the power to propose legislative measures, resolutions, laws, and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or any part of any resolution, act, or measure passed by the legislative assembly.

The first power reserved by the people is the initiative, and not more than 8 per cent, nor in any case more than 50,000, of the legal voters shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions, except for municipal and wholly local legislation, shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. If conflicting measures submitted to the people shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. Proposed amendments to the constitution shall in all cases be submitted to the people for approval or rejection.

The initiative is also reserved as follows: If at any time, not less than 10 days prior to the convening of the general assembly, there shall be filed with the secretary of state an initiative petition for any measure signed by 1 per cent, nor in any case more than 5,000 legal voters, the secretary of state shall transmit certified copies thereof to the house of representatives and to the senate immediately upon organization. If said measure shall be enacted, either as petitioned for or in an amended form, it shall be subject to referendum petition as other measures. If it shall be enacted in an amended form, or if no action is taken thereon within four months from the convening of the general assembly, it shall be submitted by the secretary of state to the people at the next regular general election, *provided* such submission shall be demanded by supplementary initiative petition signed by 4 per cent, nor in any case more than 30,000, legal voters and filed not less than four months before such election. Such proposed measure shall be submitted either as introduced or with the amendments, or in any amended form which may have been proposed in the general assembly, as may be demanded in such supplemental petition. If such measure so submitted be approved by the electors, it shall be law and go into effect, and any amended form of such measure which may have been passed by the general assembly shall thereby stand repealed.

The second power is the referendum, and it may be ordered either by petition signed by the required percentage of the legal voters or by the legislative assembly as other bills are enacted. Not more than 5 per cent, nor in any case more than 30,000 legal voters, shall be required to sign and make a valid referendum petition. Only signatures of legal voters whose names are on the registration books and records shall be counted on initiative and on referendum petitions.

If it shall be necessary for the immediate preservation of the public peace, health, or safety that a measure shall become effective without delay, such necessity shall be stated in one section, and if, by separate vote of yeas and nays, three-fourths of all the members shall vote on a separate roll call in favor of the measure going into instant operation, because it is necessary for the immediate preservation of the public peace, health, or safety, such measure shall become operative upon being filed in the office of the secretary of state or city clerk as the case may be: *Provided*, That an emergency shall not be declared on any measure creating or abolishing any office or to change the salary, term, or duties of any officer or granting any franchise or act alienating any property of the State. If a referendum petition shall be filed against an emergency measure such measure shall become a law until it is voted upon by the people and if it is then rejected by a majority of those voting upon the question such measure shall be thereby repealed. No statute, ordinance, or resolution approved by vote of the people shall be amended or repealed by the legislative assembly or any city council except by three-fourths vote of all the members taken by yeas and nays. The provisions of this section apply to city councils.

The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and district as to all local, special, and municipal legislation of every character in and for their respective municipalities and districts. Every extension, enlargement, purchase, grant, or conveyance of a franchise or of any rights, property, easement, lease, or occupation of or in any road, street, alley, or park, or any part thereof, or in any real property, or interest in any real property owned by a municipal corporation, whether the same be made by statute, ordinance, resolution, or otherwise, shall be subject to referendum by petition. In the case of laws chiefly of local interest, whether submitted by initiative or referendum petition or by the legislative assembly, shall be voted upon and approved or rejected only by the people of the locality chiefly interested, except when the legislative assembly shall order the measure submitted to the people of the State. Cities and towns may provide for the manner of exercising initiative and referendum powers as to their municipal legislation subject to the general laws of the State. Not more than 10 per cent of the legal voters may be required to order the referendum nor more than 15 per cent to propose any measure by the initiative in any city, town, or local subdivision of the State.

The filing of a referendum petition against one or more items, sections, or parts of any act, legislative measure, resolution, or ordinance shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not later than 90 days after the final adjournment of the session of the legislative assembly at which the measure on which the referendum is demanded was passed, except when the legislative assembly shall adjourn at any time temporarily for a period longer than 90 days, in which case such referendum petitions shall be filed not later than 90 days after such temporary adjournment. The veto power of the governor or the mayor shall not extend to measures initiated by or referred to the people. All elections on general, local, and special measures referred to the people of the State or of any locality shall be had at the regular general elections, occurring not less than four months after the petition is filed, except when the legislative assembly or the governor shall order a special election, but counties, cities, and towns may provide for special elections on local matters. Any measure initiated by the people, or referred to the people as herein provided, shall take effect and become law if it is approved by a majority of the votes cast thereon and not otherwise. Every such measure shall take effect 30 days after the election at which it is approved. The style of all bills shall be: "*Be it enacted by the people of (name of State, municipality, or county).*" This section shall not be construed to deprive any member of the legislative assembly or of a city council of the right to introduce any measure. The whole number of electors who voted for governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of registered voters necessary to sign such petition shall be computed. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state or in municipal or local elections with the county or city clerk or such other officer as may be provided by law. In submitting the same to the people he and all other officers shall be guided by the general laws until additional legislation shall be especially provided therefor. This amendment shall be self-executing, but the legislature may enact laws facilitating its operation. All proposed measures submitted to the people shall be printed in pamphlet form, together with arguments for and against, as may be provided for by law, and mailed by the secretary of state to the electors at least 50 days before the election at which they are to be voted.

OBJECTIONS TO THE INITIATIVE AND REFERENDUM.

Mr. President, what are the objections to the initiative and referendum?

First, it has been objected that it was contrary to the so-called "representative" principle of the Constitution. This objection I have abundantly answered. (Exhibit B.)

Second, that the people are not capable of direct legislation. The contrary has been abundantly shown by the experiences in all of the States and countries which have put it into effect.

Third, that representative democracy is better than direct democracy. The answer to this is that there is no such issue, since the optional initiative and referendum in nowise interferes with representative democracy.

Fourth, that the initiative and referendum would destroy deliberation, debate, and result in hasty legislation. The fact is an initiated bill is usually drawn by a group of patriotic citizens, who prepare the bill with infinite pains, consulting the best experts in the State, and only present it to the State after it has been thoroughly considered. It appears in the public prints; it is discussed by the citizens from one end of the State to the other; it is presented to each citizen of the State in a publicity pamphlet, giving the arguments for and against it, and a sufficient length of time before the election, that each citizen can thoroughly understand it; and then each citizen in the State, in the quiet and seclusion of the ballot box, expresses his opinion with regard to it, without excitement and without passion and with the utmost deliberation.

In Congress we pass volumes of bills. Is it incredible that the citizens who have the intelligence to select Senators and Presidents should also have the intelligence to pass one bill, or even two or three bills?

I have heard of hasty legislation by representatives, without much debate in legislatures, and sometimes in a conference committee important legislation has been put on a tariff bill by misrepresentatives at the instance of private interests and against the general welfare in great haste and without debate. Such hasty laws under a referendum could be vetoed by the people and ought to be vetoed.

THE PEOPLE WILL NOT VOTE FALLACY.

The crowning charge against the initiative and referendum by the former Senator from Texas is that only a small per cent of the people will vote, and his data is based on the cases of compulsory referendum. In Oklahoma the percentages have run from 54 to 100 per cent of the citizens voting. In Maine it has run from 50 to 100 per cent. In Missouri, from 71 per cent to 95 per cent; in Arkansas, from 75 per cent to 90 per cent; in Montana, from 72 per cent to 80 per cent; in Oregon it has run from 61 per cent up to 90 per cent; in South Dakota, from 57 per cent to 92 per cent.

Those who do not vote on these questions of public policy submitted by the initiative and referendum are those citizens who are ignorant or indifferent to such questions of public policy, and who voluntarily disfranchise themselves, leaving the more intelligent and more interested citizens to decide these questions. This voluntary disfranchisement of the unfit is of public benefit.

But, Mr. President, out of 187 yea-and-nay votes in the Senate previous to the retirement of the Senator he himself appears only to have voted 18 times, or less than 10 per cent. The people appear to be from 500 to 900 per cent better than this record, and are otherwise not justly subject to his criticism.

I submit an Exhibit A to my remarks upon this question giving in detail the percentages of votes in various States and the principles governing the initiative and referendum and ask that it be printed as a Senate document.

Mr. President, the restoration of popular government is absolutely essential to the welfare and happiness of the American people. The time has come when we must terminate the gross abuses of machine politics, when we must purify our governmental processes and establish the best form of government of which the American intelligence and conscience is capable. The people's rule system of government is not, or should not be, a partisan question. This issue of the people's rule goes to the root of all other questions because all modern questions practically comprise some form in which the rights, the interests, the health, and the happiness of the people is interfered with by the special interests seeking profit or promotion through the machine method of government. It is absolutely essential for the people to announce a new Declaration of Independence, freedom from the rule of the few, freedom from the rule of the special interests, freedom from the machine politicians who are in alliance with the special interests which have perverted the great Republic from its noblest ideals to sordid and selfish ends. In the words of the immortal Lincoln:

It is for us, the living, to highly resolve that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.

THE REASONS IN BRIEF JUSTIFYING DIRECT LEGISLATION.

The reasons in brief which justify direct legislation have been perhaps best stated by Prof. Frank Parsons in 1900, since deceased. Prof. Parsons was a great publicist, with no ax to grind, no political ambition, and no other purpose than to serve God and mankind "in spirit and in truth."

Direct legislation—that is, *direct legislation* by the optional initiative and referendum.

1. Is essential to self-government.
2. Destroys the private monopoly of lawmakers.
3. Is a common-sense application of the established principles of agency.
4. Will perfect the representative system.
5. Is immediately and easily practicable.
6. Makes for political purity.
7. Kills the lobby.
8. Makes it useless to bribe legislators because they can not deliver the goods.
9. Attracts better men to political life.
10. Simplifies elections.
11. Simplifies the law.
12. Lessens the power of partisanship.
13. Elevates the press and the people.
14. Stops class legislation.
15. Opens the door of progress.
16. Is wisely conservative.
17. Works an automatic disfranchisement of the unfit.
18. Tends to stability.
19. Is a safety valve for discontent.
20. Is in line with the general trend of modern political history throughout the world.

I might add to these reasons—

21. Causes public servants to do their utmost to serve the public interest, knowing that the power of the people is over them directly.

22. It thus enthrones righteousness and the general welfare by giving sovereign power to the intelligence and conscience of the Nation.

23. It tends powerfully to educate the people on questions of public policy and increases the general intelligence.

24. It will enable the people to pass a thoroughgoing corrupt-practices act, a mandatory direct primary, and other progressive statutes necessary to establish the people's rule, which a machine-controlled legislature otherwise can and will prevent.

THE OBJECTIONS TO THE INITIATIVE AND REFERENDUM

Are imaginary or based on erroneous information. Under the initiative and referendum *only a few* (*not many*, as objected) important laws would be referred to the people or initiated by the people.

The initiative and referendum is *not hasty*, without deliberation or by impulse, as objected, but the most deliberate of all legislative processes, usually taking about two years.

It is objected that from 20 to *40 per cent of the people do not vote* on initiated measures. This only means that the ignorant or indifferent voter voluntarily disfranchises himself, leaving the questions of public policy to be decided by more intelligent and interested voters.

It is objected that *the voters can not pass on complicated laws*. The answer to this is that, complicated or not, the people well know the difference between honest and dishonest laws, between just and unjust laws, and when they have the power to kill the latter no more of them are apt to be made. Moreover, it is easier to pass upon a law in black and white, even if complicated, than to pass upon a complicated man and what he will do under the influence of the lobby.

It is objected that it is impracticable. This objection is based upon unadulterated ignorance.

It is objected we should "elect better men." We have tried this game long enough. It has failed. The system under which the "big stick" hangs over the "representative man" will make him better. It makes an unfaithful servant powerless, and this is the man we are after.

It is objected that direct legislation will destroy representative government. This is purely imaginary. It will perfect representative government and make the representative perform his duty or enable the people to correct his sins of omission or his sins of commission.

To accomplish integrity of government and perfect the system of popular government, we need—

First. An adequate registration system to register all entitled to vote, so that no person not entitled shall be registered, and open at all times to public examination.

Second. *A secret ballot*—Australian system—under which the financial and commercial bullies can not coerce or bribe the weak citizen whose bread and butter they control.

Third. *A direct mandatory primary*, by which the voters can select their candidates regardless of the political machine.

Fourth. *A statute preventing corrupt practices*, directly limiting the use of money, preventing bribery, coercion, and fraud, requiring publicity of campaign contributions, and giving the voter peace and absolute security from pressure on election day.

Fifth. *A constitutional amendment for the initiative and referendum for every State*, and statutes vitalizing the same so that the people can amend their State constitution when they like and can enact any laws they do want or veto any laws they do not want, in spite of the machine or the influence of political mercenaries.

Sixth. *A statute providing publicity pamphlets*, giving each citizen before election time full information and arguments for and against all public measures and for and against all public candidates.

Seventh. *A statute providing for the recall*, by which the people can nominate a successor to an incompetent, unfaithful, or obnoxious public servant.

Eighth. *Local self-government for cities and towns by commission*, with the initiative, referendum, and recall.

Ninth. *The short ballot*, with *preferential provisions*, by which the votes of unorganized citizens may be automatically cohered.

Tenth. *The direct election of United States Senators.*

Eleventh. *The direct nomination of presidential candidates.*

These are the chief agencies by which we shall restore the integrity and the efficiency of our Government, and of these agencies "*the initiative and the referendum*" *are first, because they open the door to all the others.*

Mr. President, in my judgment the Senate of the United States should throw the weight of its influence in favor of the initiative and referendum and not against it. I therefore offer a substitute for Senate resolution 413. Strike out all after the resolving clause in Senate resolution 413 and insert the following:

That the system of direct legislation, such as the optional initiative and referendum adopted by Oklahoma, Oregon, California, Washington, Arizona, Utah, Colorado, Montana, North Dakota, South Dakota, Missouri, Arkansas, Nebraska, Wisconsin, Ohio, and Maine, is in harmony with and makes more effective the representative system and the principle of the sovereignty of the people upon which this Republic was founded, and is not in conflict with the republican form of government guaranteed by the Constitution.

I ask to have printed as Senate documents two exhibits, "A" and "B," to my remarks.

The PRESIDING OFFICER (Mr. FALL in the chair). Without objection, it is so ordered.

EXHIBIT A.

THE INITIATIVE AND REFERENDUM SIMPLIFIED.

It is possible that the words *initiative* and *referendum* may still sound strange and difficult to some. If so, we wish to make their meaning so plain right here in the beginning that they will hereafter be among the simplest and most familiar words in the vocabulary of every man, woman, and child above 12 years old.

THE REFERENDUM.

Let us begin with the *referendum:* It simply means a *reference*. When a question is *referred* to the people, that is a *referendum*. All constitutional amendments, except in the State of Delaware, are and always have been *referred* to a direct vote; that is, to the voters. That is a referendum which we have always had in the various States. So it is no new thing, and the word itself in this connection is already familiar to you. But we want to make the referendum apply to acts of the legislature whenever a reasonable number of voters demand it. *This* is the referendum that you are hearing about so much nowadays, and many of the States now have it and the rest of the States are in process of getting it. When questionable laws passed by the legislature can be re-

ferred to the voters, these laws can thus be *stopped*. And this is the purpose of the referendum: To *stop bad laws*. The purpose is to amend the State constitution to the effect that no laws passed by the legislature (except emergency measures, which shall be specially provided for) shall go into effect until 90 days after adjournment of the legislature. If, within said 90 days, the necessary number of voters petition for a referendum on any law, laws, or part or parts of a law passed by said legislature, then said law, laws, or part or parts of a law will be suspended until voted on by the voters at the next State election; and the fate of said measures is decided by the vote *thereon* at said State election. In this way bad laws may be *vetoed* by the voters, and the referendum is sometimes called the *people's veto*. It is entirely negative in its action. It is used to *stop bad laws*. But this is a very important thing, as politicians find it useless to make bad laws—laws unjust to the masses of the people—when the voters have it in their power to veto them.

The 1912 edition of Webster's New International Dictionary, page 1792, defines referendum as follows:

"1. The principle or practice of referring measures passed upon by the legislative body to the body of voters, or electorate, for approval or rejection, as in the Swiss Cantons (except Freiburg) and in various local governments in the United States, and also in the local-option laws, etc.; also, the right to so approve or reject laws or the vote by which this is done. *Referendum* is distinguished from the *mandate*, or instruction of representatives by the people, from *direct government* by the people, in which they initiate and make the laws by direct action without representation, and from a *plebiscite*, or popular vote taken on any measure proposed by a person or body having the initiative but not constituting a representative or constituent body."

What is meant by the referendum as used in this book is a referendum *at the demand of the voters*, as distinguished from the reference of constitutional amendments to the voters by legislators, or from the French "plebiscite," which is a reference at the option of some governing authority. The voters of this country elect their legislators; that is, their agents or representatives. Then why should they not reserve to themselves the privilege of demanding a reference to themselves of any unsatisfactory acts of their agents? A business man has constant control of his agents. We are not free as long as we give our agents unlimited control of our affairs. The argument that "we elected them, and if they are not satisfactory they can be defeated and better ones chosen next time," is not satisfactory. During their term of office they can do—and many legislative bodies have done—incalculable damage and incur irretrievable loss, which could have been prevented by the referendum. The referendum is merely a method by which the people may control their agents.

REFERENDUM NOT USED ON ALL LAWS, BUT ONLY ON DEMAND.

Do *not* get the idea that it is proposed that *every* law must be referred to the voters. Many otherwise intelligent public men expose a strange lack of information by urging this as an objection to the referendum. The great mass of laws are fairly good and deserve to stand. The referendum applies only to laws upon which a referendum is legally demanded by the required number of petitioners within the specified time after adjournment of the legislative body. If the legislature faithfully and truly represents the electorate, no referendum will be demanded. The referendum is only a corrective to *mis*representation.

NOT OPPOSED TO REPRESENTATIVE GOVERNMENT.

And do not get the idea that the referendum movement is a movement *against* representative government. It is not. We shall always need legislative bodies. But these bodies must realize that they are *representative*, and they must truly represent. These bodies will never have anything to fear from the referendum so long as they truly represent their constituents. And no representative body can reasonably complain of the ultimate control of public affairs being lodged with the people.

DOES NOT EXCLUDE EXPERTS.

It is sometimes urged against the referendum that it takes government out of the hands of experts. That is not true. Expert service is needed in the administrative departments of government, where the referendum does not apply. Everybody knows that the average legislator, councilman, or alderman is far from being an "expert in government." All we expect of him is honesty and good judgment, with reasonable efforts to prepare himself for his duties. He can, should, and does call expert service to his assistance when needed, and the tendency is to do this more and more. And sometimes a real expert becomes a member of a legislative body, and sometimes a faithful legislator is kept in office. The expert and expert service have been sadly neglected in legislation in the past. The possibility of a demand for reference to the voters of legislation of doubtful quality or character will stimulate legislators to make their work above question, and they can do this best by calling expert service to their aid.

INSURES JUST LAWS.

The establishment of just relations among the different individuals and classes of individuals is one of the chief objects of legislation. The referendum directly fosters this object, as a manifestly unjust law will be challenged and brought to the bar of judgment of the voters and defeated.

STOPS CORRUPT LAWS.

One of the chief arguments in favor of the referendum is that corrupt legislation may thus be defeated; and when corrupt politicians learn that they can not "deliver the goods" they will stop passing corrupt laws. This alone is sufficient reason to put the referendum into every State constitution.

BRINGS THE PEOPLE AND LEGISLATURES INTO PARTNERSHIP RELATIONS.

But perhaps the chief benefits of the referendum come from the fact that it establishes new relations between legislatures and the people whom they represent. The people become interested in and watchful of the acts of the legislature, which becomes worth while, because the referendum gives them *power* over these acts. Here is introduced among the people a new stimulus, a new interest in public affairs. The value to a community or State of this new spirit is beyond calculation. And the effect on legislative bodies is equally stimulating. They are spurred to their best work, and their responsiveness to the needs and wishes of the people is greatly increased.

LIKE THE GUN BEHIND THE DOOR.

This is a simple statement of what the referendum is. Remember, it is only a negative device. It is not constructive, excepting that the prevention of bad legislation encourages good legislation. Its chief value is in prevention, for it has been found that the menace of a referendum has prevented many a corrupt deal in States where the referendum exists. The presence of a policeman with his club is usually sufficient to maintain peace without actual use of the club. Woodrow Wilson cleverly compares the initiative and referendum to the gun behind the door. When it is known that the gun is there constantly ready for use its actual use is seldom required. It may be useful, though never used. Theodore Roosevelt would probably compare them to a powerful navy, the mere existence of which, with possibly an occasional display and demonstration, like sending our naval fleet around the world, is a strong influence for peace without firing a single gun. So the existence of the referendum in the constitution is a powerful influence for honest and high-class legislation. Thus the position of legislator will become one of greater usefulness and honor.

THE INITIATIVE.

If the word *initiative* sounds a little strange or difficult to you, it will not when you realize that it simply means to *initiate* or *start* something. The Standard Dictionary defines the "initiative" as follows:

"Initiative, n. 1. An introductory step or action; a first move; beginning; start; lead; as, an *initiative* toward good; he took the *initiative*. 2. The power of initiating; ability to originate or start; specifically, the right to propose legislative projects; as, in the United States the *initiative* in legislation for raising revenue belongs to the House of Representatives."

It works in this way: Suppose the legislature fails or refuses to pass a law that the people want. In the States which have the initiative a given number of voters can *initiate* or *start* the law desired and have it referred to a direct vote at the next State election, and if a majority of votes *thereon* are favorable, the measure becomes a law. That is plain and simple, isn't it? And it is just, and every State should have it, in order to *start good laws*.

THE STATUTORY AND CONSTITUTIONAL INITIATIVE.

There are two kinds of initiative—one for constitutional amendments and one for statutes or laws. The Constitution is often referred to as the *fundamental* law, while ordinary laws are called statutes or statute laws in distinction from the fundamental law or Constitution. The difference between them is that statutes have heretofore been made only by legislatures, while constitutions and constitutional amendments have always been given their authority, except in Delaware, by a direct vote of the people. Legislatures can change or repeal laws, but only the people, by direct vote of the voters, can change a constitution.

Thus you see the difference between the statutory initiative and the constitutional initiative. We have said above that the use of the initiative is to *start good laws*, or laws desired by the people when the legislature fails to supply them. In the same way with the constitutional initiative the voters can *start good constitutional amendments* when the legislature fails to start them. If the voters can *adopt* constitutions and consitutional amendments (and this they have always done, except in Delaware), they should certainly have the right to *start* constitutional amendments.

Both the constitutional and statutory initiatives are operated in the same way, a very simple way, as you will see later, and it is important that an initiative and referendum amendment shall simply specify that the initiative shall apply to both statutes and constitutional amendments. Some may ask here: "How about the constitutional referendum?" We have always had the constitutional referendum—that is, constitutional amendments have always been referred to the people, and this is an obligatory referendum; that is, legislatures are *obliged* to refer *all* constitutional amendments to the people. What we want is the *statutory* referendum—that is, the reference to the people of statutes passed by the legislature. But we do not want the obligatory form—that is, we do not want to refer *all* statutes to the people, but only such statutes as a certain number of voters may legally petition to a referendum.

With the initiative to *start good laws and constitutional amendments*, and the referendum to *stop bad laws*, the power of the people is greatly strengthened.

DIRECT LEGISLATION.

The initiative and referendum taken together are frequently called *direct legislation*, because they furnish the means for the people to legislate for themselves directly when the legislature does not properly represent them.

Direct action by the people has been in vogue since earliest times in this country in the town meetings of the New England towns, and public affairs are still managed in this way in many of these towns. At these meetings some one makes a motion. That is the *initiative*. Then the motion is referred to a vote of the meeting. That is the *referendum*. This is done in all sorts of meetings and governing bodies. The practice is well established everywhere. Doing the same thing on a large scale on paper does not change the process nor make it less desirable. We see that there is nothing new nor strange about the initiative and referendum. But we can no longer be confined to town meetings in the use of these direct powers. We have learned that these powers can be used conveniently and effectively in State-wide matters as well as in local matters; they are now in effective use in a number of the States, and the people of all the States are learning this fact and demanding the same privilege.

A FEW QUESTIONS ANSWERED.

Why should we have the initiative and referendum? Have we not self-government already in this great free country?

No; we have not self-government. Election day is our only free day. And on that day we are free only to choose our rulers for another "term." A man who has not control of his affairs is not a free man. If he yields complete control of his affairs to an agent for a term of years, he is not free during that time. No man of sound mind does this. Every sane employer retains control of his agents. But our communities, our States, and our Nation place absolute control of public affairs into the hands of elected officers for terms of years. Hence we are not a free people. We have not self-government. The essence of government is *control;* and when the people have not final control they are not free and they do not govern.

The choosing of rulers is not freedom. The selection of a governor is not governing. The choosing of a captain is not commanding. Only the control of public affairs is political freedom. The choosing of legislators is not making laws. And unless the people reserve to themselves the right to reject a law passed by legislators and to start desired laws and constitutional amendments which legislatures neglect or refuse to pass, we are in bondage to our elected so-called "representatives."

An apprentice may choose his master, to be bound to him for a term of years, but he is no more free under a self-chosen master than he would be under a master chosen for him. A people may elect their rulers and yet live under an absolute despotism. This was true in old Rome, and it is still true among certain tribes in Africa and Asia, who elect their chiefs, but who must implicitly obey the chiefs after election. Napoleon was elected to his imperial power.

How shall the people become really free and self-governing?

Simply by putting their will in control of public affairs, for sovereignty is determined by *control*. We do not wish to abolish legislatures. We simply wish to put the people's will in *control*, so that legislatures will be the servants of the people and not their masters.

How shall we do this?

By means of direct action when required—direct legislation by means of the initiative and referendum. And the process is very simple, as we shall see. We here are considering only legislative matters. When it comes to controlling executive officers the recall comes into play, which will be treated further on.

WHAT DIRECT LEGISLATION IS NOT.

And please do not confuse direct legislation by means of the initiative and referendum with anything else. It is sometimes called pure democracy, and it is almost that. But pure democracy involves the personal presence of the voter and his action on every measure, as in the New England town meetings and the Swiss Landsgemeinde, where the voters are congregated together and act on all measures. In the workings of the initiative and referendum, as we shall see, there is no congregating of the voters, and only a comparatively few measures are voted on directly by the voters. All the virtues of pure democracy are retained, without the inconvenience of massing the voters all in one place, and the advantage of special service by selected representatives is retained, but their power is controlled by the will of the people.

It is very different from the "ancient democracies of Greece and Rome," in which the masses were in slavery and in which legislative bodies were entirely absent.

It is not "destructive of representative government." All the virtues and advantages of special service by selected representatives are retained, only the representatives are under the *control* of the wishes of the people. This makes the representative system more truly representative.

It is not "mob rule." Mobs act by sudden impulse, and usually without order, and always illegally. The initiative and referendum act more slowly and deliberately than any other of our processes of government, and without excitement or disorder, and always in a legal manner at the ballot box, after full discussion and mature deliberation.

NOT AN ECONOMIC NOR A POLITICAL QUESTION.

Direct legislation, by means of the initiative and referendum, has not even the most distant relation to socialism, anarchy, single-tax, nor any other economic or political question. It is not an economic nor a political question at all. It is merely a *process* of making known the will of the voters. Its advocates are found in every party, and they hold the most varied and contradictory theories and beliefs regarding taxation, tariff, temperance, trusts, and all other economic and political questions. They unite only in the belief that the people should have a *way* to express and enforce their will in government. And this is a platform upon which all can and should unite.

In short, the initiative and referendum simply provide the *means for doing* what the majority of the voters want done.

SIMPLY THIS.

Its workings are so simple that a child can understand. Here is the whole matter in the fewest possible words: A legislature has been in session for several months and adjourns. If, within 90 days after adjournment, a referendum is demanded on one or more laws passed during said session, by the required number of petitioners, then said law or laws do not go into effect, but are suspended until voted on at the next State election, which is usually about a year and a half off. If a majority of votes on said law are negative, the law is *vetoed* by the voters; but if a majority of votes are affirmative, the law goes into effect. And if the legislature shall have neglected to sense the will of the people or refused to pass a measure evidently desired, the people may act for themselves by means of the initiative in this way: An individual, organization, or group has a bill drawn which it is thought will meet the popular wishes. If this bill is petitioned for by the required number of voters, and legally presented to the secretary of state four months before the next State election, he must publish the bill and place a descriptive title of it on the ballot, and if a majority of the votes thereon are favorable, the bill becomes a law; if not, it fails. This is a method of legislating independently of the legislature. The referendum is a method of revising the work of the legislature. And this is, briefly, the whole thing. Many of our States already have the initiative and referendum. Every State should have them. Can you imagine a man so "wrong" as to say the people should not have these primary rights?

WHY IT WAS NOT MADE A PART OF OUR EARLY CONSTITUTIONS.

And here some one may ask, Why did not the people of this free country always have these primary rights? Why did we not start out with them at the beginning of our government?

This is a proper question. Let us consider conditions then. Popular education did not exist then in any part of the world. The popular press had not arrived. Life was simple. Government was simple. Large cities, with their complex problems, did not exist. There were no electric lights nor gas nor coal oil nor even candles. Pine knots and tallow dips were the means of artificial lighting. The spring, rain barrel, and an occasional well were the only "water systems" known. There were no local public transportation systems, and stage coaches, and ox teams filled the place now occupied by the railroads. There were no corporations nor trusts; no great and powerful private interests to influence and bribe legislators, executives, and judges. In this simple life our public problems were few and simple, and public officers were not tempted away from the popular interests; hence all went well. But a century wrought great changes. With the large private interests came the corrupt use of money in politics. But also came popular education and the popular press. We learned that we did not have real self-government. Our methods suited the early times, but these methods could not cope with modern corruption and abuse of power. We saw that we must control our representatives and make them truly and faithfully representatives in order to have real self-government. The best means yet devised to achieve this are the initiative and referendum. These are, briefly, the reasons why these methods were not introduced, were not needed, in the early days of the Republic and why we do need them and must have them now.

Prof. Lewis J. Johnson, of Harvard University, writing of the early New Englanders, says:

"And it is clear that nothing was further from their minds than that the will of representatives should prevail over the will of the people, some modern officeholders to the contrary notwithstanding."

The New England town meeting presents a form of local government developed in the early days, which has survived until the present day, because it lodged the control of public affairs directly in the hands of the people.

"In a New England town any 10 voters can bring a question before the people for decision—a petition signed by 10 voters puts the matter in the warrant to be acted on at town meeting."—*Parsons.*

That is the initiative. Every town, city, and State should have it, the number of petitioners required increasing reasonably, according to the population of the city or State. The referendum occurs at the next annual town meeting, just as it occurs at the next election in cities and States which have the initiative and referendum.

OBJECTIONS ANSWERED.

The objections to the initiative and referendum are mostly imaginary or based on erroneous information or lack of information. For example:

ONLY A FEW LAWS ARE REFERRED.

1. Some otherwise intelligent men still think that the referendum means that every law will have to be referred to the people. Our legislative bodies turn out a frightful grist of laws every year, amounting to from 200 to 700 separate and distinct laws in each State, covering thousands of printed pages. Imagine all this being referred to the voters for a direct vote. The thought is preposterous, and it is ridiculous for legislatures to make so many and such voluminous laws, most of which are local, and should be left entirely to the localities affected, and many others are trivial and unnecessary. The referendum does *not* bring *all* laws to a direct vote, but *only such laws* as are legally brought to a referendum by a petition signed by a specified number of voters within 90 days after adjournment of the legislature. It is found in the referendum States that a very small percentage of the laws passed are brought to a referendum, but the fact that objectionable laws *may* be brought to a referendum is a strong deterrent to the passage of objectionable laws. This silent influence is, perhaps, the largest value of the referendum.

MOST DELIBERATE OF OUR GOVERNMENTAL PROCESSES.

2. Some of our prominent statesmen, whose minds are cast in last century's mold, say that the initiative and referendum are hasty in their action; beget action "in the passion of the hour"; "in sudden emotion," etc., and thereby "stir the passions of the mob," producing a condition of "mob rule," "mobocracy."

Nothing is further from the truth. Action by means of the initiative and referendum is many times slower and more deliberate than our century-old custom of electing candidates. For the latter we have rallies, torchlight processions, bands, barbecues, and all kinds of excitement. Not so with the initiative and referendum. Referendum measures are carried over from the adjournment of one legislature to the election of the next—usually nearly two years. Any "passion of the hour" about that? Initiated measures are frequently more deliberate than that, but they *must* be in the hands of the secretary of state four months before the election at which they are to be voted on, with the petitions and everything complete, to be then officially published to the voters, but they have usually received much publicity long before. Four months is about the time we usually give to our presidential campaigns, and our State and local campaigns are usually much shorter. So again, we see that we are on the side of deliberation instead of haste, and the furthest possible from "mob rule."

WEEDS OUT THE IGNORANT VOTER UNTIL HE BECOMES INTELLIGENT.

3. Some urge as an objection that many voters who take the time and trouble to vote for candidates, do not vote at all on measures. Yes, it is true that on an average of about 25 per cent of the voters who vote for candidates do not vote either for or against measures which are submitted at the same time. This is simply a process of self-disfranchisement to that extent, and it is very desirable, for it weeds out the ignorant and indifferent, and leaves such questions to be decided by the intelligent and interested citizens. Instead of an objection, this is one of the very valuable features of the action of the initiative and referendum. No fear of the ignorant negro vote nor of the ignorant foreign vote. These factors will count only when they develop sufficient interest and intelligence to vote on measures submitted.

DISCOURAGES COMPLICATED LAWS.

4. It is sometimes urged that the voters are "not fit" to vote on complicated laws. The answer is that laws should not be complicated. But we have always had to vote for *complicated candidates*, much to our disappointment. We now simply want *control* over these candidates to whom we must trust our affairs. Then they will not give us complicated laws. And, complicated or not, the people know the difference between honest and dishonest laws, between just and corrupt laws, and when they have the power to kill the latter, no more of them will be made.

THEORISTS SAID IT WAS IMPRACTICAL.

5. Scholars and theorists used to urge the objection that "it is a bunglesome and an entirely impractical method of making laws. It is only practical in a small locality like a New England town." But since some of our States have made such efficient use of this method for State-wide purposes in the last 10 years, these theoretical scholars are getting their eyes opened. They ought to have known better than to urge such an objection, in view of Switzerland's long experience with this method for both national and cantonal affairs; and our still longer experience with the referendum for State constitutional amendments. True, it might be a "bunglesome method" for *all* legislation, but nobody proposes such a thing. We will always keep our legislative bodies, and they will always do the bulk of our legislating. But with the initiative and referendum as a method of control, the legislative bodies will become better, more efficient in the art of lawmaking and more truly representative of their principals, the people. We must emphasize the fact that the people are the principals, and representatives are only agents; and the supreme authority and the control naturally belong to the principals. The initiative and referendum are the best means yet devised to accomplish this supremely important object.

"ELECT BETTER MEN" FALLACY.

6. Some "back number" people still urge that the remedy for legislative evils is to "elect better men." That has been urged and tried from time immemorial, and still the evils remain where the better plan (the initiative and referendum) has not been established. What would we think of an employer who had frequently been disappointed in his

agents, who would constantly seek "better agents," failing to hold them responsible to him, instead of radically changing such a slip-shod system? The "better man" plan has long since been discredited. The *better system* plan always brings the better man, or makes the unfaithful servant powerless to do harm.

DOES NOT DESTROY REPRESENTATIVE GOVERNMENT.

7. After reading all the above, some stupid people will still say: "And are we to close our legislative halls and destroy representative government?" No, dear blockhead, let us assure you for the millionth time that the legislatures are not to be dismissed. Nobody proposes such a thing; nobody but yourself has ever mentioned such a ridiculous proposition. A legislative body, whose acts are beyond control, is not a representative body; it is a body with absolute power and represents nothing but itself. Only a legislative body whose acts may be revised by the people can be representative of the people. An agent, when given absolute power is no longer an agent. He then becomes the principal. Our effort is to make our legislative bodies truly representative. We wish to make assurance doubly sure on this point, so it will never bother you again. Do not be misled by distinguished men, enemies of the people's rule, who still say (either in ignorance or dishonesty), "the initiative and referendum will destroy representative government." It is ridiculous and untrue. No one wishes to destroy representative government. It is one of the great developments in government, and we wish to and will cling to it. But when legislative bodies are absolute in their power, they are not representative. They are then autocratic. We wish to make them really representative, and thus improve them and enlarge their usefulness.

POSITIVE TESTIMONY.

Let us close this section by testimony of a positive nature, and the best which we know for the brief space occupied is the following, written by Prof. Frank Parsons in 1900 (since deceased). These 20 brief positive statements scintillate like diamonds. He used the expression "direct legislation" more frequently than the "initiative and referendum." They mean the same thing, as "direct legislation" is accomplishd by means of the "initiative and referendum." His words 12 years ago were as follows:

Direct legislation—

1. Is essential to self-government.
2. Destroys the private monopoly of lawmakers.
3. Is a common-sense application of the established principles of agency.
4. Will perfect the representative system.
5. Is immediately and easily practicable.
6. Makes for political purity.
7. Kills the lobby.
8. Makes it useless to bribe legislators because they can not deliver the goods.
9. Attracts better men to political life.
10. Simplifies elections.
11. Simplifies the law.
12. Lessens the power of partisanship.
13. Elevates the press and the people.
14. Stops class legislation.
15. Opens the door of progress.
16. Is wisely conservative.
17. Works an automatic disfranchisement of the unfit.
18. Tends to stability.
19. Is a safety valve for discontent, and
20. Is in line with the general trend of modern political history throughout the world.

HISTORY.

We have intimated that the so-called "democracies" of ancient Greece and Rome were not democracies at all, being much nearer aristocracies than democracies, as the government was by the upper few, the masses being in slavery. There is also this radical difference: We employ legislative bodies to do the great body of legislating and use the initiative and referendum only as an adjunct and a method of control. The ancient democracies had no legislative bodies. Yet some of our eminent "scholars," notably President Schurman, of Cornell University, constantly (and ignorantly) use "the failure of the ancient democracies" as an argument against the modern initiative and referendum.

We have noted the New England town meetings as among the earliest examples of direct government, and they still persist. But they are examples of pure democracy, involving the bodily presence of each voter at meetings where *all* the public questions are decided by direct vote. For strictly local government of small communities this plan has proven its value, but it can not be applied to large cities and States.

We have noted that the referendum has been used in adopting the constitutions of all our States and all amendments to the same, except in the State of Delaware. It has always been the custom to refer constitutions to the people for adoption or rejection, and this custom has always been strictly followed except in Delaware. The submission of constitutional amendments to a direct vote is the *obligatory* referendum, as State constitutions, with the above exception, say that amendments *must* be submitted to the people for acceptance or rejection. What we are working for now is the *optional* referendum of *laws*—that is, a constitutional provision that laws passed by legislatures *may* be submitted to a direct vote at the *option* of the voters—that is, upon legal demand by a legal number of voters. The people of a number of our States have in recent years gained this privilege (details in following pages), and we are working for this privilege in *all* States.

It should also be noted in this connection that the referenda on the location of State capitals, county seats, and various State and county buildings and institutions, boundaries, limitation of State and local indebtedness, appropriations, loans, improvement bonds, city charters, extension of the rights of suffrage, various questions concerning the liquor traffic, etc., have been innumerable from early times to the present.

It is strange and astonishing that politicians, publicists, and professors of political science should denounce the referendum as a "dangerous experiment" or a "foreign innovation" in a Nation where the principle has been so long and so widely exercised as in the United States.

The above is a brief review of the people's direct control of public affairs in this country. Switzerland deserves consideration here, as follows:

SWITZERLAND.

Although the American people were the first to employ the referendum on State constitutions, the Swiss were the first to extend the principle to statutes and to establish the initiative. The period from 1831 to 1891 marked the rapid evolution of the modern system, and the results obtained have led Ambassador James Bryce to declare: "Switzerland is the most successful democracy the world has ever seen."

It was the splendid effects of this new system that attracted the attention of American reformers, looking for a "way out" of the wilderness of political corruption, and led to the adoption and extension of this system in the United States.

The following liberal quotation from Prof. Frank Parsons (in The City for the People) throws a clear light upon Swiss experience:

"Fifty years ago Switzerland was more under the heels of class rule than we are to-day; political turmoil, rioting, civil war, monopoly, aristocracy, and oppression—that was the history of a large portion of the Swiss until within a few decades. To-day the country is the freest and most peaceful in the world. What has wrought the change? Simply union and the referendum—union for strength, the referendum for justice; union to stop war and riot; the referendum to overcome monopoly, aristocracy, and oppression. A solid confederation of the 22 Cantons or States, with a good constitution, was founded in 1848. Peace followed, but the railroads, politicians, aristocrats, and monopolists continued to plunder the people. In 1858 a heavy subsidy was granted a railroad by the legislature of Neuchatel. This opened the eyes of the Switzers to the 'beauties' of the representative system. They began to cast about for a remedy. Some of the ablest citizens had for years been calling attention to the value of the referendum (which was practiced in a few of the small forest cantons), urging the extension of the method to other States and to the Union. The people saw that it was of no use to put faith in parties struggling for public office or to continue trying to guess which candidates might withstand the corruptions of power, and so they decided to trust themselves. In 1863 and a few years following six of the leading cantons adopted the initiative and referendum, and to-day direct legislation is practiced in all of Switzerland's cities, most of its communes, in 21 out of the 22 cantons, and in the Federal Government. The confederation adopted the referendum in 1874. The initiative is in use in 17 cantons, and the federation adopted it in 1891. The referendum clause of the Federal constitution reads as follows:

"'Federal laws as well as Federal resolutions which are binding upon all, and which are not of such a nature that they must be dispatched immediately, shall be laid before the people for acceptance or rejection when this is demanded by 30,000 Swiss voters or by eight cantons.'

"The amendment of 1891 provides for the initiative 'when 50,000 voters demand the enactment, abolition, or alteration of special articles of the constitution.' As constitutional lines are very loosely drawn in Switzerland, the people will be able to initiate almost any measure they choose. Let us look at the results. Mr. W. D. McCrackan and Mr. J. W. Sullivan have made exhaustive studies of Swiss affairs, and to them I owe most of the facts I give about the referendum there. Mr. Sullivan has the story of direct legislation in writing from Herr Carl Burkli, of Zurich, known as the 'father of the referendum,' who says: 'The masses of the citizens of Switzerland found it necessary to revolt against their plutocracy and the corrupt politicians who were exploiting the country through the representative system. * * * The plutocratic Government and the grand council of Zurich, which had connived with the private banks and railroads, were pulled down in one great voting swoop. The people had grown tired of being beheaded by the officeholders after every election. And politicians and privileged classes have ever since been going down before these instruments in the hands of the people.'

"The referendum has been carried most nearly to perfection in Berne, the great canton of half a million people, and in Zurich, with its 340,000 inhabitants. The legislature of Zurich consists of a single house of 300 members. It meets two or three times a year for a two-weeks' session. It can not grant a privilege to a corporation nor create an office nor grant a contract. Every enactment and every appropriation above the ordinary limited sums for purposes specified in the constitution must go to the polls. And the consequences—let me quote Mr. Sullivan verbatim, so that there may be no mistake: 'The Zurich legislature knows nothing of bribery. It never sees a lobbyist. There are no vestiges remaining of the public extravagance, the confusion of laws, the partisan feeling, the personal campaigns characteristic of representative governments. * * * When men of Zurich, now but middle aged, were young, its legislature practiced vices similar to those of American legislatures; the cantons supported many idling functionaries; and the citizens were ordinarily but voting machines, registering the will of the political bosses. * * * To-day there is not a sinecure public office in Zurich; the popular vote has cut down the number of officials to the minimum and their pay also. * * * There are no officials with high salaries. * * * There is no one-man power in Switzerland. * * * No machine politician lives by spoils. * * * The referendum has proved destructive to class law and class privilege.' In other wards, Switzerland has rid the body politic of its vermin—it has taken politics out of the slums and civilized it. Direct legislation has destroyed the power of legislators to legislate for personal ends, and so has punctured the heart of evil in legislation.

"One of the most valuable results has been the effect on the press. The papers no longer deal in spite, prejudice, sensationalism, and slander, but aim at quiet discussion and solid argument. Says Mr. Sullivan: 'The advance of the Swiss press in power, in dignity, in public helpfulness since the day of direct legislation in that country has been one of the most remarkable facts connected with the reform. I wonder if it really could give our papers dignity and helpfulness and a slight respect for the truth. Mighty magician, we pray for thy speedy arrival.

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"One of the leading friends of the referendum wrote to Mr. Sullivan that it was 'deeply rooted in the hearts of the whole people. All parties who formerly opposed the referendum, even the most reactionary and aristocratic, have declared officially their adherence to the initiative and referendum as a thoroughly good institution.' No one objects to it now but a few individuals who stood in the path of progress and got hurt by the wheels of justice, and who comfort themselves with ungracious talk."

By means of the initiative and referendum the Swiss people have achieved notable political and economic results, and recently they have "conserved" the water power of the nation by use of the initiative. By an overwhelming vote they decided to place the Federal Government in supreme control, and prevent further exploitation by private companies. Likewise by an overwhelming vote they forbade the manufacture or sale of absinthe in Switzerland.

So profound has been the influence of the mere presence of the initiative and referendum upon legislative bodies that they have been used but sparingly. From 1875 to 1908 the referendum was invoked upon only 30 Federal laws. Of these 11 were adopted and 19 rejected by the voters. During this period the Federal initiative was invoked but *nine* times. *Four* of the proposed amendments were adopted and *five* rejected.

In cantonal affairs the use made of the initiative has been equally unnecessary. As an example, the Canton of Berne has invoked the initiative only *eight* times in 40 years. In this Canton the referendum is obligatory—that is, all laws are referred to the people. But in Cantons where the referendum is petitional, or optional with the people, it has not been extensively employed for the reason that there has been but little necessity for it.

In Canton Basel, where the optional initiative and referendum are in operation, the initiative has been invoked only *twelve* times. Eight of the measures were adopted and four rejected. In this period the referendum has been invoked on only 24 measures passed by the legislature, of which 13 were adopted and 11 rejected.

Another result of direct legislation in Switzerland of tremendous value is that only a small number of laws are passed by the legislative assemblies, cantonal and national. In common with the American people the Swiss detest a "flood of laws," and the legislators know that the people would promptly use the referendum unsparingly on a multiplicity of unnecessary statutes. It is unusual for a cantonal assembly to enact more than five or six laws at a session. But it is in national matters that the tendency is of most value as a lesson to the American people.

In the 34 years from 1874 to 1908 the Swiss Federal Congress enacted only 260 laws. And it is perhaps needless to say that these laws had to do with important matters in the interests of the common welfare of the Swiss people; further, that they had most careful scrutiny in preparation. And why not? The legislators had *time* to consider them. It is not to the honor of a Swiss representative to attempt to clutter up the statute books with unimportant laws which bear his name.

Compare this with the American practice: In the Ohio Legislature of 1909 there were introduced 1,008 bills—a fair average for that State. Usually from 200 to 400 of these bills become laws. In New York sometimes as many as 2,000 laws are passed by the legislature in one year.

BIBLIOGRAPHY.

Those who desire a working knowledge of direct legislation will find the following list of books and other publications useful. It is by no means exhaustive. Some of the works are listed for their historic interest and value. But the main idea is to note those which are timely, available, and well worth while.

Unless otherwise quoted, the price is net (without postage), in cloth binding.

BOOKS.

THE SWISS CONFEDERATION.

(By Sir Francis Adams and C. D. Cunningham. Macmillan & Co., New York. 280 pp. $1.75. 1889.)

A sympathetic review of Swiss history and the development of Swiss democracy, with especial reference to the referendum. One of the first accounts of the Swiss experience, and one which had great influence in England and America among the thinking classes. Widely quoted.

DIRECT LEGISLATION BY THE CITIZENSHIP.

(By J. W. Sullivan. 120 pp. 1892. Now out of print.)

This virile little book, published first by the Twentieth Century Publishing Co., New York, and afterwards by J. A. Wayland, Girard, Kans., and others, ran through many editions and was circulated throughout the United States by the tens of thousands. It gave a popular account of the Swiss experience and advocated the adoption of direct legislation in this country. It is safe to say that no other direct-legislation book ever published has had such a tremendous influence upon the masses of the people or has done so much to secure the initiative and referendum in the United States.

THE RISE OF THE SWISS REPUBLIC.

(By W. D. McCracken. Henry Holt & Co., New York. 1892. 413 pp. $2.)

The best general history of Switzerland yet written by a non-Swiss. The viewpoint throughout is democratic.

THE REFERENDUM IN SWITZERLAND.

(By Simon Deploige. Translated by C. P. Trevelyan. Longmans, Green & Co., London and New York. 334 pp. 1892 and 1898. $1.50.)

Assumes the historical point of view, but is prejudiced against the initiative and referendum. Written by a Belgian lawyer to help defeat the adoption of direct legislation in Belgium. It has been widely quoted by reactionaries, since it was long the only work in England devoted exclusively to the Swiss experience.

THE REFERENDUM IN AMERICA.

(By Ellis P. Oberholtzer. Charles Scribners' Sons, publishers, New York. 533 pp. 1900 and 1912. $2.)

An exhaustive history of the American practice of referring constitutions, constitutional amendments, and certain State and local questions to a popular vote. The purpose is to show that the principle of the referendum is not a foreign importation. The first edition, 1900, was conservative, though fair and without bias. The edition of 1912 contains supplementary chapters dealing with the history of the initiative and referendum from 1900 to 1911, which are written in a spirit of bitter hostility and are far below the tone of the main body of the work.

GOVERNMENTS AND PARTIES IN CONTINENTAL EUROPE.

(By Prof. A. Lawrence Lowell, now president of Harvard University. Houghton, Mifflin & Co., Boston. 2 vols. 832 pp. 1896. $5.)

The chapter dealing with Switzerland is a strong adverse criticism of direct legislation. He opposes its adoption in the United States.

GOVERNMENT IN SWITZERLAND.

(By J. M. Vincent. The Macmillan Co., New York. 370 pp. 1900. $1.25.)

A reliable account of the Swiss system of government, with especial attention paid to direct legislation. Good.

THE CITY FOR THE PEOPLE.

(By Prof. Frank Parsons. Published by Dr. C. F. Taylor, 1520 Chestnut Street, Philadelphia. Revised edition 1901. 704 pp. Cloth, $1; paper, 50 cents. Unfortunately just out of print.)

Pages 235 to 386 present an exhaustive and most able argument in favor of the initiative and referendum. The case for direct legislation has never been better stated, and the fundamental arguments are standard.

A SOVEREIGN PEOPLE.

(By Henry Demarest Lloyd. Doubleday, Page & Co., New York. 273 pp. 1907. $1.50.)

The best account in English of the Swiss experience with direct democracy. The book is edited by the English economist, John A. Hobson, from notes and manuscript left by Mr. Lloyd at his death.

THE PEOPLE'S LAW.

(By Judge C. S. Lobinger. The Macmillan Co., New York. 429 pp. 1909. $2.50.)

The contents of this valuable work is best described in the subtitle "Popular participation in lawmaking from ancient folkmoot to modern referendum. A study in the evolution of democracy and direct legislation." A voluminous, careful, and scholarly work of great value to the student.

DOCUMENTS ON THE STATE-WIDE INITIATIVE, REFERENDUM, AND RECALL.

(By Prof. Charles A. Beard and Birl E. Shultz, of Columbia University. The Macmillan Co., New York. 394 pages. 1912. $2.)

A most useful volume containing all the amendments adopted in the American States, or pending adoption at the election of 1912, together with the enabling acts passed in the different States. The introduction by Prof. Beard is an able statement of the relation of direct legislation to the representative system of government and the political conditions which have caused the adoption of the initiative and referendum. The viewpoint is critical but friendly.

THE INITIATIVE, REFERENDUM, AND RECALL.

(Edited by William Bennett Munro. D. Appleton & Co., New York. 365 pages. 1912. $1.50.)

One of the National Municipal League series. Consists of some 14 essays and speeches both for and against direct legislation. Col. Roosevelt, Gov. Wilson, President Lowell, of Harvard, Prof. Lewis J. Johnson, of Harvard, and others are included. An attempt is made to present every side of the question. On the whole conservative.

GOVERNMENT BY ALL THE PEOPLE.

(By Delos F. Wilcox, Ph. D. The Macmillan Co., New York. 324 pages. 1912. $1.50.)

A lucid discussion of the arguments for and against the "initiative, referendum, and recall as instruments of democracy." The text deals with the fundamental principles involved and little attention is paid to either the history or the "results" of direct legislation. Favorable to the democratic theory of government. A readable and inspiring book.

THE REFERENDUM AMONG THE ENGLISH.

(By Samuel Robertson Honey. The Macmillan Co., London and New York. 114 pages. 1912. 2 shillings 6 pence (62 cents).)

Shows that the referendum in America, used from the earliest times, originated among the English colonists and is an outgrowth of old English ideals and practices in government.

THE OREGON SYSTEM.

(By Allen H. Eaton. A. C. McClurg & Co., Chicago. 195 pages. 1912. $1.)

Professes to be an unprejudiced account of the use made of the initiative and referendum by the people of Oregon. The author is a member of the Oregon Legislature and affiliates with the old stand-pat politicians. Hence the book has a decided bias against an effective direct legislation system, and the recommendations made to "safeguard" the Oregon system would render it practically useless.

THE INITIATIVE, REFERENDUM, AND RECALL.

(Edited by Clyde L. King, Ph. D. Being the September, 1912, issue of the Annals of the American Academy of Political and Social Science. 332 pages. $1. Address American Academy of Political and Social Science, West Philadelphia Post Office Station, Philadelphia, Pa.)

A valuable collection of 18 papers on the subject contributed by well-known college professors and public men. All shades of opinion represented. Covers the theory, history, and use made of the initiative and referendum both in America and Switzerland.

PAMPHLETS.

The pamphlet literature of direct legislation is too extensive to attempt any adequate listing here. In the past 20 years hundreds of pamphlets have been issued by the various State leagues and by private individuals. Among those which can now be easily secured and which will be found of value we note the following:

THE CODE OF THE PEOPLE'S RULE.

(By United States Senator ROBERT L. OWEN. S. Doc. No. 603. 168 pages. 1910. Free. Write Senator OWEN, Washington, D. C.)

Contains copies of the best laws enacted up to that time for all the "people's power" measures, including the initiative, referendum, and recall, direct primaries, short ballot, corrupt-practices act, etc. Several other Senate documents relative to direct legislation can also be secured from Senator OWEN.

POPULAR V. DELEGATED GOVERNMENT.

(By United States Senator JONATHAN BOURNE. S. Doc. No. —.)

Speech of Senator BOURNE defending the initiative and referendum in the light of Oregon's experience. Free. Address Senator BOURNE, at Washington, D. C.

A GLARING ERROR IN CERTAIN SENATE DOCUMENTS OPPOSING POPULAR GOVERNMENT.

(S. Doc. No. 651. Memorial by Dr. C. F. Taylor.)

Refutes claims made by various United States Senators that under the initiative and referendum laws would be enacted "in haste" and "without deliberation." Free. Write Dr. Taylor, 1520 Chestnut Street, Philadelphia, Pa.

NEW DANGERS TO MAJORITY RULE.

(S. Doc. No. 897. By Mr. Judson King.)

Compares the "checks and balances" of the United States Constitution with the "safeguards and restrictions" which conservatives propose for the initiative and referendum. Will be sent free upon request sent to Equity office.

THE INITIATIVE AND REFERENDUM, AN EFFECTIVE ALLY OF REPRESENTATIVE GOVERNMENT.

(By Prof. Lewis Jerome Johnson, of Harvard University.)

An effective pamphlet of 30 pages good for propaganda purposes. Issued by the Massachusetts Direct Legislation League, 60 State Street, Boston. Five cents per copy. Special price in quantities.

THE WORKABLE AMENDMENT.

In practice the success of the initiative and referendum almost wholly depends upon the detailed provisions of the amendments through which these powers may be exercised by the people. If they are honestly drawn, good results will follow their use. If the amendments are filled with "jokers," the results will be disappointing. Oregon has succeeded because Oregon has a good system. Utah, Montana, and other States have failed because they have poor systems. Thus far in every State the good results achieved have been in direct ratio to the character of the system of direct legislation established.

There are two main factors in a direct-legislation system:

The constitutional amendment.

The enabling or elaborating law.

The amendment defines the legislative powers reserved by the people, and specifies the main elements in the process by which these powers shall be exercised through the initiative and referendum, such as the size of the petitions required, the majorities by which measures shall be enacted, the duties of the State officials in respect to petitions and elections, and the general course which a measure shall take from its inception to the decision of the voters at the polls concerning it.

The enabling act is a matter of statute law facilitating the process of direct legislation provided in the amendment. It contains many minor regulations which can not well go into the constitution, such as the legal forms under which petitions shall be circulated and filed, penalties for fraudulent signatures, the form of the ballot, the details of the method of publishing proposed measures, etc.

Since many of the measures which are brought to the bar of public opinion are of great moment and are bitterly contested by the privileged interests, the greatest care should be exercised in the preparation of both the amendment and the enabling act. The channel should be kept clear for an honest, free expression of the public will upon any question. Any defect will be promptly taken advantage of by the shrewd lawyers employed by those who seek to forestall a popular vote, and hence the initiative and referendum process should be made "hole proof" from first to last.

The recommendations herewith offered are drawn from the actual experience of the people of the various States in which direct legislation has been in operation. They are not theoretical, but practical, and if followed will provide a system which will be of real value to the people and at the same time guard the voters against having the ballot overloaded by the proposals of cranks and extremists.

ESSENTIALS OF AN EFFICIENT INITIATIVE AND REFERENDUM SYSTEM.

The amendment.

I. GENERAL.

(a) The amendment should expressly *reserve* legislative power to be exercised by the people under the conditions set forth in the amendment, just as legislative power is expressly *granted* to the legislature in the constitution.

(b) *Only such public officials as can be forced to do their duty through mandamus proceedings* should have controlling charge of measures from the filing of the petition until the date the measure takes effect or is rejected.

(c) The courts should be prohibited from declaring laws enacted by the people "unconstitutional."

(d) *The amendment should be made self-executing.*

II. THE INITIATIVE.

(a) *Should apply to constitutional amendments as well as to statute laws.*

Little progress can be made by the people in solving the political and economic problems of this time if they are unable to change their fundamental law when necessary. The predatory interests have little fear of the statutory initiative or referendum. Constitutional provisions and the interpretation thereof are their real concern. Controlling these they rule all.

(b) *Should be direct as well as indirect.*

By the *direct* method the initiative petition must be filed with the secretary of state, say four months before the election at which the proposed measure is to be voted upon, and is submitted by him directly to the voters.

By the *indirect* method the initiative petition must be filed with the secretary of state, say 10 days before the legislature meets, and is by him presented to that body. If not enacted without change or amendment, the proposed measure is submitted by the secretary of state to the voters at the ensuing general election, which usually occurs from 18 to 20 months after the adjournment of the legislature.

The vital point is the time involved. Allowing three months for securing the petition in all cases, it is evident that by the direct method the decision of the voters upon any question can be secured *seven months* after the inception of the petition. Four months of this time is given to discussion by the voters, which is ample time for careful consideration. By the *indirect* method the process requires over *two years* from the time the petition is begun until the vote is taken, assuming as we must, that the legislature refuses to enact the measure proposed, and assuming biennial elections. Two years is too long, both because it does not give the voters opportunity to act in emergencies where a long delay might involve serious loss to the State, and because the public interest in a measure may diminish with so long a wait.

The California amendment providing for the indirect initiative on a 5 per cent petition and the direct initiative on an 8 per cent petition is a happy solution of the question. The majority of the proposed measures will naturally gravitate to the legislature through the indirect method because of the smaller cost of the petition required, and the direct method may be used to save time whenever desired. It is unfortunate, however, that the California amendment does not include the indirect initiative to constitutional amendments.

(c) *The time for securing initiative petitions should not be limited.*

The arbitrary law passed by the Oklahoma Legislature, allowing the voters only 90 days in which to secure and file a petition after its inception is practically prohibitive to all save those who can command plenty of money or have a powerful organization to depend upon. No such restrictions should be inserted in an amendment.

(d) *The legislature should have no power to alter a measure in any way or delay its submission.*

(e) No arbitrary limit should be set upon the number of questions which can be submitted. That is the people's business.

III. THE REFERENDUM.

(a) Laws passed by the legislature should not go into operation for *90 days* from the adjournment of the session, to give opportunity for referendum petitions.

(b) It should be specifically provided that laws against which a petition is filed *stand suspended* until the vote upon them is taken.

"It is objected that a good law may be delayed from going into operation by this provision. Possibly on rare occasions, but it should be remembered that the direct-legislation system tremendously facilitates progressive legislation, which vastly overbalances an occasional delay. Also, the objectors forget the danger of allowing bad laws to remain effective until repealed, especially those affecting franchises, the sale or purchase of public property," etc.

IV. THE EMERGENCY CLAUSE.

(a) Should require that all emergency laws be passed *by at least a two-thirds vote of the legislature*, and carry a separate section setting forth the nature of the emergency.

(b) Should be liberal in scope, but specifically prohibit the emergency from being applied to *franchise rights*, the sale of public properties, etc.

"It is often desirable to allow a law affecting some minor matter to go into effect at once when the public rights are not endangered, but may be conserved. Too strict an emergency clause prevents relief in these cases and is undesirable. The two-thirds majority, the governor's approval, the specific exemptions, and the right of the people to invoke the referendum and repeal the law are sufficient safeguards."

(c) Should not "except" emergency laws from the referendum.

No law should be exempt from an ultimate popular vote if the people desire it. The "joker" in most emergency clauses now in force is that they permit the legislature to deny the people the right to vote upon anything a bare majority or a two-thirds majority of the legislature see fit to declare "immediately necessary for the preservation of the public peace, health, or safety."

V. THE PETITION.

(a) For an *initiative* petition the number of signatures required should be sufficient to indicate a desire on the part of the voters that the question shall be submitted to the electorate, but not so many as to be an unnecessary burden upon those who wish the measure submitted. Opinions may differ as to the proper number. It should be large enough to prevent cranks from overloading the ballot, but not so large as to overburden honest citizens in an honest effort, nor so large as to defeat such efforts. In the legislature a single member may initiate a measure before that body, then would not a number of voters equal to one member's entire constituency be sufficient to initiate a measure before the people of the State?

Let us try it from another angle. A nominating petition of 1,000 voters will place upon the ballot a candidate for governor or other State officer in Oregon, Oklahoma, Nebraska, or Illinois. (See direct-primary laws of these States.) Should it be any more difficult to place an initiatory measure upon the ballot than the name of a candidate? Mr. Holdback, who is afraid of the people, will say "yes," and the politicians, who are more interested in candidates than in laws will agree with him.) Perhaps we will have to yield something to the "Holdbacks" and the politicians, but we must not allow them to make it *so much more more difficult* as to render the initiative practically unworkable.

And here we must look out for "jokers." A favorite "joker" urged by the "holdbacks" is to require that initiative and referendum petitions be required from a certain number of counties or congressional districts in the State. Any such required distribution has proven to be a great hardship, and should be avoided. A voter's signature should count, in whatever part of the State he may live.

(b) A required petition for the referendum should be much smaller than for the initiative. The chief reason is the time limit (90 days) within which the petition must be completed. It is usual to require only from one-half to two-thirds the number of names required for an initiative petition for a referendum petition.

An unfortunate custom has been started of specifying *percentages* of the total vote to determine the size of initiative and referendum petitions. Maine broke away from that custom and requires definite numbers (10,000 for the referendum and 12,000 for the initiative). The definite-number plan is much better than the percentage plan, for many reasons, and will doubtless be used hereafter; but the Maine numbers are large for the small and scattered population of that State. In connection with the model amendment printed in this issue, definite numbers are suggested for initiative and referendum petitions in all States which have not yet submitted an amendment.

VI. THE MAJORITY.

(a) All measures submitted to the people should be adopted or rejected by a majority of the votes cast *thereon and not otherwise.*

To require a majority of all the votes cast for candidates "in the election" is to put a premium on ignorance and carelessness and increase the political power of those who care little or nothing for good government. It is now conceded by the men who framed the Oklahoma constitution that the insertion of this "joker" (though done without knowledge of its fatal character) has practically destroyed the value of the initiative. With the establishment of the publicity pamphlet, as used in Oregon, sent to each voter in the mails, the voters have opportunity to educate themselves, a large vote is insured, and there is no danger of so-called "minority rule."

VII. WHEN IN FORCE.

Measures adopted by the people should go into effect *automatically* at the expiration of a given number of days after election, or upon the governor's proclamation, which should be *mandatory*, within a given time.

THE ENABLING ACT.

An initiative and referendum amendment should be made self-executing, which, of course, permits its immediate operation under existing laws; it should also be supplemented by an enabling or elaborating act, covering many minor details of the system which can not well be placed in an amendment. The purpose of the enabling act is to "facilitate the operation" of the initiative and referendum and not to impair its value and usefulness by unreasonable technical requirements. The following are the main points it should cover:

1. THE PETITION.

(a) The act should provide the form in which petitions are to be submitted.

(b) *Verification.*—The affidavit of the solicitor should be required and made sufficient to establish the legality and genuineness of petitions.

(c) All signatures, addresses, etc., should be *duplicated* by the solicitor.

"Hundreds of names and addresses are poorly or illegibly written. Unless a 'key' is given the clerks must throw them out. The Oregon method of having the signatures rewritten on the back of the petition sheets by the solicitors has been found to add heavily to the work of verification. Either the size of the petition sheets should be enlarged so

that names may be recopied on the same side, or a separate sheet of the same size could be used and attached. It must be understood that this duplication of signatures by the solicitor is *only* to provide for the convenience and accuracy in checking up petitions by the officials. The original signatures validate the petition."

(d) *Protection from fraud.*—The fraudulent securing or signing of petitions should be made a felony.

(e) *Sufficiency.*—The official with whom the petition is filed should pass upon its sufficiency.

"This is usually the secretary of state, and a time limit should be set after which his decision can not be questioned in court. He should be required to announce his decision by a certain time, and opportunity given the petitioners to complete the petition before the election if it is found insufficient."

In case a petition is enjoined on the grounds of insufficiency the burden of proof should be placed *upon the objectors.*

"An injunction was brought against a petition in a Chicago court by 'the interests.' The judge proved hostile and forced the petitioners to establish the sufficiency of their petition. This and the attorneys' fees cost them nearly as much as securing the petition, which was declared valid, but not until after the election."

The proof that a petition contains fraudulent signatures should not be held to invalidate the sufficiency of the petition, provided there are enough genuine signatures to meet the legal requirements.

2. THE BALLOT.

(a) The ballot title need not be identical with the legislative title. It should state clearly the purpose of the measure.

(b) Measures should appear upon the ballot in the order in which the petitions are filed.

Ample opportunity should be given for injunction and prompt legal procedure and review by the courts to insure the fairness of the ballot title and arrangement of questions so that the voters may not be intentionally misled.

(c) The method of stating measures should be as uniform as possible, so that no confusion may occur over the effect of a positive or negative vote.

3. THE PUBLICITY PAMPHLET.

(a) The publicity pamphlet should contain arguments for and against pending measures as well as copies of the measures, and should be mailed direct to the registered voters from the office of the secretary of state.

"This is the Oregon method and it has met with pronounced success and the approval of the voters. Oregon first tried expressing the pamphlets to the county clerks, who were required to mail them out. This failed, and the present system was established. The Oklahoma plan of distributing pamphlets at the primary election has failed. The old newspaper system of advertising measures in partisan newspapers has proven a farce. Attempted circulation, or even mailing sample ballots, is very inadequate."

Arguments on measures submitted by the legislature should be made by a member or a committee of the legislature appointed by those favoring and those opposing the measures. Arguments on all measures, however submitted, should be included when offered by private citizens or organizations, they paying the exact cost to the State for the space taken. All arguments should be either signed, or a statement should be made in whose behalf the argument is made and who is paying the expense.

It is difficult to overestimate the value of this system of educating the voters. It insures intelligent voting and a much larger proportion taking part in the decision of questions.

4. THE RETURNS.

The vote upon measures should be canvassed and returned with the same dispatch as the vote upon candidates.

5. QUICK ACTION BY THE COURTS.

The courts should advance upon the docket all litigation relative to the process of submitting measures, render prompt decisions, and this should be made *mandatory.*

PROGRESS AND RESULTS.

In this chapter is presented in concise form the results of the adoption of the State-wide initiative and referendum in the United States. The States are listed in the chronological order of adoption. There is given a brief statement of the conditions which led to the securing of the amendment and the vote for and against; a table of votings which includes amendments submitted by the legislature as well as those submitted through the operation of the initiative and referendum, a statement as to the defects of the provision and the general results obtained.

It is impossible in the space at our command to give the entire text of the various amendments. The most vital points, however, are indicated, and to make the condensation clear the reader should consult the following:

"Explanation of terms.

"'*Direct initiative*' indicates that a measure proposed by petition may go directly to a vote at the next election without first being submitted to the legislature.

"'*Indirect initiative*' requires that a proposed measure be first submitted to the legislature. If not enacted without change or amendment, it is automatically submitted at the ensuing general election.

"'*Constitutional initiative*' indicates the right of the people to propose, by petition, amendments to the State constitution for adoption or rejection at the next election.

"'*Statutory initiative*' gives the people the right to propose and enact statute laws.

"'*Referendum.*'—The effect of a petition filed against an act of the legislature usually suspends the operation of the law until it is voted upon by the people. Some amendments provide, however, that the law remains in effect, and a rejection by the people acts as a repeal.

"'*Emergency*' refers to the power given the legislature by some amendments to inhibit the referendum and deny the people the right to vote upon any law declared to be 'immediately necessary for the preservation of the public peace, health, or safety.' Some, however, simply allow 'emergency measures' to go into effect at once, without waiting the customary 90 days, but a referendum petition may be lawfully filed against it, and it may be repealed by the people at the next election. Meanwhile it remains in operation.

"'*Petitions*' are usually calculated upon the total vote cast for governor at the preceding election, and are usually filed with the secretary of state.

"'*Majority*' refers to the size of the vote cast for a measure necessary to insure its adoption. '*Thereon*' means the electors voting directly upon a given measure without reference to the number voting for candidates or other measures in the same election. The phrase '*in the election*' means the total number of voters casting ballots in the election for candidates as well as for measures."

In the tables of votings the "origin" or *reason why* each measure was placed upon the ballot is designated as follows:

"R." (referendum) indicates a statute law passed by the legislature and referred, by a referendum petition, to the voters.

"I. B." (initiated bill), a bill or statute law initiated by the voters and submitted by petition.

"I. A." (initiated amendment), a constitutional amendment submitted to the voters by initiative petition.

"L. B." (legislative bill), a bill or statute law passed by the legislature and submitted to the voters by the legislature.

"L. A." (legislative amendment), a constitutional amendment submitted to the voters by the legislature in the customary manner.

1. SOUTH DAKOTA, 1898.

The amendment was adopted at the general election of 1898—the vote stood 23,816 for to 16,483 against. Total vote for candidates was 75,259.

The main provisions of the amendment are:

No constitutional initiative. Indirect *statutory initiative*, petition 5 per cent. Statutory *referendum*, petition 5 per cent. *Emergency* declared by a majority vote of legislature. *Publicity*, formerly by sample ballots and newspaper advertising, but legislature of 1910 established publicity pamphlet system similar to Oregon, with the exception that the people can not submit arguments therein on measures pending. Majority of the vote cast *thereon* decides measures.

No laws were submitted under the provisions of this amendment until the election of 1908. The use made of it from that time on is given in the table of votings.

Since the South Dakota amendment was the first to be adopted, we may naturally expect to find it not up to the standard which later States have achieved. The initiative needs to be changed to permit the submission of a measure petitioned for by the people *without first being enacted by the legislature.* There is no way to force a legislature to submit initiated laws, even though the constitution does command it. A direct primary law, legally petitioned for, was rejected by the legislature of 1905. The initiative should also be extended to constitutional amendments.

The "emergency" clause of the amendment is very defective. A mere majority of the legislature may remove any law from the power of the referendum by simply declaring "an emergency to exist." No petition can be circulated against a law carrying this clause, and thus the people have the referendum only at the option of the legislature.

Table of votings.

South Dakota.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1908—TOTAL VOTE, 113,904.						
Divorce law	R.	60,211	38,794	21,417	.....	87
Quail law	R.	65,340	32,274	33,066	.....	86
Sunday law	R.	48,778	48,006	372	.....	85
Local-option liquor law	I. B.	39,075	41,495	.....	2,339	70
ELECTION 1910—TOTAL VOTE, 105,891.						
Locomotive electric headlights	R.	37,904	48,938	.....	11,028	82
Suspension from office by governor	R.	32,160	52,152	.....	19,992	80
Embalmers' licenses	R.	34,563	49,546	.....	14,986	80
Congressional districts	R.	26,918	47,893	.....	20,975	70
Military law	R.	17,852	57,440	.....	39,588	71
County local option	I. B.	42,416	55,372	.....	12,956	92
Land rent	L. A.	48,152	44,220	3,932	.....	87
Salary of attorney general	L. A.	35,932	52,397	.....	16,465	83
Equal suffrage	L. A.	35,289	57,709	.....	22,420	88
Limitation of debts	L. A.	32,612	52,233	.....	19,621	80
Revenue amendment	L. A.	29,830	52,043	.....	22,213	77
New institutions	L. A.	36,128	47,625	.....	11,497	79
ELECTION 1912—TOTAL VOTE, 118,087.						
Electric headlights for locomotives	R.	65,946	17,721	48,225	.....	70
Relating to damage for trespass of animals	R.	50,100	26,874	23,226	.....	65
Regulating location of county seats	R.	43,222	24,111	19,111	.....	57
Direct-primary law	I. B.	51,154	28,892	22,262	.....	68
Amendment permitting taxation of stocks and bonds of corporations	L. A.	62,302	26,814	35,488	.....	76

Over 40 per cent of the laws passed in South Dakota are declared to be "emergency measures."

The legislature of 1910 provided the Oregon pamphlet system of advertising pending measures. This puts an end to another defect of the South Dakota system.

The legislature of 1899 provided that the entire text of initiative and referendum measures be printed on a separate ballot instead of the title of such measures. Due to the submission of a long military law in 1910, which occupied three-fourths of the ballot, together with five other measures, the ballot was nearly 6 feet in length. And this absurd system, provided by a legislature, has been held up as a warning all over the United States against the principle of direct legislation. The act of 1910, above noted, provides that measures be hereafter submitted by title only.

Notwithstanding the defects of the provision, some good results have followed the adoption of the initiative and referendum in South Dakota. In a recent letter to the editor of Equity former United States Senator R. F. Pettigrew says:

"No doubt the initiative and referendum amendment adopted in South Dakota, if it had been more complete and better drafted, would have been more effective, but it has worked with very beneficial effects. In the first place, it calls off the lobby which was composed of railroad attorneys and the corrupt interests, and left the legislature free to enact better laws, and as a result we have secured much better and beneficial legislation, such as the physical valuation of railroads, the reduction of express charges, the increase in the valuation of railroad properties for taxation, an antipass law, which has stopped the corruption of the voters through the issue of free passes, and a law requiring

railroads to furnish cars to all shippers alike and to pay damages if they fail to do so. These acts could never have been passed under the old system. As a result we have not been obliged to use the referendum very often, but the fact that we have the power is a great check upon corrupt legislation."

II. UTAH, 1900.

The amendment was submitted to the people at the general election of 1900. The vote stood 19,219 for to 7,786 against. The total vote was 92,980.

The amendment establishes the principles of the initiative and referendum and leaves the percentages on petitions and other details to be "provided by law." Succeeding legislatures have steadily refused to put the amendment into operation. Hence Utah, though known as an initiative and referendum State, does not, in fact, have the system in operation and is an example of the unwisdom of leaving vital details to legislatures.

III. OREGON, 1902.

The amendment was submitted to the people at the general election of 1902. The vote stood 62,024 for to 5,688 against. The total vote was 90,692.

Oregon was the first State to adopt a complete and effective system. The main provisions of the amendment are:

Direct initiative on *constitutional amendments and statutory laws*, 8 per cent petition. *Referendum*, 5 per cent petition. *Emergency* by a majority vote of the legislature and inhibits referendum. *Majority* of the "votes cast thereon" decides measures. *Publicity* pamphlet, containing copies of measures to be voted upon, is mailed directly to the voters by the secretary of state. Arguments for and against measures are inserted by private citizens or organizations, they paying the proportional cost per page of space taken. The intelligent use of the initiative and referendum in Oregon is largely due to this publicity pamphlet, or "Voter's textbook," as it is often called.

Table of votings.

Oregon.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1904—TOTAL VOTE, 99,315.						
Local-option liquor bill	I. B.	43,316	40,198	3,118	.....	84
Direct-primary law	I. B.	56,205	16,354	39,851	.....	73
ELECTION 1906—TOTAL VOTE, 96,751.						
Bill proposing changes in local-option law	R.	35,397	45,144	.....	9,747	83
Referendum to veto an act of legislature	R.	26,758	43,918	.....	17,160	73
Antipass bill	R.	57,281	17,779	40,502	.....	76
Bill for State ownership of a toll road	I. B.	31,525	44,525	.....	13,000	79
Bill for tax on gross earnings of sleeping, and refrigerator car and oil companies	I. B.	69,635	6,440	10—1	.....	79
Bill for tax on gross earnings of express, telegraph, and telephone companies	I. B.	70,872	6,360	11—1	.....	80
Woman-suffrage amendment	I. A.	36,928	46,971	.....	10,043	87
Amendment applying the initiative and referendum to acts of legislature affecting constitutional conventions and amendments	I. A.	47,661	18,751	28,910	.....	69
Amendment to give cities and towns exclusive power to enact and amend their charters	I. A.	52,567	19,942	32,625	.....	75
Amendment affecting compensation of State printer	I. A.	63,749	9,571	54,178	.....	76
Amendment for initiative and referendum on all local, special, and municipal laws	I. A.	47,778	16,735	31,043	.....	67
ELECTION 1908—TOTAL VOTE, 116,614.						
An act regulating custody of prisoners, wages of jailers, etc	R.,	60,443	30,033	30,410	.....	78
An act requiring railroads to grant free passes to certain officials	R.	28,856	59,406	.....	30,550	76
An act appropriating funds for armory	R.	33,507	54,848	.....	21,341	76
An act appropriating funds for State university	R.	44,115	40,535	3,580	.....	73
Act fixing season for salmon fisheries	R.	46,582	40,720	5,862	.....	75
Act regulating fisheries	R.	56,130	30,280	25,850	.....	74
Act providing for popular election United States Senators	I. B.	69,668	21,162	48,506	.....	78
Act to restrict use of money in elections	I. B.	54,042	31,301	22,741	.....	74
Act to create new county	I. B.	43,948	26,778	17,170	.....	61
Amendment for woman suffrage	I. A.	36,858	58,670	.....	21,812	82
Amendment giving cities exclusive powers of control of theaters, race tracks, etc	I. A.	39,442	52,346	.....	12,904	79
Amendment exempting from taxation improvements on land	I. A.	32,066	60,871	.....	28,805	80
Amendment giving right to recall public officers	I. A.	58,381	31,002	27,379	.....	77
Amendment authorizing proportional representation	I. A.	48,868	34,128	14,540	.....	71
Amendment providing for choosing of jurors and grand jurors	I. A.	52,214	28,487	23,727	.....	69
Amendment increasing salary of legislators	L. A.	19,691	68,892	.....	49,201	76
Amendment permitting location of State institutions elsewhere than at capital	L. A.	41,975	40,868	1,107	.....	71
Amendment increasing number of judges	L. A.	30,243	50,591	.....	20,348	70
Amendment changing regular elections from June to November	L. A.	65,728	18,590	47,138	.....	72

Table of votings—Continued.

Oregon.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1910—TOTAL VOTE, 117,690.						
Bill increasing salary of judge	R.	13,161	71,503	.....	58,342	72
Prohibitory bill	I. B.	42,651	63,564	.....	20,913	90
Home rule bill for municipalities	I. B.	53,321	50,779	2,542	.....	88
Employer's liability bill	I. B.	56,258	33,943	22,315	.....	77
For a liability commission	I. B.	32,224	51,719	.....	19,495	71
Appropriation for Monmouth Normal	I. B.	50,191	40,044	10,147	.....	77
Appropriation for Weston Normal	I. B.	40,898	46,201	.....	5,303	74
Appropriation for Ashland Nromal	I. B.	38,473	48,665	.....	10,182	74
Eight bills creating 8 new counties; vote on each about same; average	I. B.	16,747	61,227	.....	43,357	66
Rogue River fish bill	I. B.	49,712	33,397	16,315	.....	71
Bill regulating creation new counties	I. B.	37,129	42,327	.....	5,198	67
Presidential primary bill	I. B.	43,353	41,624	1,729	.....	72
Judiciary reform, three-fourths jury verdict in civil cases	I. B.	44,538	39,399	5,139	.....	71
State Official Gazette	I. B.	29,955	52,538	.....	22,583	70
Prohibition amendment	I. A.	43,540	61,221	.....	17,681	89
Amendment for county local option system of taxation	I. A.	44,171	42,127	2,044	.....	73
Woman suffrage amendment	I. A.	35,270	59,065	.....	23,795	80
Good roads amendment	I. A.	51,275	32,906	18,368	.....	72
Proportional representation amendment	I. A.	37,031	44,366	.....	7,335	69
New insane asylum for east Oregon	L. B.	50,134	41,504	8,630	.....	77
Bill for constitutional convention	L. B.	23,143	59,974	.....	36,831	71
Separate legislative districts	L. B.	34,000	54,252	.....	20,525	75
Amendment repealing uniform system	L. A.	37,619	40,172	.....	2,553	66
Amendment for classified system	L. A.	31,629	41,692	.....	10,063	62
Amendment permitting State to build railroads	L. A.	32,844	46,070	.....	13,226	67

Oregon has the best system of direct legislation by the people of any State to date. There are no hampering "safeguards and restrictions" to render abortive the efforts of her progressive and patriotic citizens. This explains why Oregon's record for accomplishments with the system is the most notable of any State in the Union. The weak point in the Oregon amendment is the emergency clause, which permits a majority of the legislature to suspend the referendum on a measure declared to be "necessary to the immediate preservation of the public peace, health, and safety." Efforts are being made, however, to change this provision so that no "emergency" may be declared excepting by a two-thirds vote of the legislature, and that such emergency shall not inhibit the power of the referendum, but simply permit the law to go into operation at once and continue until repealed by a vote of the people at the polls, provided they so decide, or by a vote of the legislature itself.

The tremendous results obtained by the people of Oregon by use of the initiative and referendum have attracted nation-wide attention. Oregon has a vigorous citizenship. There are many progressive organizations in the State, such as the People's Power League, the Federation of Labor, the Farmer's Grange, etc. Having a workable direct-legislation provision with which results could be attained, these organizations have led the people in the fight against political corruption. These efforts have resulted in the destruction of the old-time political "machines."

Corporation newspapers and politicians in Oregon and throughout the entire Nation have sought to belittle the results of the "Oregon system," as it has come to be known, in a vain attempt to check the progress of direct legislation in other States. By flagrant misrepresentations they have sought to convey the impression that the whole "experiment is a dismal failure."

The true status of the public mind, however, may be gained from the following extracts taken from the testimony of representative citizens of Oregon in every walk of life:

A supreme court judge: Will R. King, associate justice of the supreme court, writes:

"In my opinion, the initiative and referendum has been instrumental in giving the people of this State more wise and progressive legislation than they would have secured under the representative system only. * * * I consider the initiative and referendum a safe and practicable method of enacting legislation, and will further add that I think it has come to stay. It is only a question of time when every State of the Union will incorporate it in some form into their fundamental law."

United States Senators: Senator JONATHAN BOURNE, in a speech before the United States Senate, said:

"Results obtained under direct legislation in Oregon compare so favorably with the work of a legislative assembly that an attempt to repeal the initiative and referendum would be defeated overwhelmingly. No effort has ever been made. * * * The results show that the people have exercised discriminating judgment."

Senator GEORGE A. CHAMBERLAIN writes:

"The people of this State are entirely satisfied with this amendment. * * * I think you will find that opposition to the Oregon system finds its inspiration in the corrupt machine politician and in those who believe that the liberties of the citizen should be subordinated to the so-called rights of property."

A university president: Prof. William N. Ferrin, president of Pacific Grove University, writes:

"The old-time political leaders do not love the initiative and referendum. They have made several attempts to modify the provisions in important particulars and every such attempt has been defeated at the polls by a decisive vote. In my judgment the system is more strongly intrenched in popular favor than ever before. * * * It is gratifying to note that the voters make a study of the measures to be voted upon and exercise a commendable degree of care in marking the ballot. * * * The campaigns on these measures increase the intelligence of the voters and arouse their interest in political matters generally."

An editor: C. S. Jackson, publisher of the Oregon Daily Journal, says:

"The initiative and referendum has done one service in Oregon which is invaluable. It has given the little man—the common man—interest and hope in self-government which he never before realized."

A labor leader: Alfred D. Cridge, editor of the Labor Press, official organ of organized labor in Oregon, says:

"Before we had direct legislation, whenever we would ask a member of the legislature to vote for some law for the protection or benefit of the working masses he would say, 'I will think it over.' Now they come to us and say, 'Boys, what do you want?' They at least give us respectful consideration. Through the initiative we have secured a good employers' liability law and many other acts for the protection of the life and limbs of men engaged in hazardous occupations."

A farmer: Austin Buxton, former master of the State Grange and one of the leading farmers of the State, writes:

"After several years' experience it gives me pleasure to give direct legislation my hearty indorsement. The people are not indifferent. They realize the responsibility resting upon them and thoroughly inform themselves on measures. The results of the ballot on legislative measures have been surprising to those who have predicted evil."

A capitalist: Hon. William M. Ladd, head of one of the oldest and largest banking houses on the Pacific coast, and reputed to be the richest man in the Northwest, after the election of 1910, said in a public statement:

"I would rather trust the people to vote on 32 or any other number of important measures than the legislature."

And Mr. Ladd was at one time a member of the legislature himself.

IV. NEVADA, 1905.

The amendment was submitted to the people at the general election of 1905. The vote stood 4,393 for to 792 against. The total vote for candidates was 12,050.

The provisions of the amendment were:

No *initiative*. *Referendum* on statute laws by 10 per cent petition. No *emergency* cause. *Majority* of "the electors voting at a State election" is necessary to reject an act of the legislature. *Publicity* by newspaper advertising.

Under the provisions of this amendment only one law has been referred to the people. This statute provided for the organization of a State police force and carried an appropriation of $150,000 for its support and maintenance. It was referred at the election of 1908. The vote stood 9,954 yes to 9,078 no. The vote cast on the measure was 80 per cent of the total vote for candidates, which was 24,526.

The initiative added in 1912.

At the general election of 1912 an amendment providing for the *initiative* was submitted to the people and adopted. Figures not available at this writing.

The provisions are:

Indirect *constitutional and statutory initiative*, petition of 10 per cent. A *majority* of the voters "voting thereon" decides measures. *Publicity* is not provided for.

With the exception of having the "majority joker" in the referendum, Nevada has now a good system. The initiative has no "restrictions," and the legislature is free to adopt the pamphlet system of advertising proposed measures.

V. MONTANA, 1906.

The amendment was submitted to the people at the general election of 1906. The vote stood 35,374 for to 6,616 against. The total vote for candidates was 56,041.

The provisions of the amendment are:

No constitutional initiative. Direct *statutory initiative*, 8 per cent petition. *Referendum*, 5 per cent petition. All petitions must be signed in each of two-fifths of the counties of the State by the above per cents. A petition of 15 per cent in a majority of the counties is necessary to suspend the operation of a law until the vote can be taken. A *majority* of the vote "cast thereon" decides measures. *Publicity* is secured by a pamphlet similar to Oregon.

Results: The distribution of petitions required has proven so costly and cumbersome that no use has been made of the amendment, although several attempts have been made, until 1912, when, by dint of great effort, the People's Power League of Montana was able to secure petitions for the submission of the following measures:

By the initiative: A good direct primary law; a corrupt-practices act; direct election of United States Senators; a presidential primary law.

By the referendum: The military law.

Table of votings.

Montana.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION, 1912.—TOTAL VOTE, 79,778.						
Law providing for State militia	R.	21,195	41,749	.....	20,554	79
Corrupt practices act	I. B.	44,337	13,645	30,692	.....	72
Presidential primary law	I. B.	46,241	12,143	34,098	.....	73
Popular election United States senators	I. B.	45,620	12,442	33,178	.....	72
Direct primary law	I. B.	46,437	12,879	23,558	.....	74
Purchase of insane asylum	L. A.	34,235	30,461	4,774	.....	80

VI. OKLAHOMA, 1907.

The initiative and referendum were a part of the constitution of the new State upon being admitted into the Union in 1907. The popular vote upon the constitution stood 180,333 for to 73,059 against.

The provisions of the direct legislation section are:

Constitutional initiative, petition of 15 per cent. *Statutory initiative*, 8 per cent. *Referendum*, 5 per cent, suspends law. *Emergency* declared by a majority vote of the legislature inhibits referendum. *Majority* required of all votes cast "in such election" to enact initiative measures. A majority of the votes cast "thereon" decides referendum measures. *Publicity* is secured by a crude pamphlet system distributed at the primary election booths.

"The (Oklahoma) provision that requires a majority of *all votes cast* before a measure carries almost destroys the effect of our law. It ought by all means to be changed or our initiative is a *dead letter*.

"Prof. J. H. SAWTELL,
"*Principal Department of Political Science,*
"*University of Oklahoma.*"

"To require a *majority of all votes cast in the election* to adopt a law [instead of a majority cast *thereon*], subjects us to the rule of the careless, indifferent, ignorant voter, instead of permitting the intelligent, interested voters, who study a question and then express their wish at the ballot box, to control.

"CAMPBELL RUSSELL,
"*Ex State Senator, Member State Board of Agriculture.*"

"NOTE.—In Oklahoma any question submitted to the people, either by the legislature or by initiative, must receive a majority of *all votes cast* to be enacted. But the constitution gives the legislature or the governor power to call a special election for such measures. Otherwise they are referred at a general election. No initiative measure referred to the people *at a general election* has passed, although five important measures were lost which received a majority of the vote cast *thereon*. * * *

"Most of the amendments in other States do not give the governor or legislature power to call special elections, so the vast majority of measures are submitted at general elections. Of course you see from it that in general elections candidates are voted for and many ignorant voters vote for candidates and do not vote on measures. Hence it is difficult, in a general election, to get a majority of 'all the votes cast in the election.' At a special election, called to vote only on measures, there are no candidates voted for, so this surplus of ignorant voters who vote only for candidates do not come into such an election at all.

"Gov. Haskell favored the State capital bill, the railroad merger amendment, and the 'grandfather clause' in the amendment disfranchising negroes. Hence he submitted them at special elections. Had he not favored them he would have left them over till the general election. The two he was especially interested in—State capital and negro disfranchisement—carried. *They were submitted at special elections to make sure.* The danger of this is obvious. If the political machine favors a particular thing it can get action. If not, the proposed measure may wait and go down at the general election. The expense problem is also important."

Table of votings.

Oklahoma.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION, 1908.—TOTAL VOTE, 257,240.						
Sale of school lands	I. B.	96,745	110,840	.....	14,095	80
Agency system	L. B.	105,392	121,573	.....	16,181	88
Location State capital	L. B.	120,352	71,933	48,419	.....	74
Model capital city	L. B.	117,441	75,792	41,649	.....	75
Torrens land system	L. A.	114,394	83,888	30,506	.....	77
SPECIAL ELECTION, JUNE 11, 1910.—TOTAL VOTE, 161,989.						
Law for location of State capital	I. B.	96,515	64,501	32,014	.....	99
Amendment allowing merger of railroad companies	I. A.	53,784	108,205	.....	54,421	100
SPECIAL ELECTION, AUG. 2, 1910.—TOTAL VOTE, 241,665.						
Amendment regulating negro franchise	I. A.	135,443	106,222	29,221	.....	100
REGULAR ELECTION, 1910.—TOTAL VOTE, 254,730.						
Election law	R.	80,146	106,459	.....	26,313	70
Woman's suffrage amendment	I. A.	88,808	117,736	.....	39,880	85
Local option amendment	I. A.	105,041	125,118	.....	20,077	91
Bill establishing model capital city	L. B.	84,336	118,899	.....	34,533	80
Pro rata distribution corporations' school tax	L. A.	101,636	43,133	58,503	.....	57
Amendment permitting railroads to consolidate	L. A.	83,169	55,175	27,994	.....	54

VII. MAINE, 1908.

The amendment was submitted at the general election of 1908. The vote stood: 51,991 for, to 23,712 against. The total vote for candidates was 106,335.

The provisions of the amendment are:

No constitutional initiative. *Statutory initiative*, petition of 12,000 voters. *Referendum*, petition 10,000 voters. *Emergency*, well guarded; a two-thirds vote of the legislature permits a law to become operative at once, but it is still subject to referendum. A *majority* of the "vote given thereon" decides measures. *Publicity* is secured by the distribution of sample ballots containing the titles of the measures voted upon. The most notable achievement of the people of Maine has been the adoption by the initiative of a good direct primary law, after the law had been rejected by the legislature.

The absence of the constitutional initiative is a serious defect in the Maine amendment. It was omitted from the amendment in deference to the temperance people, who did not want the question of State-wide prohibition even submitted to the people. Behind this "cover" lay the opposition of the usual corporation lobby. Thousands of acres of forest lands and "wild lands" in northern Maine are owned by the railroads and a few private individuals. These lands under the protection of the present constitution are taxed at much less than their real valuation. Also the forests are being destroyed, and the water-power rights are being given away. All these things, and other things, are serious economic problems for the State, and the manner in which they have been handled by the political bosses has retarded the development of the Commonwealth. Maine will not be free until the people get control of the constitution. The use of the referendum was, until 1911, confined chiefly to the settlement of a few local questions which had no proper place upon the State ballot. They should have been left for the people of the localities interested to adjust. But they constituted a rebuke to the legislature for unwarranted interference in local affairs and favoritism to the vested interests.

Table of votings.

Maine.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1909—TOTAL VOTE, 141,631.						
Act fixing per cent of alcohol in liquors	R.	31,093	40,475	.....	9,328	50
Act dividing town of York and creating town of Gorges	R.	19,692	34,722	.....	15,030	39
Act authorizing reconstruction of Portland Harbor bridge	R.	21,251	29,851	.....	8,700	36
SPECIAL ELECTION 1911—TOTAL VOTE, 120,948.						
Repeal of prohibition	L. A.	60,095	60,853	.....	758	100
Direct primary law	I. B.	65,810	21,774	44,036	.....	72
Changing State capitol from Augusta to Portland	L. A.	41,294	59,678	.....	18,393	84
Increasing debt limit of cities	L. A.	39,242	38,712	530	.....	65
ELECTION 1912—TOTAL VOTE, 142,266.						
Act changing ballot and election law	R.	72,816	33,884	38,932	.....	75
Amendment for issue of $2,000,000 bonds for good roads	L. A.	80,619	21,454	59,165	.....	71

VIII. MISSOURI, 1908.

The amendment was submitted at the general election of 1908. The vote stood: 177,615 for, to 147,290 against. The total vote for candidates was 715,874.

The provisions of the amendment are:

Direct *constitutional and statutory initiative*, petition "not more than 8 per cent; reduced by legislature to 5 per cent; distributed in two-thirds of the congressional districts. *Referendum*, petition 5 per cent distributed as initiative. *Emergency* declared by majority of the legislature, and removes law from power of the referendum. *Majority* of the votes "cast thereon" decides measures. *Publicity* by old system of advertising in newspapers.

The Missouri provision, which requires the requisite percentage of signatures (5 per cent for both initiative and referendum) to be secured in each of two-thirds of the congressional districts, has been found more expensive and difficult to overcome than was anticipated. The futility of publishing proposed measures in newspapers, which system was adopted by the Legislature of Missouri, is demonstrated by the results of the election of 1910.

Table of votings.

Missouri.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1910—TOTAL VOTE, 671,767.						
Prohibition amendment	I. A.	207,281	425,406	.....	218,125	95
Tax levy for support State university in place of appropriations	I. A.	181,659	344,274	.....	162,615	78
Police pensions	L. A.	132,354	384,774	.....	252,420	71
Teachers' pension fund	L. A.	122,063	389,647	.....	267,584	76
Tax levy road fund	L. A.	170,847	347,561	.....	176,802	77
Method of amending city charter, St. Louis	L. A.	138,942	349,147	.....	210,205	72
New State capitol building	L. A.	188,259	332,858	.....	144,599	77
Permitting increase county debt	L. A.	150,174	337,984	.....	187,810	72
Increase per diem of legislature	L. A.	95,045	385,765	.....	290,720	71
To install voting machines	L. A.	133,569	352,915	.....	219,346	71
To allow increase city tax rate limit	L. A.	110,283	374,942	.....	264,659	72
ELECTION 1912—TOTAL VOTE, 699,210.						
Graduated tax on land values	I. A.	86,647	508,137	.....	421,490	85
Establishing State tax commission	I. A.	96,911	475,151	.....	378,240	82
Giving grand juries right to investigate election frauds	I. A.	197,643	348,495	.....	150,852	78
For a tax levy for State university	I. A.	154,952	401,843	.....	246,891	79
Extending age limit of admission to public schools	L. A.	.....	.....	.....	.....	.....
Increasing debt limit of St. Louis for sewers, etc	L. A.	.....	.....	.....	.....	.....
Changing tax rates	L. A.	.....	.....	.....	.....	.....
Changing time of legal residence before citizen can vote	L. A.	.....	.....	.....	.....	.....
To authorize registration of voters in counties	L. A.	.....	.....	.....	.....	.....

The above figures, as far as they go, were furnished by the secretary of state and are authentic. The onslaught on the single-tax amendment carried everything down.

Dr. William Preston Hill and other keen observers estimate that not over one-third of the voters were reached by the newspapers, and thus had no adequate knowledge of the merits of the questions voted upon. They did know that many of the amendments offered by the legislature increased the tax burden and that the prohibition question was to be decided. Missouri has large brewery interests, and the State is decidedly "wet." The brewery interests, which had unlimited funds, were able to monopolize the publicity field. There was a general disposition to vote "no." Thus the meritorious amendment placing the State university on a tax-levy basis for financial support, instead of by appropriations by the legislature, went down with the rest. The voters can not exercise *discrimination* unless they are properly informed. The pamphlet system is the one effective method of doing this. In 1910 Oregon voted also on the prohibition question. But this did not overshadow the election. Other questions were decided on their merits, *because the people had opportunity to educate themselves upon them.*

IX. MICHIGAN, 1908.

A new constitution, the work of a constitutional convention, was adopted by the voters of Michigan in 1908. A majority of the delegates to this convention were pledged to the initiative and referendum, but the railroad lobby proved too strong. The direct-legislation section provides for a *constitutional initiative*, 20 per cent petition, and initiated amendments go to a vote of the people, "unless the legislature in joint convention shall disapprove of the proposed amendment by a majority of the members elected."

The high percentage for the petition has been found impracticable, so no use has been made of the provision. The power given the legislature to prevent the submission of an amendment petitioned for is contrary to the whole purpose of the initiative.

X. ARKANSAS, 1910.

An amendment was submitted to the voters at the State election of 1910. The vote stood 91,363 for to 39,680 against. The total vote for candidates was 150,412.

The provisions of the amendment are:

Direct *constitutional and statutary initiative*, petition, 8 per cent. *Referendum*, 5 per cent, does not suspend law. *Emergency*, declared by a majority of the legislature, inhibits the referendum. *Majority* of the votes "cast thereon" decides measures. *Publicity* is secured by newspaper advertising.

An ambiguity in the initiative clause of the amendment led to some confusion. The section reads:

"The legislative power of this State shall be vested in a general assembly, which shall consist of a senate and a house of representatives, but the people of each municipality, each county, and of the State reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls, etc."

It was claimed by some that this gave cities and towns the right to enact laws and constitutional provisions in defiance of the State constitution. That the legislators had any such intention is of course absurd. There is no doubt but that the section was carelessly worded in an endeavor to be brief and include the State-wide and local initiative in one sentence. The matter went to the supreme court, and it was decided that no local measure could override the State constitution.

The Arkansas Legislature in an enabling act adopted the newspaper method of publishing proposed measures. The election of 1912 demonstrated in Arkansas, as elsewhere, that this is frightfully expensive and does not meet the need of educating the voters upon the issues submitted.

Table of votings.

Arkansas.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION, 1912—TOTAL VOTE, 169,649.						
Revision of tax laws, etc	R.	56,806	78,230	.....	21,424	80
Prohibition law	I. B.	67,995	83,701	.....	15,705	90
Amending election laws	I. B.	56,361	71,532	.....	15,171	75
State text-book commission	I. B.	63,782	72,553	.....	8,751	80
Limiting legislative sessions to 60 days	I. A.	103,242	34,193	69,049	.....	80
Recall of elective officials	I. A.	71,946	58,721	13,225	.....	77
Permitting cities to issue bonds for certain improvements	L. A.	76,239	54,108	22,131	.....	77

XI. COLORADO, 1910.

At a special session of the legislature, called by Gov. Shafroth, in September, 1910, an amendment was passed and submitted to the people at the general election in November. The vote stood 89,141 for to 28,698 against. The total vote for candidates was 213,275.

The provisions of the amendment are:

Direct *constitutional and statutory initiative*, petition of 8 per cent, *Referendum*, petition of 5 per cent, suspends law. *Emergency*, declared by a majority of the legislature, prevents use of the referendum. *Majority* of the votes "cast thereon" decides measures. *Publicity:* Amendment provides specifically for newspaper advertising.

XII. ARIZONA, 1911.

An enabling act, providing for the admission of Arizona and New Mexico as States passed Congress June 20, 1910. On October 10 the

Arizona.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1912—TOTAL VOTE.						
Miners' lien law	R.	13,551	5,804	7,747	.....	.....
Full train crew law	R.	11,123	7,635	3,488	.....	.....
Electric-headlight law	R.	11,285	7,408	3,877	.....	.....
Law requiring railroad engineers and conductors to be experienced men	R.	10,921	7,956	2,965	.....	.....
Car limit for trains	R.	10,709	8,228	2,481	.....	.....
Law reducing passenger rates to 3 cents per mile	R.	14,823	4,833	9,990	.....	.....
Law providing semimonthly pay day	R.	13,350	5,976	7,374	.....	.....
Game-license law	R.	13,150	6,334	7,816	.....	.....
Equal-suffrage amendment	I. A.	13,452	6,202	7,250	.....	.....
Recall of judges	L. A.	16,272	3,491	12,781	.....	.....
Giving the State and municipalities the right to engage in industrial pursuits	L. A.	14,928	3,602	11,326	.....	.....
Giving legislature right to regulate tax assessment	L. A.	15,967	2,283	13,684	.....	.....
Extension of bond indebtedness of school districts for education	L. A.	15,357	2,682	12,675	.....	.....

delegates to the constitutional convention, elected by the people to draft a constitution for the new State, met at Phoenix, and the constitution thus framed was submitted to the electors on February 9, 1911. It was approved by a vote of 12,534 for to 3,920 against.

The initiative and referendum provisions are as follows:

Direct *constitutional initiative*, 15 per cent petition. *Direct statutory initiative*, 10 per cent petition. *Referendum*, 5 per cent petition, suspends operation of law. *Emergency*, declared by a two-thirds vote of legislature, inhibits referendum. *Majority* of the votes "cast thereon" decides measures. *Publicity* is made mandatory.

The first legislature of the new State, which met in March, 1912, passed an act establishing the pamphlet system of publishing proposed measures similar to that used in Oregon.

XIII. NEW MEXICO, 1911.

New Mexico was admitted under the same conditions as Arizona (see above). The proposed constitution was adopted by the people on January 21, 1911, by a vote of 31,724 for to 13,399 against.

The direct legislation provision is: *Referendum* only, petition of 10 per cent, distributed in each of three-fourths of the counties, may submit a law for repeal at the next election. A petition of 25 per cent, filed in 90 days from adjournment of the legislature, and distributed in each of three-fourths of the counties, will suspend a law and submit it to a vote at the next election. *Majority* of votes "cast thereon" determines, but 40 per cent of the total vote must be cast against a law to secure its rejection.

The provision is, of course, a fraud. The petition required is prohibitive both in respect to size and the distribution in three-fourths of the counties.

XIV. CALIFORNIA, 1911.

The amendment was adopted at a special election held on October 10, 1911, at which a group of 23 new constitutional amendments were submitted to the people. The vote on the initiative and referendum stood 138,181 for to 44,850 against.

The provisions of the amendment are: Provides for both direct *constitutional initiative*, by petition of 8 per cent, and indirect *constitutional initiative*, by petition of 5 per cent. *Statutory initiative* is on the same basis. *Referendum*, petition of 5 per cent, suspends operation of the law. *Emergency*, declared by two-thirds vote of legislature, does not remove law from power of referendum. *Majority* of votes "cast thereon" decides measures. *Publicity* is to be had through system provided by legislature and made mandatory.

Figures for the November, 1912, election are not yet available, but the following letter to Equity, from Mr. William C. Clark, of Oakland, is very informing:

"Your letter of October 10 was duly received. I have been waiting to get the complete returns on the measures submitted to the electors at the November election before writing you as you desired. Owing to court proceedings the returns are tied up in some of the counties and I have been as yet unable to get the returns. However, I thought it best not to wait longer for the statement you desired. Let me first say that I think the electors showed wisdom in carrying the measures they did and in defeating those they did. Perhaps I take this view as only those measures were carried which I myself voted for.

"At the election held November 5 there were eight measures submitted to the electors for their approval or rejection. Two of these were constitutional amendments passed by the last (special) session of the legislature by the requisite two-third vote of all members elected to each house. The first of these added irrigation district bonds to United States, State, county, municipal, and school-district bonds, as being sufficient when approved by the proper officers to secure State moneys deposited in the banks in the State. This amendment carried by a very large majority. The second amendment provided for free textbooks in the public schools of the State (excepting high schools). This also carried by a large majority.

"The next three measures were related laws passed by the last (special) session and submitted by referendum petition. They created a new office of "register of voters." While the law had to be general in terms for all the counties, by making the salary merely nominal in most counties and combining the office with that of county clerk (who now performs the duties transferred to the register by the new laws) it in effect amounted to special legislation for practically but one county. It was a political law to oust the county clerk in that county from such influence over elections as such position gave him and confer the duties through appointment by the board of supervisors on one of their own men by the faction then in control of the board. All three measures were rejected by the electors by decisive majorities.

"The last three measures were submitted by initiative petition. All were beaten at the polls. The first of these initiative measures was a constitutional amendment primarily for the purpose of enabling San Francisco to annex surrounding territory, if approved by the voters of such territory and the counties affected at an election to be held for that purpose. It was an unfair measure in that it limited the population of the territory that might be included in such combined district to 350,000. This made it apply only to San Francisco and Los Angeles. It was fought vigorously by Oakland, as, if adopted, it would enable San Francisco to annex Oakland, while preventing Oakland from annexing surrounding territory under its population limitation and at the same time, by omitting a present provision of the constitution, making it impossible for Oakland to form a city and county government for itself.

"The next measure permitted betting on horse races within the racing parks by the Paris and mutual systems of placing bets. The last legislature had effectually stopped betting on horse races; this measure under a somewhat misleading title again permitted betting on races. It was beaten by a big majority.

"The last initiative measure was the so-called home-rule taxation amendment to the constitution. It permitted the classification by the communities having the power to levy taxes of property for purposes of taxation and enabled them to raise taxes in practically any manner they chose. It was fathered by the single taxers. It carried in San Francisco and Los Angeles, but was beaten in the State at large.

"Summing up, the two amendments to the constitution proposed by the legislature were adopted by large majorities. The three referendum measures, all forming together but one proposition, were rejected by the electors. All three initiative measures—two constitutional amendments and one law—were rejected by the electors. If I get the returns soon, I will send them to you.

"Very truly, yours,

"WM. C. CLARK."

Table of votings.

California.	Origin.	Yes.	No.	Majority approving.	Majority rejecting.	Per cent total vote.
ELECTION 1912.—TOTAL VOTE.						
Law making office of county registrars appointive	R.	145,924	255,051	.....	109,127	.....
Permitting consolidating of municipalities into "Greater San Francisco"	I. A.	174,076	279,805	.....	105,729	.....
Authorizing State commission for race-track auction pools	I. B.	149,863	346,070	.....	196,204	.....
For county home rule in taxation	I. A.	169,321	366,525	.....	197,204	.....
For free textbooks in public schools	L. A.	343,443	171,486	171,957	.....	.....
Legalizing irrigation bonds as security for State loans	L. A.	307,199	128,411	178,788	.....	.....

XV. NEBRASKA, 1912.

The amendment was adopted at the general election of 1912. The vote stood 189,200 for to 15,315 against. Total vote, 259,124. This unusual majority is accounted for by the fact that the question was placed in the column with candidates and received every straight party vote in its favor unless the voter specifically crossed out the amendment. This mode of amending the constitution has been adopted to overcome the difficulty of securing a majority of "all votes cast in the election" to adopt an amendment as required by the constitution. Whenever a political convention or a party in a primary vote adopt an amendment it is placed on the ballot with candidates of that party and gets the straight vote. This is an unjust method, but the only possible way to make changes with the majority joker in the constitution.

The provisions of the amendment are: Direct, *constitutional initiative*, petition of 15 per cent. *Statutory initiative*, petition of 10 per cent. *Referendum*, petition of 10 per cent suspends operation of law. Two-fifths (36) of the counties of the State must each furnish a quota of 5 per cent toward all petitions. *Emergency*, by a majority vote of legislature, does not inhibit referendum. *Majority* of the votes "cast thereon" decides measures, but amendments to the constitution must receive also a favorable vote of 35 per cent of the vote cast in the election. *Publicity* is not provided for.

Also, amendments concerning the following subjects were carried by large majorities at the 1912 election:

Legislative salaries.
Board of control.
Biennial elections.
Home rule.

XVI. WASHINGTON, 1912.

The amendment was adopted November 5, 1912, by the following vote:

	Yes.	No.	Per cent total vote.
Total vote cast for President, 322,799.			
Initiative and referendum amendment	110,110	43,905	50
Recall amendment	112,321	46,372	52

No constitutional initiative. *Statutory initiative*, both direct and indirect, on petition of 10 per cent, but not to exceed 50,000 voters. *Referendum*, on petition of 6 per cent, but not to exceed 30,000 voters, suspends operation of law. *Emergency* by a majority vote of legislature inhibits referendum. *Majority* of the votes "cast thereon" decides measures, but one-third of the voters must vote on them. *Publicity* made mandatory on legislature.

WYOMING.

Wyoming voted on an amendment November 5, 1912, but it was lost by the following vote:

Total vote cast	42,296
For the initiative and referendum amendment	20,579
Against the initiative and referendum amendment	3,446
Necessary to pass	21,149
Failed by	570

Because it failed to get a "majority of all votes cast in the election."

Per cent total vote cast on amendment, 57.

It is fortunate that the amendment was lost, as it was full of "jokers." It required 25 per cent petitions, which requirement is prohibitive, no emergency provision, and majority "at such election" required on constitutional amendments, instead of *thereon*. This requirement is what prevented *this* amendment from being adopted, which was fortunate in this instance. Doubtless the next initiative and referendum amendment offered to the people of Wyoming will be worthy of adoption, and then the good people of that State will doubtless adopt it with a majority of "all votes cast in the election."

MISSISSIPPI.

Mississippi also voted on an initiative and referendum amendment in 1912. It was also carried by a majority vote, but was lost on account of the "all votes cast in the election" provision in the present constitution. The vote was:

For	25,153
Against	13,383
Total vote	64,529

Failed to pass, since it did not get a majority of all votes cast.

For the provisions of the amendment submitted, see July, 1912, Equity, page 98. It will be seen that the petitions were much too high, and that the "majority of all votes cast in the election" joker is present as to the initiative, the very one in the present constitution that caused the above defeat. Doubtless the good people of Mississippi will

soon have an opportunity to vote on a much better amendment and carry it.

MONTANA "BEFORE TAKING" THE INITIATIVE AND REFERENDUM.

[We desired to present in this issue several "before and after" contrasts—that is, before "taking" the initiative and referendum and after. We have not been able to get as much matter of that kind as we desired, but the following, from Dr. W. G. Eggleston, now of Portland, Oreg., presents Montana very graphically.—Ed.]

Previous to 1896, when I went to Montana as editor of the Helena *Independent*, there had been some sporadic discussion of direct legislation in that State. In 1896, Robert E. Smith, Populist, was elected governor on a Democratic-Populist fusion ticket. In his message to the legislature of 1897 he recommended the submission of a direct-legislation amendment, but the recommendation was rejected by the democratic majority, which was controlled by Marcus Daly, acting for himself and the railroads.

Montana was then, as it is now, a politically "rotten borough." The people had but little more voice in making the laws under which they had to live than in making laws for Yucatan or Nova Scotia. As compared with what the people got or could get in the way of beneficial legislation, the crumbs gathered by Lazarus were a banquet.

Legislative bribery was usual and notorious. In the legislature of 1897, one poor fellow, after receiving his share of spoils, became intoxicated and talked. He was expelled from the house, not so much for taking a bribe as for committing the crime of mentioning it in public. Some of the men who voted to expel him were more guilty than he.

The State election of 1898 was fought on the issue of "W. A. Clark for the United States Senate"; and in that year, and in the legislature of 1899, when Clark was first "elected," Montana's political clearing-house figures attained a dizzy apex; but even those figures did not mark the extent of political and legislative corruption in the State, for in addition to sums paid for Clark votes, some of the "incorruptible tribunes of the people" received as much as $10,000 each not to vote for Clark.

Joseph K. Toole, who forced the initiative and referendum into practical politics in Montana and made it a "question before the house," was elected governor in 1900. The legislature of 1901, which elected Clark the second time, was about as bad as its predecessors. In 1902 Senator Clark and the Amalgamated Copper Co. formed a sort of "holy alliance," one of the objects of which was to eliminate Toole from politics. The result was the practical annihilation of the Democratic Party in Montana. The State senate remained Democratic, but the house was captured by the Republicans. After the election, Gov. Toole, being impressed with the desirability of a direct primary law and other reforms, made a study of the Oregon initiative and referendum amendment and its results, and in a strong message urged the legislature to submit the Oregon amendment to the people. The Republican house, wishing to make a record that meant nothing, adopted a clumsy counterfeit of the Oregon amendment and sent it to the Democratic senate.

If that reactionary and crooked senate had understood the measure adopted by the house, it would have submitted it to the voters. But, being as ignorant as it was crooked, it vainly imagined that the toy balloon was a menace to established institutions and killed it.

In December, 1903, F. Augustus Heinze called a mass meeting at Helena, and unto the meeting twin political parties were born—the antitrust Democratic Party and the antitrust Republican Party. The platform adopted by the twins consisted of Gov. Toole's message of the preceding January to the legislature. That act frightened the Republicans, for the legislature to be elected in 1904 was to elect a United States Senator.

With perhaps a dozen exceptions, the Democratic and Republican politicians of the State were opposed to direct legislation, but the Montana Direct Legislation League, a formidable body of seven or eight men, made so much noise that the machine politicians believed the whole State was enlisted for the initiative and referendum. To curry favor with the voters, the Republicans held their State convention first, though the Democrats were in power, and prepared a glittering platform that declared for practically everything in Gov. Toole's message, but everything was "carefully safeguarded" by hand-picked weasel words.

The Democratic convention met and adopted a platform in which every plank meant what it said and said precisely what was wanted. The Republicans captured the legislature and claimed that the people had indorsed their "carefully safeguarded" straddle of direct legislation, which in the campaign was construed to mean everything, and subsequently construed by the Republican caucus to mean almost nothing. That party caucus, practically every member of which was untrue to his oath of office, gave a political gold brick to the people.

During the campaign of 1906, when the initiative and referendum was on the ballot, it was ignored by the newspapers—except two, one of which bitterly opposed it—and by the politicians. The people heard of it only through the circulars issued by our small but noisy Direct Legislation League, which had less than $1,000 to spend to circularize 45,000 voters. Yet the amendment was adopted by a majority of about 6 to 1. I have not the county figures at hand, but my recollection is that it carried in every county.

In justice to myself, I should explain that at that stage of the growth of direct legislation I believed it would be injurious to the initiative and referendum to have a State reject an amendment for the reform. Hostile newspapers and politicians would have carefully refrained from explaining that the measure was seriously defective, and an adverse vote would have been heralded and advertised all over the country as "the vote of a great and progressive State against the initiative and referendum fad." But for that certainty the amendment would have been killed in the legislature of 1905 by the sincere friends of the initiative and referendum. In the present stage of the growth of direct legislation it would be worse than folly for any friend of the movement to accept such an amendment as was submitted and adopted in Montana.

W. G. EGGLESTON.

However, as we have recently seen, something has been accomplished in Montana with the amendment as adopted. Accompanying the above article, Dr. Eggleston sent a letter so scintillating that we obtained his permission to present it here:

"See how generous I am. You asked for 500 words, and I have given you about 800, because I have heard that the Lord loveth a cheerful giver, and it's too much trouble to boil words now after I have done nothing but boil and boil for the last 18 months. I have had to do so much condensing that I feel as if I'd like to spill an unabridged dictionary into any ear or column that offers itself.

"Anyway, trying to compress a Montana situation of 10 years into 500 words is like carrying Lake Superior around in a pocket flask. Oregon is the eighth State in which I have lived and taken an active interest in politics, and I have known personally every member of 10 legislatures in different States. It is my deliberate opinion that a Montana Legislature of 100 members could sit blindfolded in a political poker game and skin an average Illinois Legislature down to a necktie and a pair of socks.

"In 1907 I reported both houses of the Montana Legislature, and got so cross-eyed watching the bunch that I had to walk sideways to find my way home. In an assemblage of Montana legislators the most corrupt and degenerate gas meter becomes an emblem of purity, house, and respectability."

NEVADA.

Possibly Montana was an exception—a "horrible example." Let us hope so. Senator NEWLANDS, of Nevada, answered our inquiry as follows:

"I do not know that there was anything particular in the political conditions that prompted the adoption of these reforms except the fact that Nevada has been practically under Democratic control for the last 15 years and that the advanced legislation under Democratic influence has been upon the lines of political progress, such lines as have been pursued in Oregon and Wisconsin.

"Shortly after the referendum was adopted we had occasion to test it in a vote regarding the State police bill, which was passed by the legislature of 1907 for the maintenance of public order, there being no militia in the State. The test under the referendum was made very shortly after the serious strike at Goldfield, during which time the Federal troops were ordered by Mr. Roosevelt into Nevada. The discussion of this bill in the campaign of 1908 led to an exhaustive consideration on the stump and before the people of the requirements of public order, with the view to securing the rights of labor as well as the rights of property. The result of the very thorough discussion was that the State police bill was sustained by a popular vote. I think that the discussion was an enlightening one to the entire people of Nevada, and tended to strengthen the foundations of public order.

"Very sincerely, yours,

"FRANCIS G. NEWLANDS."

LOUISIANA.

Louisiana is not a direct-legislation State, but there were 19 constitutional amendments submitted to its voters November 5. Yet there was no complaint about the great *number*, and any strain on the intellects of the voters by requiring a vote on all these "in a single day." These specious arguments are brought forward only as against measures brought to a direct vote *by the people*, by means of the initiative and referendum. When the *legislature* submits many measures to a direct vote, it is all right.

Another thing that Louisiana proves: That the voters are able to vote discriminatingly, even when so many amendments are presented at one time. Only incomplete figures are as yet available, so we can not present details until next issue, but the figures at hand indicate that 10 of the amendments were adopted and 9 rejected. Further, that the adoptions were by heavy majorities, most of them 4 or 5 to 1, and the rejections were almost equally decisive except one. Here we find no general inclination to vote either yes or no, but there was sharp discrimination.

Another thing: A study of the text and vote indicated that the negro voters were not in evidence on these amendments. A reopening of the "grandfather clause" for the purpose of allowing illiterate whites to vote was adopted by almost 4 to 1. Our contention has always been that ignorance, neither white nor black, will, as a rule, vote on measures submitted. Ignorant voters will usually vote for candidates, but they have not the interest nor intelligence to vote on measures. Therefore neither the negro vote in the South nor the ignorant foreign vote in the North need be feared.

THE INITIATIVE AND REFERENDUM IN COMMITTEE GOVERNMENT.

The National Progressive Party will "take its own medicine." It advocates the initiative and referendum and will use these instruments in the government of its committees. At the meeting in Chicago, December 11, the following was adopted:

"Whereas the principles relative to popular government embodied in the National Progressive platform should be applied to all national, State, and local committees of the Progressive Party wherever not in conflict with State laws: Therefore be it

"*Resolved*, That 25 per cent of the membership of the national committee may join in a petition requesting the chairman or executive committee to adopt some certain policy or motion, and if said chairman or executive committee fails or refuses to accept such recommendations the petitioning members may initiate it."

AN ERA OF CONSTITUTION REVISING.

The example of Ohio, and a steadily increasing realization that old constitutions do not meet the needs of the present time, has caused the progressive people of many States to advocate the calling of constitutional conventions in the near future. It now seems probable that constitutional conventions will be called, perhaps during 1913, in Pennsylvania, New Jersey, and New York. The process of amending seems now to be too slow to satisfy the popular demand. The old State constitutions will probably meet the same fate that many of the old city charters have met, and that many more will meet.

Two things are uppermost in the minds of those who advocate constitutional conventions; they are, first, public control of public affairs by means of the initiative, referendum, and recall; second, local autonomy, by means of abolishing the bondage under which cities have been to State legislatures, and the establishment of complete home rule for municipalities and counties in all matters of entirely a local nature.

Many other things are also prominent in the minds of progressives of all parties, as adequate corporation control, the prevention of corrupt political practices, the regulation of the hours of labor of women and children, etc. But as these things can be gotten by statute, constitutional changes are not necessary. But constitutional changes are necessary to get the initiative, referendum, and recall, home rule, etc.

If we may venture to express our wish, it is this: We hope that States, particularly important States like those mentioned above, will not be in a great hurry to call constitutional conventions. Let us do what we can by statute and the slow process of amending for the present. We are on the eve of important developments in the processes of government. Let these be developed and tried out in a small way,

which now seems probable in the next few years. These demonstrations will throw a strong light upon the problem of what the future State government should be.

THE INITIATIVE AND REFERENDUM IN MUNICIPAL GOVERNMENT.

The progress of the State-wide initiative and referendum has been rapid, but its application to town and city government has been still more rapid. This is due, no doubt, to the fact that legislatures have the power to confer these powers upon local governments without first securing a constitutional amendment. This can be done either by a general law, special charters, or through general acts permitting cities to adopt the commission form of government. The tremendous growth of the latter has greatly accelerated the movement for self-government in cities, as has also the "home-rule" movement. The following is a general view of the present status of the initiative and referendum in municipalities, with the percentages required on petition.

I.—States in which the State-wide initiative and referendum constitutional amendment extends these powers to cities.

State.	Percentage required for initiative petitions.	Percentage required for referendum petitions.
South Dakota	5	5
Oregon	15	10
Oklahoma	16	10
Maine	Optional with city to adopt initiative and referendum and fix details. Legislature has power to pass a uniform law.	
Nevada	15	10
Colorado	15	10
California	15	10
Arizona	15	10

II.—States which have passed general acts extending the initiative and referendum to cities.

States having general laws empowering cities to adopt the initiative and referendum.	Initiative.		Referendum.	
	Special election.	General election.	Ordinances, general or special election.	Franchises.
Iowa	25	10	25	Compulsory.
Kansas (first-class cities)	25	10	.....	10.
Kansas (second-class cities)	40	25	25	Compulsory.
North Dakota	25	25	25	
Wisconsin	25	15	20	
Minnesota	Optional with city.		Optional with city.	
Illinois	25	10	10	Compulsory.
New Mexico	None.	None.	None.	Do.
Mississippi	None.	None.	None.	Do.
Kentucky	None.	25	25	(1)
Louisiana	33	None.	33	Compulsory.
South Carolina	20	None.	20	Do.
Alabama (100,000 plus)	.....	.....	.....	1,000 voters.
Alabama (25,000-50,000)	.....	.....	25	Do.
Idaho	25	10	None.	None.
Montana	25	10	25	Compulsory.
New Jersey	15	10	15	
Washington	25	25	25	Do.
Wyoming	25	None.	35	10.
Nebraska	25	15	25	15.

[1] Compulsory ordinances on franchises and contracts over $1,000.

To avoid confusion, we group here the States in which the cities have the right to adopt the initiative and referendum through powers conferred by general laws. These acts grant home rule in charter making with many variations, some limited, some absolute, some permitting the "commission form," etc.; but all extend the powers of direct legislation in local affairs, no matter what the form of city government may be. The figures indicate the percentages required on petitions to invoke the initiative or the referendum.

A large number of the cities which have adopted the commission form of city government, either under general or special State laws, have incorporated the initiative and referendum in the scheme. We append a list of these cities, furnished us by the Short Ballot Organization of New York. The percentages required on petitions are indicated.

The wide variations above will be noted with surprise. The movement has gone along so rapidly that many of the above figures seem to have been arrived at by hasty guess, rather than by inquiry and deliberate judgment. As a still further contribution to the information on this subject, the following is clipped from an abstract of a proposed act for the third-class cities of Pennsylvania, which consists of all cities under 100,000 inhabitants:

"REFERENDUM.

"All grants of franchise to public-service corporations within the city must be submitted to a referendum vote of the electors without petition. All other ordinances, except such as are certified to be urgent for the preservation of public peace, health, or safety, shall be submitted to referendum vote upon petition of 10 per cent of the electors. Not more than one referendum election to be held within a period of six month, but more than one ordinance may be submitted at the same election.

"INITIATIVE.

"Ordinances may be brought before councils upon the initiative petition of 15 per cent of voters."

III.—The initiative and referendum in individual cities having the "commission form" of government.

"Commission form" cities.	Initiative.		Referendum.	
	Special election.	Regular election.	Special election.	Regular election.
Port Huron, Mich	25	25	25	.....
Pontiac, Mich	20	5	20	20
Wyandotte, Mich	25	10	25	25
Mankato, Minn	20	10	20	.....
Forth Worth, Tex	.....	.....	20	.....
Dallas, Tex	15	5	15	.....
Austin, Tex	25	.....	25	25
Colorado Springs, Colo	15	5	15	15
Grand Junction, Colo	10	.....	10	.....
San Diego, Cal	15	5	7	.....
Berkeley, Cal	15	5	10	10
Modesto, Cal	25	15	25	.....
Oakland, Cal	15	5	10	10
Vallejo, Cal	15	5	10	10
Santa Cruz, Cal	20	10	20	10
Monterey, Cal	20	10	25	25
San Luis Obispo, Cal	25	10	25	10
Sacramento, Cal	15	5	15	5
Lowell, Mass	20	10	15	.....
Lawrence, Mass	25	10	2.	.....
Gardiner, Me	25	10	25	10
Haverhill, Mass	25	10	25	.....
Gloucester, Mass	25	.....	25	.....
Lynn, Mass	25	10	25	10
Parkersburg, W. Va	20	20	20	20
Wilmington, N. C	35	10	35	.....
Greensboro, N. C	25	.....	25	.....
Cartersville, Ga	25	10	10	10
Chattanooga, Tenn	25	.....	25	.....
Knoxville, Tenn	40	25	25	25
Montgomery, Ala	.....	.....	25	25
Stockton, Cal	20	10	20	.....
Tacoma, Wash	20	5	15	.....
Spokane, Wash	15	5	10	10
Everett, Wash	15	5	10	10
Lewiston, Idaho	15	5	300 signatures.	
New Orleans, La	30	30	30	30

This bill was approved by the convention of allied civic bodies, at Harrisburg, October 2, 1912, and will be introduced in the new legislature by Senator H. A. Clark, of Erie, Pa.

From all the above information let us draw the following as "about right" on the subject:

First, *all grants of public franchises* should be submitted to a referendum vote, preferably at a regular election, *without petition*.

Second, larger percentages for petitions can be reasonably required for small cities than for large cities; or, to put it the other way, smaller percentages should be required for large cities than for small cities. And to do this we must establish a standard. The Pennsylvania standard is 10 per cent for the referendum in cities up to 100,000 population. It seems to us that this could be reasonably increased to, say, 12 per cent or 15 per cent for cities of 10,000 population or under. A more minute gradation might be made if considered advisable. However, let us recognize the principle that *small populations should have larger percentages* and *large populations should have smaller percentages;* and the Pennsylvania standard of 10 per cent for 100,000 population, for the referendum is about right as a starting point. A larger petition should be required when a special election is demanded. The mayor should have the power to call a special election at his discretion, on a referendum matter, when not demanded in the petition.

Third, *a larger petition should be required for the initiative than for the referendum*. The reason is obvious; and the above remarks concerning percentages varying according to population and concerning special elections apply here. When 10 per cent is required for the referendum, about 15 per cent should be required for the initiative; that is, an increase of about 50 per cent. The initiative, being positive in its action, should be more difficult to invoke than the referendum, which is merely negative in its action. But the above Pennsylvania standard for the initiative can not be accepted. That provides only for bringing ordinances before councils, which is not the true initiative. The true initiative is a process by which an ordinance may be proposed by an established number of voters and submitted to a direct vote of the electorate.

It will be noted that we advocate proportionately larger petitions for the local initiative and referendum than for the State-wide initiative and referendum. The reason should be obvious to all. It is easier to get a certain percentage of a town or city than the same percentage of a State. In a city the voters are compact, while in a State they are scattered, and it is proportionately easier, anyway, to get a given percentage of a small population than the same percentage of a large population. For these and other reasons the required percentage should decrease as the population increases.

Referring again to the above tables, we sincerely hope that in future years they will be made more uniform and in keeping with the suggestions above made. We fear that some of the absurdly high requirements may have proven a bar to the use of the direct ballot.

THE DIRECT PRIMARY.

The convention system of nominating candidates for political offices has constituted one of the greatest sources of strength to political machines. The control of the nominating convention was made easy through manipulation of the "primaries" or open meetings of party members in the various voting precincts at which delegates to conventions were selected. These primaries were wholly under the direction of the party leaders or local "bosses." The gross frauds and strong-

arm methods practiced at these primaries constitute a black page in American political history.

The modern direct-primary movement aims at abolishing this old caucus system and substituting a regular nominating election under State control and at State expense, at which the rank and file of the voters may vote by ballot directly for their party candidates in the regular election.

It was first tried in Minneapolis in 1899, then applied to the State, and has since been adopted under various forms by a large number of States. It is needless to say that the system has been bitterly opposed by the political machines of both the dominant parties, and this opposition has resulted in the enactment of a wide variety of primary laws. Some of these are so restricted as to be but little better than the old system and have resulted in but little good.

It is entirely beyond the space at our command to give even a summary of the primary laws now in operation. In general they may be classified as—

1. *Indirect*, in which the voters merely select by ballot the delegates to the nominating convention; or *direct*, in which the voters themselves nominate the candidates.

2. *State-wide*, in which candidates for all offices are nominated by the voters; or *limited*, in which only a part of the candidates are so nominated, the remaining candidates being left to be chosen at nominating conventions.

3. *Compulsory*, in which all candidates for office *must* be nominated at the direct primary; or *optional*, in which case the party leaders are given the right to choose between the direct primary or the convention system in selecting their candidates.

4. *Open*, in which the voter is handed one or several ballots containing the candidates of all parties, and is not required to declare his party affiliations, and so votes secretly; or *closed*, in which he is compelled to declare his party affiliation, under certain tests laid down by the laws in his particular State, and is then handed a ballot containing the names of the candidates of the party with which he is or claims to be affiliated.

To be an effective weapon in the warfare upon machine politics and to render political parties responsible to the rank and file of their membership, experience thus far demonstrates that the primary must be *held by the State and at State expense, State-wide, direct, open*, and that *some system of publicity* be established by the State to inform the voters concerning the character and principles of aspirants for political office. To this must be added the preferential vote as established in Wisconsin, which insures *majority*, not merely *plurality*, nominations.

Setting aside all other variations, the following States have enacted laws in which candidates for office are nominated *directly* by the voters at the polls. Unless otherwise indicated, the application is *State-wide:*

Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota (except for State offices), Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio (except for Congressman and State officers), Oregon, Oklahoma, Pennsylvania (except for State officers), South Dakota, Tennessee, Texas, Washington, Wisconsin, Wyoming.

Among the direct primary laws so far enacted, the Wisconsin system stands as perhaps the best. A copy of the law may be had on application to the secretary of state, at Madison, Wis. We give herewith a plain synopsis of this law, and call especial attention to the provision which allows the voter to express his first and second choice for candidates.

SYNOPSIS OF THE WISCONSIN DIRECT PRIMARY LAW.

Scope: Applies to all State and local elective officials, including the office of United States Senator.

Time: Held throughout the State on the first Tuesday in September for the nomination of officers to be elected at the regular biennial elections in the even-numbered years.

By whom: The election is conducted by the State and paid for out of the public treasury.

Notice: Sixty days prior to the election the secretary of state serves notice to all city, town, and county clerks to post notices of such election.

Nominations: All candidates are nominated by petition of the voters and filed with State or local officers as the case demands. The size of petitions are as follows: For State officers, 1 per cent of the previous party vote in the State; for Congressman, 2 per cent of the party vote in his district; for lesser or for county or town officers, 3 per cent of the district affected. Legal forms for such petitions are provided, and also the method of certification.

Election inspectors: Election inspectors are chosen in suchwise that all political parties participating in the election are represented in each voting precinct.

Who may vote: Every registered voter may participate in the election. The clerks of election enter on the poll list the names of all voting.

The party test: No party test is required, and the voter is not obliged to disclose his party affiliation. The Australian ballot is used, and the voter is protected by the utmost secrecy.

The ballot: A composite ballot consisting of a separate sheet for each political party, fastened together at the top and folded, is handed the voter. He repairs to the voting booth, detaches the party sheet on which he desires to vote, marks this ballot, folds it, and also the part not used. Emerging from the booth he deposits his marked ballot in the regular box, and then deposits the unused ballots in a separate box designated "the blank-ballot box." These unused ballots are destroyed immediately after the election, by the inspectors, without inspection.

Rotation of names: The names of candidates for the respective offices are rotated upon the ballots in suchwise that each candidate's name shall appear as often at the head of the list as that of any other candidate.

Party challengers: May be appointed by the party authorities to represent each party in the voting precincts.

Party committees: The voter may write on his ballot the name of his choice for precinct party committeeman, and the one having the highest number of votes so cast is thereby elected.

Canvass and returns: The vote is canvassed as in regular elections, and the returns made to the secretary of state. The candidates receiving a *majority vote* (see below) for the offices they seek are declared the nominees of the party and their names appear upon the ballot in the general election.

Vacancies: Ordinary vacancies are filled by the party committees, if such vacancies occur before the general election. In case of a vacancy in the office of United States Senator a special primary must be called.

Platform convention: On the third Tuesday of September following the primary election the candidates for State offices and for the general assembly of each party must meet at the State capitol, draft a platform, and elect a State central committee. This platform is filed with the secretary of state.

MAJORITY NOMINATIONS.

The distinguishing feature of the Wisconsin law is the provision by which each voter is allowed to express his first and second choice of candidates for each office voted upon. This has been found an effective cure to one of the most vital weaknesses which the direct primary system has developed, namely, that by secretly inducing a large number of progressive candidates to enter the contest for the nomination the "machine" has been able, in countless instances, to split the anti-machine vote and then, by massing its vote against this divided field, secure for its candidate "the highest number of votes cast," and so secure the nomination.

By the Wisconsin system, however, the progressive voters may split on their first choice and then mass their votes on their second choice. Hence, unless the reactionary or machine candidate has a clear majority of all votes cast, which he seldom has, he is overcome by the second-choice votes for a progressive candidate and the antimachine forces win.

The section of the Wisconsin law providing for the first and second choice, or preferential ballot, as it is called, reads as follows:

"Each elector shall be entitled to designate on his ballot, in the manner herein provided, the name of his first choice and also the name of his second choice as nominee for each office.

"The voter shall mark his ballot in the following manner to indicate his first and second choice:

"1. He shall place a cross (X) in the first column after the name of his first-choice candidate, and a cross (X) in the second column after the name of his second-choice candidate.

"2. He shall place but one mark in any one designated space.

"3. If a voter votes either in the first or second choice column for two persons, such vote shall be counted as a first-choice vote for the person voted for whose name appears first in such column, and as a second-choice vote for the person voted for whose name appears lower in such column.

"4. A vote for one person only shall be counted as a first-choice vote, whether the voter place his cross in the first or in the second choice column.

"5. A first and second choice vote cast for the same person shall be counted as a first choice only for such person.

"Example.

For governor.	First choice (vote for one).	Second choice (vote for one).
A. B		
C. D.		
E. F.		
G. H.		

"CANVASS AND RETURNS.

"The ballots shall be counted in the following manner: As the first and second choice votes are called off from the ballots by the primary officials they shall be entered by such officials on the tally sheets in the form annexed, marked 'B,' provided for that purpose. Such official tally sheets upon which the count has been so entered shall be included in the returns of such election.

"The precinct inspectors of the election shall, on blanks to be provided for that purpose, make full and accurate returns of the votes cast for each candidate, giving both first-choice and second-choice votes, as herein provided, and shall, within 24 hours, cause such returns to be delivered to the county clerk, provided, however, that such returns shall be sent by registered mail wherever practicable. The returns shall set forth, opposite the name of each candidate, the number of first-choice votes cast for such candidate, followed horizontally by a statement of the number of second-choice votes cast by his supporters for each of the other candidates. Such tabular statement shall be substantially in the following form, the names of candidates to be arranged thereon in the order in which they appear upon the ballot:

"'B.' OFFICIAL TALLY SHEET.

"For governor.

First choice.		Second choice.			
		A. B.	C. D.	E. F.	G. H.
A. B	50	.....	30	15	5
C. D	40	25	.....	10	5
E. F	25	15	7	.....	3
G. H	5	3	1	1	.....
	120	.....	.....	.....	.....

"The canvassers of the vote shall be guided by the following rules:

"1. If any candidate for an office receive a majority of the first choice votes he shall be declared nominated for such office.

"2. If no candidate is thus nominated, the name of the one having the least number of first choice votes shall be dropped and the second choice votes cast by the supporters of the dropped candidate shall be added to the first choice votes of the remaining candidates for whom they were cast.

"3. If no candidate then has a majority, from the remaining candidates the one having the least number of votes then to his credit shall be dropped, and the second choice votes cast by the supporters of said dropped candidate shall be added to the votes of the remaining candidates for whom they were cast.

"4. This operation shall be repeated until some candidate has a majority or until only two candidates remain. The one then having the greater number of votes to his credit shall be declared nominated.

"5. No second choice vote shall be counted when it is cast for a candidate whose name shall have been dropped as herein provided."

THE PRESIDENTIAL PRIMARY.

The extension of the principle of the direct primary to permit the voters to express their preference for nominees for President and Vice President of the United States was first made in Oregon. The law was proposed by initiative petition and enacted at the general election of 1910 by the people of that State. The legislatures of six other States

enacted similar laws in 1911, so that during the presidential campaign of 1912, prior to the great nominating conventions of the two principal parties, there were vigorous contests to secure the expressed preference of the people for the leading candidates.

No electoral reform in recent years has made more rapid headway, and it is freely predicted that by 1916 enough States will have enacted similar laws to render unnecessary a national *nominating* convention for the Presidency, as the chief function of those historic bodies will have passed to the people themselves.

The essential features of the laws thus far passed follow:

OREGON.

In presidential years the regular primary for the nomination of State officers is held on the 45th day before the first Monday in June instead of 45 days prior to the general November election as usual. At such election a petition of 1 per cent of the party vote may place upon the ballot as the nominees of the respective party members supporting such candidates.

1. The name of one person each for President and Vice President of the United States.

2. The names of persons as nominees for delegates to the national party convention.

3. The names of nominees for presidential electors.

For President the person having the highest number of votes is held the choice of the party for nomination; same with the Vice President. Delegates to national party conventions are likewise chosen by a plurality vote and their expenses are paid from the State treasury, but not to exceed $200 each. A plurality vote also determines the nomination of presidential electors. Arguments for or against presidential nominees may be printed in the primary election publicity pamphlet at $100 per page.

CALIFORNIA.

On the second Tuesday in May of presidential election years an election is held known as "the May presidential primary election." Voters may express their preference for party candidates for the Presidency and Vice Presidency, and elect delegates to their respective national nominating conventions. One per cent of the party membership in each congressional district is required on petitions to nominate. A plurality vote is considered the preference of the voters. Candidates for delegates to the national conventions are permitted to file statements with the secretary of state that they will, in the convention, support the nominee for the Presidency favored by the rank and file of the party voters. Sample ballots are sent the voters prior to the primary accompanied by a sheet containing biographical sketches of the presidential candidates, at a cost of $200 to those filing such sketch.

NEBRASKA.

The law provides for a "preference vote for President and Vice President of the United States" and the election of delegates to national conventions and members of the national committee of the several parties, to be held at the regular primary held the 45th day before the 1st Monday in June in presidential years. Five hundred party-member signatures on petitions nominate delegates. For presidential nominees the same petitions and regulations apply as now nominate candidates for governor of the State. A plurality vote nominates.

NEW JERSEY.

On the fourth Tuesday of May in each presidential year a special primary election is held to elect delegates to the national party conventions and to permit the voters to express their preference of candidates for the Presidency. Nominating petitions for delegates must be signed by 100 party members. Petitions nominating presidential candidates by 1,000 party members. Pluralities determine the election or nomination. Sample ballots are sent the voters. Opposite the name of each nominee for delegate may be printed at his request the nominee's preference for President.

NORTH DAKOTA.

On the third Tuesday in March of presidential years the voters may at a primary election called for that purpose express their choice for President and Vice President, for delegates to the national party conventions, for presidential electors and for party national committeeman. Five hundred signatures of party voters are sufficient to nominate and place on the ballot. Delegates to national conventions are allowed $200 from State treasury for expenses.

SOUTH DAKOTA.

The law in this State is crude. It provides that "party presidential electors and delegates and alternate delegates to national political party conventions shall be chosen at the March primary quadrennially." The secretary of state forwards the vote to the State chairmen of the respective parties, who issue credentials to those receiving the highest number of votes. No provision is made for the preferential ballot on the Presidency, referred to below.

WISCONSIN.

At an election held on the first Tuesday in April of each presidential year delegates to national party conventions are elected and nominations are made for President and Vice President of the United States. Signatures of 1 per cent of the party vote are necessary upon nomination petitions. Candidates receiving the highest number of votes are declared the preference of the voters.

What has rather unfortunately been called the "presidential *preference* primary" must not be confused with the *preferential ballot*, treated separately in this issue. The word "preference" in connection with the presidential primary is used to indicate that each voter may indicate whom he *prefers* as the party candidate. That is about all he can do at that stage, as no State can decide that matter. Each State can only *help* to decide it, the preferences of each State being brought to the national convention, the final decison there depending on many circumstances.

The *preferential ballot* is an entirely different thing, as you will see in the article on that subject in this issue. It gives to the voter the opportunity to express his first, second, etc., choices on any ballot on which there are more than two contestants for the same office. The word "preference" should not be used in connection with presidential primaries. The confusion thus introduced will be thus avoided. There is no need of it any more than in any other primaries.

The true preferential ballot, giving the voter the privilege of expressing more than one choice, should be a feature of every presidential primary as well as of every other primary—the Wisconsin State primary, for example—as well as in every final election in which there are more than two contestants for the same office. (See the article on the Preferential Ballot in this issue.)

Now, let us consider a concrete example, showing the need of the preferential ballot in a presidential primary. As we see above, Nebraska has a presidential primary, but not a *preferential* presidential primary. Last spring the Democrats of Nebraska chose delegates to the Baltimore convention, expressing their choice for President at the same time, which choice was to be determined by a plurality vote. There were two progressive candidates and one conservative candidate for President before the Nebraska Democratic voters. We at once see that this situation gave the *one* conservative candidate an advantage over the *two* progressive candidates, as there was danger of the massed conservative votes winning over the divided progressive votes, thus robbing the majority of the Nebraska Democrats of their real choice. The preferential ballot removes this danger, and gives the voters their real choice, without the least injustice to the one conservative candidate. The actual result in Nebraska, if we remember correctly, was somewhat mixed, and there was great anxiety on the part of the progressive voters during the campaign. We urge the extension of the preferential ballot to all presidential primaries as well as to all other primaries and to all elections in which there are more than two contestants.

During the coming winter there will be great activity in the numerous legislatures which will be in session along the line of primaries and presidential primaries. The legislation on these matters should be right—should include the preferential ballot.

THE PREFERENTIAL BALLOT FOR INSURING ELECTION BY A MAJORITY.

If we had our way, very few officials would be elected at the polls by either plurality or majority, for it is only administrative officials that have to be elected by either, and they should not be elected at the polls at all, but should be selected by majority vote of the deliberative body—that is, the legislature of a State or the council of a city.

But, of course, for some time to come many officials will be elected at the polls by either plurality or majority vote. A system of voting therefore that insures a majority instead of a plurality in popular elections is a matter of considerable importance for the present, until all administrative officials are put on the professional basis we advocate for them.

The need of providing for majority elections is evident from the briefest consideration of the recent contest for one of New Jersey's seats in the United States Senate. At the primaries, at which a Democratic candidate for Senator was to be chosen, three prominent progressive Democrats announced themselves as candidates. One day before the expiration of the time in which announcements of candidacies were valid for printing on the official ballot a reactionary Democrat, who had held aloof from the contest until then, announced that he was a candidate also. Here was a situation very dangerous to the progressive cause; if the progressive vote was to be divided among three men and the reactionary vote concentrated on one, the reactionary was likely to get a plurality and win. Under these circumstances two of the progressive Democrats had to withdraw from the race in order to concentrate the progressive vote of the party on one man. This meant heartburning and dissatisfaction, for each of the candidates who was forced to withdraw had no assurance that he was not, in fact, the strongest candidate of the progressive wing of his party.

The whole difficulty would have been avoided by the use of a preferential ballot, such as that in use for the election of the commissioners of Spokane, Wash., or that used in the State primaries of Wisconsin. (For details of the Wisconsin law see Equity for October, 1912, p. 155, sec. 7, where they are printed in full as part of an Arizona act, in which they were incorporated without change. Also see article on The Direct Primary, in this issue.) The two systems differ somewhat, and neither is theoretically perfect, but either is incomparably better than the plurality system.

The application of the Wisconsin system to the New Jersey contest can be illustrated by the use of figures chosen at random. Suppose that if all four candidates had remained in the field; the reactionary would have polled 55,000 votes; the first progressive, 40,000; the second progressive, 30,000; and the third progressive, 25,000. Under the plurality system the reactionary, having a plurality of the votes, would have won.

But suppose the Wisconsin system had been in use. Then each voter would have been allowed to mark on the ballot his second choice as well as his first. And as no candidate received a majority of the first-choice votes the provisions of the law in such a case would have been carried out. The law reads that under such circumstances "the name of the one having the least number of first-choice votes shall be dropped, and the second-choice votes cast by the supporters of the dropped candidate shall be added to the first-choice votes of the remaining candidate for whom they were cast."

Suppose the first and second choice votes cast to be as given in the table below. There the first-choice votes for candidates are indicated by the number opposite names and second-choice votes by the numbers under the names in the second-choice columns. To show how many of any candidate's second-choice votes were on ballots that gave the first choice to any other candidate, the number is put opposite that other candidate's name. Thus of the 4,500 second-choice votes received by the reactionary 1,500 were on ballots that gave the first choice to the first progressive, 2,000 on ballots that gave the first choice to the second progressive, etc.

United States Senator.

First choice.		Second choice.			
		Reactionary.	First progressive.	Second progressive.	Third progressive.
Reactionary	55,000	.....	20,000	20,000	15,000
First progressive	40,000	1,500	.....	20,000	18,500
Second progressive	30,000	2,000	25,000	.....	3,000
Third progressive	25,000	1,000	20,000	4,000	.....
Total	150,000	4,500	65,000	44,000	36,500

Under the circumstances represented by this table it is evident that under the old plurality system the reactionary would have won, since he received "the highest number of votes cast" on the office: that is, 55,000 votes would have elected him, although there were 95,000 voters, or a big majority, against him, and he would have owed his election to a divided progressive field.

See, now, how the second-choice system operates, under which a majority, in this case 75,001, is required to elect. No candidate having

received a majority of first-choice votes, we proceed with the second operation according to the provisions of the law quoted above. Dropping the third progressive and transferring the ballots on which he was marked first to candidates marked on them as second choice, we have this result:

Reactionary, 55,000 plus 1,000 equals 56,000.
First progressive, 40,000 plus 20,000 equals 60,000.
Second progressive, 30,000 plus 4,000 equals 34,000.

No one having received a majority, we proceed with the next operation. The law reads, "If no candidate then has a majority, from the remaining candidates the one having the least number of votes then to his credit shall be dropped, and the second-choice votes cast by the supporters of said dropped candidate shall be added to the votes of the remaining candidates for whom they were cast."

The second progressive is dropped, and we have the following result:

Reactionary, 56,000 plus 2,000 equals 58,000.
First progressive, 60,000 plus 25,000 equals 85,000.
Result, first progressive is elected.

A little study of the returns will disclose that the reason for the victory of the first progressive lies in the fact that the supporters of the second and third progressives *gave their second-choice votes to the first progressive*. The preferential system permitted them to vote first for the man of their choice and *then* to mass the progressive field against the common enemy—the reactionary machine candidate—with the result that the progressive voters, who are in a vast majority, are represented by a progressive Senator.

Thus, we see, for "single-member districts," or where one candidate is to be elected to an office in the district taking part in the election (which applies to the vast majority of our elections), the preferential system would give the office to the real choice of the voters and defeat all plans of politicians to divide the vote opposed to them, while concentrating their own. And it is an additional satisfaction for the voter to express more than a single choice, knowing that if his first choice is defeated perhaps his second or third choice will be victorious.

The Spokane system, which is an improved form of the system well known as that in use for the election of the commissioners of Grand Junction, Colo., would have obviated the difficulty in New Jersey somewhat differently but equally well.

As the special object of this issue of Equity is to explain in an elementary way the several improvements in the mechanism of government for which this periodical stands, we have omitted from this article all technical details. These we hope to give in comprehensive form in an early issue.

THE RECALL.

The State-wide recall was fully treated in October Equity, pages 150–153. Since that issue appeared Nevada, Idaho, and Colorado have voted on constitutional amendments providing for State-wide recall, an analysis of the provisions being given in the above-mentioned article. The recall amendment was carried in Idaho by 36,827 affirmative votes to 14,094 negative. We understand that the recall amendment was carried in Colorado, but figures are not available at this writing; but we have no information concerning Nevada.

THE LOCAL RECALL.

The original recall idea was embodied in the charter of Los Angeles, Cal., in an amendment adopted in 1903, and was, therefore, conceived primarily as an instrument of local government. It spread rapidly to many other California cities, and was later adopted by cities in Oregon and Washington. The circumstances which gave it its greatest vogue was its incorporation with the commission plan of government by cities, especially by Des Moines and Dallas, so that it is now popularly associated with that plan along with the initiative and referendum, although these features are not an integral nor necessary part of the commission plan. Besides the cities under this form, it has been adopted by many other cities in different localities in one form or another. Boston, for example, has a modified system under which the mayor may be recalled, after two years, at the regular election without any preliminary petition. Several States (see October Equity, pp. 150–153) provide in their constitutions for the recall of all elective officials. This, of course, includes the elective officers in cities, counties, and other local divisions.

The form of local recall is essentially the same as that for the State-wide instrument. The number of petitioners required to institute the proceeding would average somewhat larger in the cities than in the State, as the difficulties of obtaining signatures are considerably less in compact communities. Fifteen per cent under the commission-government law of South Dakota and several special charters to 35 per cent in some of the southwestern cities and Idaho are the minimum and maximum. The requirement of the Illinois commission-government law of a 55 per cent petition should, of course, be set down as a practical nullification of the principle.

A more or less standard form of petition and ballot is maintained in nearly all of the cities. The officer sought to be removed is usually given an opportunity to present, in a limited number of words, on the ballot, a statement justifying his course in office, and the recallers are given a similar opportunity to state their case. In the Oakland (Cal.) charter the officer has this privilege in connection with the petition itself. Many of the commission-government laws provide a period of immunity after the beginning of the officer's term in which he can not be recalled. This varies from three months to a year.

The tendency in recently enacted laws is to separate the question of removal from that of the naming of a successor to the official to be removed. That is, the voter is asked to decide in the first instance whether there shall be a recall, and, secondly, if the vote is in favor of such action, who the successor of the officer shall be. This is either accomplished by separating the two propositions on the ballot, or by providing a second election, or some other method of filling the vacancy caused by recall. The Los Angeles city charter has for two years contained a provision by which any *appointive* officer of the city, as well as an elective one, may be removed by popular election.

THE LOCAL RECALL IN ACTION.

The first use of the recall was in Los Angeles, where a councilman was charged with having favored the liquor interests and having voted to establish an offensive slaughterhouse in his ward. A second election was necessary to accomplish the removal of this officer, the results of the first one having been thrown out by the courts on a technical point. This was in 1904.

Later on in the same city the city council was on the point of giving away a franchise in the bed of the Los Angeles River. Under threat of recall the council rescinded its action.

In 1909 the conduct of the police department of Los Angeles, under Mayor Harper, in relation to vice conditions, was investigated by the grand jury. No indictment was found, but a minority report found him guilty of laxity in the enforcement of the law. On the strength of this a recall petition was secured. Mayor Harper resigned before the date set for the election. The issue then turned upon the choice of a successor. George M. Alexander was elected and is now serving his second term.

In San Bernardino, Cal., in the seven years of its operation the recall has been used once, in which case two councilmen were recalled for letting a public contract to a firm not the lowest bidder.

In Colton, Cal., three members of the board of trustees were recalled because they had voted unauthorized expenditures and had refused to grant liquor licenses.

In Santa Monica, Cal., under threat of the recall an official resigned.

In San Diego, Cal., a councilman managed to delay recall proceedings against him in the courts until the expiration of his term.

In Richmond, Cal., a recall election affected the seats of six councilmen; the incumbents were retained.

In Berkeley, Cal., a recall election was held to recall two school directors because of their action in removing a school superintendent; the incumbents were retained in office.

In Oakland, Cal., a recall was instituted in the summer of 1912 by the Industrial Workers of the World, a labor organization, against the mayor and two commissioners, who were accused of oppression in connection with public street speaking. It so happened that in the interval between this time and the adoption of this charter the women of California had been admitted to the suffrage. It was therefore easy for the leaders of the recall movement to obtain the necessary 15 per cent to the petition which the charter required. The number of petitioners amounted practically to only 7½ per cent of those who had actually voted in the preceding municipal election. The mayor and commissioners were all retained in office.

The people of Seattle, in 1910, recalled the mayor. The charge was made and substantiated that the officer had given aid and comfort to the vice element, and was cooperating with a privately owned electric light company in an attempt to wreck the municipal electric light plant, in order that it might be turned over to the privately owned company. His appointment to the office of chief of police was, however, the leading bone of contention in the campaign. At the election George W. Dilling was chosen to succeed Mayor Gill. An attempt to recall Dilling by the supporters of Gill failed, as the requisite number of signatures were not secured legally. At the election of 1912 George W. Cotterill was elected mayor, having Gill as an opponent. The old political machine, backed by the vice element, after eight months of effort, filed a recall petition against Cotterill. Investigation showed that over 12,000 of these names were fraudulent, and the attempt fell flat. Less than 12,000 valid signatures were secured out of a registration of 85,000 voters. There is no doubt but that the reactionary forces made this move with a clear design to discredit the recall. A citizen of Seattle writes, "Altogether it is a vindication of the recall principle as well as a triumph for civic decency."

In the spring of 1911 Tacoma recalled a mayor and two commissioners on the ground of general inefficiency. The mayor had refused point blank to enforce the civil-service law.

About the same time an unsuccessful effort was made to recall the entire commission in Huron, S. Dak., on a question of financial policy.

In Everett, Wash., a councilman was recalled for his action in regard to a franchise.

In Estacada, Wash., all the elective officials, with the exception of the recorder, were recalled, as it was charged, for gross mismanagement of the people's business.

In Junction City, Oreg., the mayor was recalled by a vote of 4 to 1.

In Dallas, Tex., the recall has been twice invoked and successfully used against the members of the school board. The Dallas charter calls for a 35 per cent petition.

In Des Moines, Iowa, three commissioners conspired to appoint a certain man to the police marshalship in accordance with a preelection bargain. Threat of recall proceedings, however, caused them to drop their scheme and appoint a man to the office who held the public confidence. On another occasion, a police superintendent of that city was visited by a committee representing the gambling interests and threatened with recall unless he agreed to permit the reestablishment of slot machines. He immediately informed the newspapers, and the resulting publicity rendered futile any further talk of the recall.

In Shreveport, La., a commission-governed city, the commissioner of streets was recalled on specific charges of inefficiency and neglect. A second recall campaign, which appears to have been a purely factional matter, resulted in failure.

The mayor of McAlester, Okla., was recalled during April of this year.

The mayor and a commissioner were recalled during 1911 in Wichita, Kans. The facts in the case are much confused.

A school commissioner was recalled in Lawrence, Mass., this fall. He had been convicted of having planted dynamite in a textile strike last winter and fined.

THE JUDICIAL RECALL.

No election for the recall of a judge has yet been held. The only attempt on record was in the case of District Judge Coke, of Roseburg, Oreg., during July, 1911. In presiding over a murder trial which aroused great popular excitement, it was charged that the judge had shown favoritism to the defendant, especially in his charge to the jury, and against the protest of the prosecuting attorney. The friends of the man who was killed started a petition, but were unable to secure one-half of the required 25 per cent of signatures. The prosecutor refused to sign the petition, as he held the fault to be of the head and not the heart. The public took this view of the case, and that the offense was not sufficient to justify a recall election.

[NOTE.—We are indebted to Mr. H. S. Gilbertson, of the Short Ballot Organization, New York City, for compiling most of the above information on the local recall, and he is indebted largely to an article by Dr. John R. Haynes, of Los Angeles, Cal., whom Mr. Gilbertson characterizes as "the originator of the recall."]

EXHIBIT B.

A.

"Republican form of government" within the meaning of Article IV of Federal Constitution is a government in which the people rule, as distinguished from the government in a monarchy or in an oligarchy (aristocracy).

DISCUSSING THE OREGON SYSTEM—INITIATIVE AND REFERENDUM.

I. FEDERALISTS' STATEMENT IN LETTER NO. 43 IS CONCLUSIVE.

The meaning of "republican form of government," as that term is used in Article IV of the Federal Constitution, is conclusively shown in the Federalists' argument for the adoption of the Constitution. In the

series of letters known as The Federalist, addressed to the people of the State of New York, by Hamilton, Madison, and Jay, under the nom de plume Publius, it is said in letter No. 43:

"6. To guarantee to every State in the Union a republican form of government; to protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

"In a confederacy founded on republican principles and composed of republican members *the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations.*"

This is in the nature of an admission, for the Federalists were endeavoring to circumscribe the people's power. *It follows that, the foregoing statement being an admission, it conclusively shows their attitude, and it has been so considered by text-writers, supreme courts, and the United States Government wherever the point has been squarely considered.* Instances will presently be cited.

II. FURTHER PROOF: ORIGIN OF GUARANTY BY UNITED STATES OF REPUBLICAN FORM OF GOVERNMENT FOR THE STATES.

Additional proof as to the meaning of "republican form of government" in Article IV is the origin of the clause. It was the eleventh resolution, offered by Gov. Randolph, of Virginia, and it was considered June 11. Mr. Madison moved an amendment, as follows, and it was adopted:

"The republican constitutions and the existing laws of each State to be guaranteed by the United States." (Elliott's Debates, p. 453.)

Gov. Randolph, in stating why he was for the amendment, said:

"A republican government must be the basis of our National Union, *and no State in it ought to have it in its power to change it into a monarchy.*" (Elliott's Debates, p. 453.)

Immediately after this statement was uttered *the resolution was agreed to unanimously.* (Elliott's Debates, p. 204.)

Here is a clear-cut statement of the purpose of the guaranty, unanimously agreed to, and later, when the Constitution was being considered before the entire country, three of the most noted Federalists, Hamilton, Madison, and Jay, expressly admitted in letter No. 43 that such is the aim of the guaranty.

A few years after the adoption of the Constitution Mr. Justice Wilson, of the United States Supreme Court, who had participated in the framing of the Constitution, declared as follows in Chisholm *v.* Georgia (2 Dall., 419):

"As a citizen I know the government of that State (Georgia) to be republican, and my short definition of such a government is one constructed on this principle, that the supreme power resides in the body of the people."

But it is the Federalists' admission in letter No. 43 that is conclusive. It is so considered by text-writers, supreme courts, and the United States Government:

III. STATEMENT IN LETTER NO. 43 IS ACCEPTED BY TEXT-WRITERS, SUPREME COURTS, AND THE UNITED STATES GOVERNMENT.

In Commentaries on Constitution of the United States by Mr. Justice Story, in the chapter elucidating Article IV, section 4, he says:

"The Federalist has spoken with so much force and propriety upon this subject that *it supersedes all further reasoning.* 'In a confederacy,' says that book, 'founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations.'" (Constitution of the United States, by Story, sec. 1815.)

In Cooley's Constitutional Limitations it is said:

"The last provisions that we shall here notice are that the United States shall guarantee to every State a republican form of government, *and that no State shall grant any title of nobility.* The purpose of these is to protect a Union founded on republican principles and composed entirely of republican members *against aristocratic and monarchical innovations.*"

Cooley's Constitutional Limitations (7th ed., p. 28) citing the Federalist, Nos. 43 and 44 (probably No. 21 is meant rather than 44), it is said:

"It does not fall within our province to discuss these provisions. They have been much discussed in Congress within a few years, but in a party rather than a judicial spirit." (See Story on Constitution, 4th ed., ch. 41; Luther *v.* Borden, 7 How., 1; Texas *v.* White, 7 Wall., 700; Cooley, Constitutional Principles, ch. 11.)

In Hopkins *v.* Duluth (81 Minn., 189; 83 N. W. Rep., 536) the court cited the foregoing statement in Cooley's Constitutional Limitations, and said:

"We apprehend that a little reflection must satisfy anyone that the advantages of providing local self-government by the voters directly interested through a 'referendum' is abstractly as well as concretely *more republican* than through representatives of the people in the legislatures, many of whom are not at all interested in the affairs of the given locality."

In the general election in 1896 the people of South Dakota, through a direct vote at the polls, adopted a constitutional amendment taking to themselves an option to veto acts of the legislature (the *optional referendum, usually termed the referendum*) and a power to directly legislate should their representatives fail to represent them (the *popular initiative, commonly known as the initiative*). In South Dakota the governor has no power to veto "measures referred to a vote of the people."

Later, when South Dakota's Senators and Representatives appeared in Congress to take the oath of office, there was no opposition to their being seated. *Thus for 13 years the Representatives of South Dakota have been Members of Congress without opposition.*

What this means is definitely set forth by the United States Supreme Court in Luther *v.* Borden et al. (7 How., U. S., 1, 421), decided in 1849:

"*When the Senators and Representatives of a State are admitted into the councils of the Union the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority. And its decision is binding on every other department of the Government and could not be questioned in a judicial tribunal.*"

This decision by the United States Supreme Court has been followed in Texas *v.* White (7 Wall., U. S., 700, 731), in 1868; also in Taylor and Marshall *v.* Beckham (178 U. S., 548) in 1900.

In Oregon at the June election of 1902 the people of the State, through a direct vote, installed the initiative and referendum in combination with the legislature, *and from that time to the present day Oregon's Senators and Representatives have been seated in Congress without opposition.*

In this court, in Kadderly *v.* City of Portland, decided in 1903, the initiative was held to be a republican form of government. Speaking for the court, Mr. Justice Bean said:

"Nor do we think the amendment void because in conflict with section 4, Article IV, of the Constitution of the United States, guaranteeing to every State a republican form of government. *The purpose of this provision of the Constitution is to protect the people of the several States against aristocratic and monarchial innovations, and against insurrections and domestic violence, and to prevent them from abolishing a republican form of government.*" (Cooley Const. Lim., 7th ed., 45; 2 Story Const., 5th ed., sec. 1815; 44 Oreg., 118, 144; s. c., 74 Pacific Rep., 711, 719.)

In 1906 the people of Montana by direct vote installed the initiative and referendum, and in this system the governor is expressly prohibited from vetoing measures "referred to the people by initiative referendum petitions." *Later the State's Senators and Representatives were seated in Congress without opposition.*

Thus in a third State the initiative system has been passed upon by Congress.

Next, Oklahoma was admitted. Oklahoma's initiative system provides that "the veto power of the governor shall not extend to measures voted on by the people." (Attorney general's brief, p. 27.)

The enabling act under which the State was admitted provides that the constitution adopted by the people shall be a republican form of government, and to the President of the United States is delegated power to decide the question. When the constitution was presented to the President, parties appeared claiming that the initiative and referendum are not a republican form of government, but the President, with the advice of the Attorney General, Charles J. Bonaparte, admitted the State. In his proclamation he says:

"*Whereas it appears the said constitution and government of the proposed State of Oklahoma are republican in form,*" etc.

The President does not state his reasons for declaring the initiative and referendum to be a republican form of government, nor did the Attorney General present a written opinion, but in a letter dated December 17, 1907, to Delegate A. L. Deuel, in the Michigan constitutional convention, the Attorney General says:

"I am in receipt of your letter of the 14th instant, in reference to the initiative and referendum clause in the constitution of Oklahoma. The question of whether the Oklahoma constitution was in accordance with the provisions of the enabling act was very carefully considered by the Department of Justice, but all communications on the subject were made verbally by the Attorney General to the President. Under these circumstances it is, of course, inappropriate for me to attempt to advise you as to the view taken of any specific provision. I can only refer you to the fact, now a matter of common knowledge, that in accordance with the provisions of the enabling act the admission of the State into the Union was proclaimed." (Equity Series, April, 1908, p. 40.)

There are two valid reasons for the Attorney General's decision, one being that the Congress had passed upon the general proposition by seating the Senators and Representatives from South Dakota, Oregon, and Montana, and the other is the statement in letter No. 43 in the Federalist. We urged both of these points when the case was under consideration.

The constitutionality of Oklahoma's constitution was favorably passed upon by the Oklahoma Supreme Court April 27, 1908. The case is Ex parte Wagner, 95 Pacific Reporter, 434.

The foregoing cases are believed to be the only ones where the constitutionality of the initiative has been passed upon by the United States Government or a supreme court.

SUMMARY.

Reviewing the foregoing history, it must seem quite clear that the Federal guaranty of a "republican form of government" is a guaranty against aristocratic or monarchical innovations.

IV. STILL FURTHER PROOFS: CONDITIONS UNDER WHICH THE CONSTITUTION OF 1787 WAS FRAMED AND ADOPTED.

Still further proofs are the conditions under which the Constitution of 1787 was framed and adopted.

The Declaration of Independence was issued and the Revolutionary War was successfully fought under a system of government in which the people ruled.

In New England they ruled through direct legislation in local affairs, with the local administrative officials directly elected. In State affairs the people ruled through a legislative assembly, directly elected, and each member was subject to instructions. Instructions were given at town meetings. Special town meetings could be called by the selectmen or by any 10 citizens. Most of the administrative State officials were directly elected.

In the Commonwealths other than New England legislation within the State was by a legislative assembly and by county governments. In both of them the members were subject to instructions. Instructions were given at county conferences (mass meetings). Most of the administrative State officials were directly elected.

In national affairs the people ruled through a Congress whose Members were elected by the legislatures. These Members were subject to recall and could be instructed.

Thus the people ruled, and they secured their freedom.

Following are excerpts from the State constitutions of that era:

The North Carolina bill of rights of 1776 declares:

"1. That all political power is vested in and derived from the people only."

The Virginia bill of rights of 1776 declares:

"SECTION 1. That all men are by nature *equally free and independent*, and have certain inherent rights, of which, when they enter into a state of society, *they can not, by any compact, deprive or divest their posterity*, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.

"SEC. 2. That all power is vested in and consequently derived from *the people*."

The Maryland bill of rights of 1776 says:

"I. That all government of right originates from *the people*, is founded in compact only, and instituted solely for the good of the whole."

The Pennsylvania bill of rights of 1776 declares:

"III. That the *people* of this State have the sole, exclusive, and inherent right of governing and regulating the internal police of the same."

The New York bill of rights of 1777 declares:

"I. This convention, therefore, in the name and by the authority of *the good people of this state*, doth ordain, determine, and declare that no authority shall, on any pretense whatever, be exercised over the people or members of this State *but such as shall be derived from and granted by them.*"

The Connecticut constitution of 1777 declares:

"That the ancient form of civil government, contained in the charter from Charles the Second, King of England, and adopted by the people of this State, shall be and remain the civil constitution of this State, *under the sole authority of the people thereof, independent of any king or prince whatever.* And that this republic is, and shall forever be and remain, a free, sovereign, and independent State, by the name of the State of Connecticut."

In Rhode Island, by act of May 4, 1776, the general assembly transformed the colony to a Commonwealth (History of the American People, by Prof. Francis N. Thorpe, p. 177). *The sovereignty passed to the people.*

The first constitution submitted in Massachusetts was rejected by the people by direct vote at town meetings in the spring of 1779, because it contained no bill of rights and for other reasons. The next constitution submitted, that of 1780, the people adopted by direct vote at town meetings and by more than two-thirds of all who voted. The bill of rights declares:

"ARTICLE I. All men are born free and equal and have certain natural, essential, and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

"ART. IV. *The people* of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do and forever shall exercise and enjoy every power, jurisdiction, and right which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

In New Hampshire four constitutions were submitted to the people who voted directly upon them at town meetings. The first three were rejected (American Political Science Review, vol. 2, p. 549) largely because there were no express limitations upon the power of the legislature—no bill of rights. The bill of rights of the fourth one, that of 1748, declares:

"VII. *The people* of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State and do and forever hereafter shall exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

The Vermont constitution of 1777 declares:

"IV. That *the people* of this State have the sole, exclusive, and inherent rigat of governing and regulating the internal police of the same."

The New Jersey constitution of 1776 declares:

"Whereas all the constitutional authority ever possessed by the kings of Great Britain over these Colonies or their other dominions was, by compact, derived from *the people* and held of them for the common interest of the whole society. Allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other and liable to be dissolved by the others being refused or withdrawn. And whereas George the Third, King of Great Britain, has refused protection to the good people of these Colonies and by assenting to sundry acts of the British Parliament attempted to subject them to the absolute dominion of that body, and has also made war upon them in the most cruel and unnatural manner for no other cause than asserting their just rights, *all civil authority under him is necessarily at an end, and a dissolution of government in each Colony has consequently taken place.*

* * * * * * *

"IV. That all inhabitants of this Colony of full age who are worth £50 proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for 12 months immediately preceding the election *shall be entitled to vote* for representatives in council and assembly, and also for all other public officers that shall be elected by the people of the country at large."

The Delaware constitution of 1776 provides:

"The right of suffrage in the election of members of both houses shall remain as exercised by law at present." (Part of article 5.)

The South Carolina constitution of 1776 declares:

"I. That this congress, being a full and free representation *of the people* of this Colony, shall henceforth be deemed and called the General Assembly of South Carolina, and as such shall continue until the 21st day of October next, and no longer."

The Georgia constitution of 1777 declares:

"We therefore, the representatives of *the people, from whom all power originates,* and for whose benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State."

Reviewing the foregoing, it is clear that in each of the 13 State governments of the Revolutionary era the written constitutions declared that *the people were the ruling power,* as distinguished from the rule of a single individual (monarchy) or of less than a majority (an oligarchy or aristocracy). This was a distinguishing feature of the American State governments, and it is the feature referred to in the Federal guaranty to maintain a "republican form of government."

With the close of the Revolutionary War and the resumption of foreign trade *the General Government was thoroughly inadequate.* It was a Government in which each State levied its own import duties and discriminated against the adjoining States. These and other defects led to the calling of a national constitutional convention which met at Philadelphia in May, 1787.

To get something of an adequate idea of the conditions under which the delegates to the convention were elected and to realize the nature of the contest in the convention one should know the following facts:

Through the State governments *special privileges in various forms had been terminated;* that is—

Entails and primogeniture had been abolished, thus restoring equal rights in the family and between families.

Equal rights between churches had been established. In other words, the union between church and state had been disestablished.

Equal rights to an education had been established. Stated differently, taxation for the maintenance of free public schools had been installed.

These changes were wrought in each of the thirteen States.

In Virginia, Jefferson was the leading spirit. After the issuance of the Declaration of Independence he was elected to the legislature and in October was introducing bills. In his autobiography, written after his retirement from the Presidency of the Republic, he speaks of the bills whereby the above-described reforms in Virginia were secured, and said:

"I considered four of these bills [of the Revised Code of Virginia] passed or reported as forming a system *by which every fiber would be eradicated of ancient or future aristocracy,* and a foundation laid for a government truly republican; and all this would be effected without the violation of a single natural right of any one individual citizen." (Autobiography, vol. 1, p. 49.)

These great changes from special privilege to equal rights were effected in the face of strong opposition. It was not until 1786 that the state and the church were disestablished in Virginia. (Life of Thomas Jefferson, by Morse, p. 21.)

The effect of terminating entails and primogeniture is described as follows in "Thomas Jefferson," by John T. Morse, page 39:

"That distinguished class, whose existence as a social caste had been forever destroyed, reviled the destroyer [Thomas Jefferson] from this time forth with relentless animosity; and, even to the second and third generations, the descendants of many of these patrician families vindictively cursed the statesman who had placed them on a level with the rest of their countrymen."

Also, at this time, 1787, other conditions were present to impel the former Tories, the creditor class, and various other propertied interests to combine to form a government that should terminate the people's power. For five years falling prices and hard times had afflicted the country. Huge debts existed, public and private, and, owing to the great scarcity of money and the consequent low prices for property, large numbers of the people were unable to pay their taxes, and mortgages were foreclosed at less than half the former selling prices. In Massachusetts, at two different times, the people forced the courts to adjourn and thus stop the foreclosure of mortgages while they petitioned the legislature for stay laws and other forms of relief. For one year debts were made payable in live stock and farm products. In New Hampshire a proposition to issue an additional volume of paper money was put to a vote of the people at town meetings and it was defeated. In Rhode Island large quantities of paper money were issued. At the time of the constitutional convention of 1787 a rebellion in Massachusetts (Shay's rebellion) had just been put down.

The call for the election of delegates to the National Constitutional Convention was issued in 1786 *and of the delegates chosen by the legislature nearly all were reactionists.* "Conservatives" is a less offensive term and is the one used by most historians. In the words of Alexander Johnston, of Princeton University:

"They [the framers of the Constitution] represented the conservative intelligence of the country very exactly; from this class there is hardly a name, except that of Jay, which could be suggested to complete the list." (Article on the convention of 1787 in Lalor's Cyclopedia of Political Science and United States History.)

Proof that the vast majority of delegates in the convention were reactionists are the following facts:

Of the 56 men who had signed the Declaration of Independence only 11 years before only 6 were chosen as delegates to the constitutional convention. The people's leaders, such as Samuel Adams, Thomas Jefferson, Patrick Henry, Thomas Paine, and others, were not elected.

When the convention met *"the doors were closed to the public and the utmost secrecy maintained with regard to the proceedings.* Members were not allowed to communicate with anyone outside of that body concerning the matters therein discussed, nor were they permitted, except by a vote of the convention, to copy anything from the journals." (The Spirit of American Government, by Prof. J. Allen Smith, State of Washington University, p. 34.)

Prof. John Fiske in the "Critical Period of American History," says (p. 231):

"The wildest speculations and rumors were current. *A few hoped, and many feared, that some scheme of monarchy would be established.* Such surmises found their way across the ocean, and hopes were expressed in England that should a king be chosen, it might be a younger son of George III. It was even hinted, with alarm, that, through gratitude to our recent allies, we might be persuaded to offer the crown to some member of the royal family of France."

What actually took place within the convention is described as follows by Delegate Luther Martin, attorney general of Maryland, in his report to the legislature:

"One party, whose object and wish it was *to abolish and annihilate all State governments, and to bring forward one general government over this extensive continent, of a monarchical nature, under certain restrictions and limitations.* Those who openly avowed this sentiment were, it is true, but few; yet it is equally true, sir, that there was a considerable number who did not openly avow it, who were by myself and many others of the convention considered as being in reality favorers of that sentiment; and, acting upon those principles, covertly endeavoring to carry into effect what they well knew openly and avowedly could not be accomplished.

"The second party was *not* for the abolition of the State governments, nor for the introduction of a monarchical government under any form; *but they wished to establish such a system as could give their own States undue power and influence in the government over the other States.*

"A third party was what I considered *truly federal and republican;* this party was nearly equal in number with the other two. * * *

"But, sirs, the favorers of monarchy and those who wished the total abolition of State governments, well knowing that a government founded on truly federal principles, the basis of which were the thirteen State governments, preserved in full force and energy, would be destructive of their views; and knowing they were too weak in numbers openly to bring forward their system, conscious also that the people of America would reject it if proposed to them, *joined their interest with that party, who wished a system, giving particular* States the power and influence over the others, *procuring in return mutual sacrifices from them,* in giving the government great and undefined powers as to its legislative and executive; well knowing that by departing from a federal system *they paved the way for their favorite object, the destruction of the State governments and the introduction of monarchy.*" (Secret proceedings and debates of the convention of 1787, p. 15; 1 Elliott's Debates, pp. 388, 389.)

Following is direct proof to sustain the foregoing claim that an influential portion of the convention aimed to abolish State governments and establish a central government monarchical in nature.

ALEXANDER HAMILTON'S PLAN OF GOVERNMENT.

Alexander Hamilton worked for a system of government founded on legal privileges, and he advocated the election of a President for life. He advocated such a system because he firmly disbelieved in the people's power to govern themselves. This was his mental make-up, for he was not a Teuton. "His mother was of French Hugenot descent" and "his father immigrated from Scotland." (The American Cyclopædia, title "Alexander Hamilton.")

It has been the Teutonic people who have reached the higher stages of self-government. This people have possessed a spirit of liberty and other qualities that have resulted in an orderly self-government far superior to that which prevailed in the Roman Republic, or in later days among the French people, who are partly Teutonic.

Alexander Hamilton's plan of government, though not published to the American people for 30 years, was known to his fellow delegates. Hamilton's ideas were that the British system of legal privileges should be established. He said:

"I believe the British Government forms the best model the world ever produced, *and such has been its progress in the minds of many, that this truth gradually gains ground.* This Government has for its object public strength and individual security. It is said with us to be unattainable. *If it was once formed it would maintain itself.*

"All communities divide themselves into the few and the many. The first are the rich and well born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the first class a distinct, permanent share in the Government. *They will check the unsteadiness of the second*, and, as they can not receive any advantage by a change, they therefore will ever maintain good government. Can a democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? *Nothing but a permanent body can check the imprudence of democracy.* Their turbulent and uncontrolling disposition requires checks. The Senate of New York, although chosen for four years, we have found to be inefficient. Will, on the Virginia plan, a continuance of seven years do it? *It is admitted that you can not have a good executive upon a democratic plan. See the excellency of the British Executive.* He is placed above temptation. He can have no distinct interests from the public welfare. Nothing short of such an executive can be efficient. The weak side of a republican government is in danger of foreign influence. This is unavoidable, unless it is so constructed as to bring forward its first characters in its support. I am, therefore, for a general government, *yet would wish to go the full length of republican principles.*

"Let one body of the legislature be constituted during good behavior or life.

"Let one executive be appointed who dares execute his powers.

"It may be asked, *Is this a republican system? It is strictly so, as long as they remain elective.*

"And let me observe, that an executive is less dangerous to the liberties of the people when in office during life, than for seven years.

"It may be said, this constitutes an elective monarchy? *Pray what is a monarchy?* May not the governors of the respective States be considered in that light? *But by making the executive subject to impeachment, the term monarchy can not apply.*

"These elective monarchs have produced tumults in Rome, and are equally dangerous to peace in Poland; *but this can not apply to the mode in which I would propose the election.* Let electors be appointed in each of the States to elect the executive (here Mr. H. produced his plan, a copy whereof is hereunto annexed), to consist of *two branches;* and I would give them *the unlimited power of passing all laws, without exception.* The assembly to be elected for three years, by the people, in districts. The Senate to be elected by the electors, to be chosen for that purpose by the people, *and to remain in office during life. The executive to have the power of negativing all laws; to make war or peace, with the advice of the Senate;* to make treaties with their advice; but to have the sole direction of all military operations, and to send ambassadors, and appoint all military officers; and to pardon all offenders, treason excepted, unless by advice of the Senate. On his death or removal, the President of the Senate to officiate, with the same powers until another is elected. *Supreme judicial officers to be appointed by the Executive and the Senate. The legislature to appoint courts in each State, so as to make the State governments unnecessary to it.*

"All State laws to be absolutely void, which contravene the general laws. *An officer to be appointed in each State, to have a negative on all State laws. All the militia, and the appointment of officers, to be under the National Government.*

"I confess that this plan and that from Virginia are very remote from the idea of the people. Perhaps the Jersey plan is nearest their expectation. But the people are gradually ripening in their opinions of government; they begin to be tired of an excess of democracy; and what even is the Virginia plan, but 'pork still, with a little change of the sauce.'" (Secret Proceedings and Debates of the Convention, 1787, pp. 144–147; also see Elliott's Debates.)

THE MIGHTY CONTEST OF 1787: THE PEOPLE'S RULE VERSUS THE RULE OF THE FEW.

Something of an idea of the fierce contest that prevailed at this time can be gathered from the following utterances.

Delegate Martin in his address to the Maryland Legislature concluded with these words:

"I would cheerfully resign the appointment I now hold; I would bind myself never to accept another, either under the General Government or that of my own State. I would do more, sirs, *so destructive do I consider the present system to the happiness of my country,* I would cheerfully sacrifice that share of property with which Heaven has blessed a life of industry; I would reduce myself to indigence and poverty, and those who are dearer to me than my own existence I would trust to the care and protection of that Providence, which hath so kindly protected myself, *if on those terms only I could procure my country to reject those chains which are forged for it.*" (Secret Proceedings and Debates of the Convention of 1787, p. 97; 1 Elliott's Debates, p. 429.)

In a debate before the Virginia convention Patrick Henry said:

"Among other deformities, there is an awful squinting. *It squints towards a monarchy.*" (Elliott's Debates, vol. 3, p. 58.)

Richard Henry Lee, in a letter to Gov. Randolph, said:

"It can not be denied with truth that this new constitution *is in first principles highly and dangerously oligarchic,* and it is a point agreed that a government of the few is of all governments the worst."

The plan of the Federalists was partially thwarted by the Massachusetts plan:

PEOPLE'S RULE PRESERVED THROUGH MASSACHUSETTS PLAN.

The Massachusetts State convention, which for several weeks had refused to adopt the government proposed by the Federalists, finally reached an agreement with some of them whereby the convention ratified the proposed constitution and then requested that the First Congress should submit constitutional amendments limiting the powers of the Federal Government. This was in pursuance of a "gentleman's agreement" that amendments would be submitted.

Other State conventions adopted the plan, and thus the Federal Government was established, *after which the agreement for a bill of rights was carried out, as is evidenced by amendments 1 to 10.*

That is how the State governments and other rights were preserved. Eight years later Washington refused to accept more than one reelection, and that prevented the establishment of life tenure for the head of the Government. Then in 1800 the people ousted the Federalist organization, and it was completely annihilated by 1824. This prevented the reestablishment of special privileges—an aristocracy of wealth and the reelection of the President for term after term.

MEANING OF REPUBLICAN FORM OF GOVERNMENT.

With the foregoing for a background, let us consider the description of a "republican form of government," as actually put forth to the American people in 1787 by Hamilton, Madison, and Jay in defense of the government they proposed.

The preamble to the proposed system says: "We, the people of the United States," *and then there is a complete delegation of certain powers of government:*

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The Senators were to be chosen by the legislatures, to hold office for six years.

The head of the Government was to be chosen by presidential electors, who should be chosen by legislatures, or in such manner as they should provide, and he was to be chosen for four years, *with a right to succeed himself.*

And the Senators and President thus chosen were to select the few men in the Supreme Court, who were to hold office during good behavior (for life), though in 1787 it was not hinted that these judges should possess the power to nullify an act of a legislature or of Congress.

Thus the power to rule the country was to be delegated to the few men in office, *for there was no bill of rights, whereas ever since the granting of Magna Charta all Anglo-Saxons had possessed such a protection.*

The Federalists squarely faced the issue. In letter No. 39, addressed to "The People of the State of New York," it is said:

"If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible.

"What, then, are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles but in the application of the term by political writers to the constitutions of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised in the most absolute manner by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The Government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has, with equal impropriety, been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions.

"If we resort for a criterion to the different *principles* on which different forms of government are established, we may define a republic to be, *or at least may bestow that name on*, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior.

"It *is essential* to such a government that it be derived *from the great body of the society*, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic.

"*It is sufficient* for such a government that the persons administering it be appointed, either directly or indirectly, by the people, and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. According to the constitution of every State in the Union, some one or other of the officers of government are appointed indirectly only by the people. According to most of them, the chief magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the coordinate branches of the legislature. According to all the constitutions, also, the tenure of the highest offices is extended to a definite period, and in many instances, both within the legislative and executive departments, to a period of years, according to the provisions of most of the constitutions, again, as well as according to the most respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behavior.

"On comparing the constitution planned by the convention with the standard here fixed, we perceive at once that *it is, in the most rigid sense, conformable to it.*" (The Federalist, pp. 232–234, Lodge's ed.)

In the foregoing the aim is to show that the proposed system of Federal Government is *sufficiently popular to be classed as a republican form of government*, as distinguished from a government in which the few are the ruling power—an aristocracy or oligarchy.

This is consistent with Madison's statement in Letter No. 43 (p. 9 above), namely, that a republican form of government is one that is distinguishable from a government that is "aristocratic or monarchial." In other words, *a republican form of government is a government through which the people rule, as distinguished from a government in which the ruling power is in less than a majority.*

To fully realize that this is Madison's meaning one should recall that in Letter No. 39 the aim is to demonstrate that there is *sufficient* control in the people to characterize the Government as republican.

It follows that had the Federal Government provided for *more* power in the people it would have been *more republican*. For example, had there been a provision that the public officials—executive, judicial, and legislative—were to be directly chosen. In such case, without question, the Government would have been republican in form.

It also is to be inferred that had there been an express provision that the Members of the House and of the Senate should be subject to *instructions by the people* it would have been a republican form of government. In determining whether or not a government is republican in form the only point involved is, Do the people rule?

DIRECT LEGISLATION IN COMBINATION WITH REPRESENTATIVE GOVERNMENT A REPUBLICAN FORM OF GOVERNMENT.

A further corollary is that had the people reserved to themselves the right to *directly enact laws whenever their legislative representatives should refuse*, it unquestionably would have been a republican form of government, *for throughout New England at that time the people were legislating directly, and it was admittedly a republican form of government*, for in Letter No. 43, by the Federalist, it is said:

"But the authority (of the United States) extends no further than to a guaranty of a republican form of government, *which supposes a preexisting government of the form which is to be guaranteed.* As long, therefore, as the *existing republican forms* are continued by the States, they are guaranteed by the Federal Constitution. *Whenever the States may choose to substitute other republican forms, they have a right to do so*, and to claim the Federal guaranty for the latter. The only restriction imposed on them is that they shall not exchange republican for antirepublican constitutions, a restriction which, it is presumed, will hardly be considered a grievance."

CONCLUSIVE PROOF.

The foregoing is conclusive proof that the State governments of 1787 are the standards whereby a republican form of government, within the meaning of Article IV, is to be determined; *and it is an unquestioned fact that throughout New England at that time the people were legislating directly. It follows, then, that direct legislation in combination with representative government was a republican form of government in 1787, and so it is to-day.*

It follows that defendant must meet with an adverse decision by this court.

The positive proof above set forth is in addition to the express admission by the Federalist in Letter No. 43 that the aim of the guaranty by the United States is to defend the State systems "against aristocratic or monarchical innovations."

AUTHORITIES.

The fact that in New England in 1787 the people legislated directly in combination with representative government is mentioned by the California Supreme Court, and is relied upon to uphold the constitutionality of direct legislation in municipal affairs in combination with representative government. The case is In re Pfahler (150 Cal., 71; 88 Pac. Rep., 270, 273), and the question decided by the court is, Is a city ordinance enacted through the initiative unconstitutional on the ground that the system is an unrepublican form of government?

The court referred to the well-known fact that at the time the Federal Constitution was adopted the town meeting system of legislating by direct ballot prevailed, and said:

"If the people may legislate directly in a town meeting, they may do so by their votes at the polls."

To the same effect is Hopkins *v.* Duluth (81 Minn., 189) quoted at page 11 above.

FURTHER PROOF.

In addition to voting directly at town meetings in New England, the constitutions of Massachusetts, New Hampshire, and Georgia provided that *the people should directly determine whether a constitutional convention should be called to frame amendments*, and the New Hampshire constitution provided that *the constitution should not be changed except through direct legislation—direct vote of the people.*

These constitutional provisions are as follows. The Massachusetts constitution declares:

"In order the more effectually to adhere to the principles of the constitution and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall meet in the year of our Lord *one thousand seven hundred and ninety-five* shall issue precepts to the selectmen of the several towns and to the assessors of the unincorporated plantations *directing them to convene the qualified voters of their respective towns and plantations for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution.*

"And if it shall appear by the returns made that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

"And said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen." (Massachusetts' Constitution, 1780–1908, chap. 6, art. 10.)

The New Hampshire constitution of 1784 to 1792 declares:

"To preserve an effectual adherence to the principles of the constitution, and to correct any violations thereof, as well as to make such alterations therein, as from experience may be found necessary, the general court shall *at the expiration of seven years from the time this constitution shall take effect* [1791], issue precepts, or direct them to be issued from the secretary's office, *to the several towns and incorporated places*, to elect delegates to meet in convention for the purposes aforesaid; the said delegates to be chosen in the same manner, and proportioned as the representatives to the general assembly; *provided that no alteration shall be made in this constitution before the same shall be laid before the towns and unincorporated places and approved by two-thirds of the qualified voters present and voting upon the question.*"

The Georgia constitution of 1777, in force until 1789, provides in article 63:

"*No alteration shall be made in this constitution without petitions from a majority of the counties*, and the petitions from each county *to be signed by a majority of voters in each county within this State*, at which time the assembly shall order a convention to be called for that purpose, *specifying the alterations to be made according to the petitions preferred to the assembly by the majority of the counties as aforesaid.*"

These provisions for direct action by the people, as distinguished from government through elected representatives, are in addition to direct legislation in local affairs in New England.

Later, after party government was established in the Nation and when it had degenerated into machine rule (the rule of the few), about 1836 to 1844, people partially protected themselves in State affairs by securing constitutional conventions, in which they framed limitations upon the power of the State "machine" by providing in some cases that State bonds should not be issued *except where approved by a direct vote of the people* or in case of war, and that paper money should not be issued by corporations chartered by the State "machine" *except where approved by direct vote of the people.*

It was thus that the excessive creation and repudiation of State debts was terminated, and that the issuance of "wild cat" and "bob-tail" paper money was abolished. For example, the Rhode Island constitution of 1842, article 4, section 13, says:

"The general assembly shall have no power hereafter, *without the express consent of the people*, to incur State debts to an amount exceeding $50,000, except in time of war or in case of insurrection or invasion, nor shall they in any case, without such consent, pledge the faith of the State for the payment of the obligation of others."

Michigan followed the next year (1843) with a similar change in her constitution. A year later New Jersey did likewise. Two years later Iowa and New York placed similar provisions in their constitutions. Many other States have adopted the system.

The Iowa constitution of 1846, article 8, sections 5 and 6, declares:

"No act of the general assembly authorizing or creating corporations or associations with *banking powers*, nor amendments thereto, shall take effect or in any manner be in force until the same shall have been submitted separately to the people at a general or special election as provided by law, to be held not less than three months after the passage of the act, and *shall have been approved by a majority of all the electors voting for and against it at such election.*

"Subject to the provisions of the foregoing section, the general assembly may also provide for the establishment of a State bank with branches."

Of the special privilege corporations whose powers were thus curbed not one of them ever applied to a supreme court asking that it abolish the people's protection by declaring the system to be unrepublican.

The voters in Pennsylvania were the first to successfully attack the rule of the few. A constitutional convention was secured in 1838. Four years later the voters of Rhode Island were successful, as were those of New Jersey in another two years, 1844, and of New York in 1846, with the voters of Illinois triumphant at the end of another two years. Victories in other States followed in rapid succession. Virginia, Michigan, and Kentucky in 1850 and Ohio, Indiana, and Maryland the next year.

Not until after the war of 1860–1865 did the business men and farmers rise en masse against the railway monopolies. This was termed *the granger uprising*, because the newly formed granges were the organizations through which the sentiment of the oppressed found voice. A constitutional convention was secured in Illinois in 1870 and three years later in Pennsylvania. In Illinois the next legislature enacted a drastic railway law.

What followed is described as follows by President Hadley, of Yale University, in his book on Railroad Transportation:

"This law was pronounced unconstitutional by Judge Lawrence. The result was that he immediately afterwards failed of reelection on this ground. The defeat of Judge Lawrence showed the true significance of the farmers' movement. They were concerned in securing what they felt to be their rights, and they were unwilling that any constitutional barriers should be made to defeat the popular will. They had reached the point where they regarded many of the forms of law as mere technicalities. *They were dangerously near the point where revolutions begin.*

"But they did not pass the point. The law of 1873 avoided the issue raised by Judge Lawrence against that of 1871. Instead of directly fixing maximum rates, it provided that rates must be reasonable, and then further provided for a commission to fix reasonable rates. Similar laws were passed by Iowa and Minnesota almost immediately afterwards. The Legislature of Wisconsin went even further, fixing, by the so-called Potter law, the rates on different classes of goods at figures which were quite unremunerative. The railroads made vain attempts to contest these regulations in courts. They were defeated again and again, and, finally, in 1877, the Supreme Court of the United States sustained the constitutionality of the granger laws." (Hadley on Railroad Transportation, 133–135.)

Thus in State affairs the people have been able to protect themselves. It has been comparatively easy to secure the submission of constitutional amendments *which they have adopted by direct vote. And more and more the constitutional amendments have provided for direct legislation* and other forms of restraint upon the party in power. This tendency continued *until in recent years the State constitutions have become codes of laws.*

In the words of Ellis P. Oberholtzer, Ph. D., in the "Referendum in America," first edition (1891), pages 38–44:

"We have to-day come to the point when our State constitutions are nothing short of codes of laws giving instruction to the legislature and the other agents of government on nearly every subject of general public concern, and often stating the methods which shall be used in legislating, if not, indeed, actually legislating, on local questions. * * * The constitutions have become the repositories for much of the legislation which before was left to be enacted by the legislatures."

While these changes were taking place no one ever asked a supreme court to declare that it was unrepublican.

This stripping of power from the party "machine" through adopting constitutional amendments by direct vote of the people is described by the Hon. James Bryce, M. P., in "The American Commonwealth" as—

"A salutory effort of the forces which make for good government, *opening for themselves a new channel.*" (American Commonwealth, 1st ed., vol. 1, p. 476.)

The next great stage in the restoration of the people's rule in this country was in 1896 in South Dakota. At that time the people of the State adopted a constitutional amendment placing in 5 per cent of the voters an option to call for a direct vote on any act of the legislature, except emergency measures and measures appropriating funds for the support of the State government and its existing public institutions; also the voters authorized 5 per cent of their number to propose measures to their fellow citizens, the will of the majority to become the law of the land.

These new institutions—the initiative and referendum, or, to be more precise, the popular initiative and optional referendum—make more effective the voters' acknowledged right to rule, besides abolishing nearly all the corruption.

During the 10 years that the South Dakota system of initiative and referendum have existed only three acts of the legislature have been ordered to a referendum vote, and these were such that the representatives were not charged with corruption. Not even one initiative petition has been submitted, yet the legislature has installed direct nominations and other reforms.

In South Dakota no one has asked the supreme court to abolish the people's veto power and power of direct legislation. It has been admitted that the system is a republican form of government.

And for 12 years the Congress of the United States has seated South Dakota's Senators and Representatives, thereby declaring that the initiative and referendum is a republican form of government.

In 1902 the people of Oregon installed the initiative and referendum. The next year this court, after mature deliberation, decided that the initiative, in combination with the elective legislative assembly and elective governor, is a republican form of government in the meaning of the Federal guaranty. In the meantime the Congress of the United States had seated Oregon's Senators and Representatives, thereby declaring again that the initiative and referendum is a republican form of government.

Later, 1906, the people of Montana installed the initiative and referendum and Congress seated their Senators and Representatives.

The following year the people of Oklahoma adopted a system of government in which there is the initiative and referendum, and the President in his proclamation announcing the admission of the State declared that the system is a republican form of government. When Congress assembled it seated the Senators and Representatives.

SUMMARY.

It is clear that the history of our country demonstrates that the meaning of "republican form of government" is a government in which the people rule as distinguished from a government in which the ruling power is in a single individual or in less than a majority—a monarchy or an oligarchy (aristocracy).

On this point kindly review the evidence, beginning at page 9.

B.

NARROWER MEANING OF REPUBLICAN FORM OF GOVERNMENT.

But for the affirmative decision of the question, Is direct legislation in combination with an elective legislative assembly a republican form of government within the meaning of the Federal guaranty? a much narrower meaning of republican form of government will suffice: *It will be sufficient to hold that the guaranty of the maintenance of a republican form of government within the meaning of Article IV of the Federal Constitution is to be interpreted in the light of the State governments of 1787, each one of which was, admittedly, a republican form of government.* Following is an accurate description of the essential parts of these State governments:

1. A GOVERNMENT THROUGH WHICH THE PEOPLE RULE, AS DISTINGUISHED FROM THE GOVERNMENT IN AN OLIGARCHY OR MONARCHY.

We have pointed out at page 15 above that in 1787 the system of government in the States was such that *the people ruled*, as distinguished from a government in which the ruling power is in less than a majority. The aim of the Federalist was to terminate the people's rule (pp. 20–26 above), but they failed, because of the success of the Massachusetts plan (p. 25 above), followed by Washington's refusal to accept more than one reelection, and then party government was established, and in the campaign of the year 1800 the Republican Party was elected to office. Then the Federalist Party dwindled and died.

2. A REPRESENTATIVE DEMOCRACY AS DISTINGUISHED FROM A PURE DEMOCRACY.

A second distinguishing feature of each of the 13 States is that they were representative democracies as distinguished from pure democracies—that is, they were democracies in which representatives were employed. This is an undisputed fact.

Furthermore, these 13 democracies were the first representative democracies on this planet. In the evolution of government the Americans were the first of the Teutonic people to develop in a new country practically untrammeled by the conditions that existed in Europe, and it resulted in representative democracies. In Europe for more than 2,000 years the states had been growing in size through conquest, which had resulted in the rule of the few. But when the conditions that had come about through conquest were removed—that is, when the people settled in a practically uninhabited land—it resulted in representative democracies. This establishment of self-government in a large state was merely a reversion to the main features of the system of government that existed before conquest had altered the conditions, for it is a historical fact that in early times when Cæsar and the Roman legions attempted to conquer the Teutons some of their states were republics—the people were the ruling power and every citizen was eligible to the presidency—and in the other states, though the head of the government was elected from a certain family, the people by majority vote determined the public policies. (History of the English Constitution, by Prof. Rudolph Gneist, vol. 1, p. 15. See also writings of Bishop Stubbs.)

One of the most striking institutions of the Teutonic people is representative government. It did not exist in the Roman civilization, nor among the Greeks or Persians. It is the product of the people who have been the latest to develop.

The bases of this representative government and of the other factors in our present-day civilization are traits that were not possessed by the earlier nationalities. These added traits are a spirit of liberty far greater than that of the Romans or Greeks, and a higher moral character, including a recognition of vested rights. This last-named point will fully appear in a later section wherein the history of the American people is outlined.

Though the self-governing American people of the year 1787 employed representatives, *they also legislated directly in several of the States.* In other words, the governments in several of the representative democracies that first existed on this earth were mixed governments—partly representative and partly direct. Proof is as follows:

3. THE GOVERNMENTS IN SEVERAL OF THE REPRESENTATIVE DEMOCRACIES OF 1787 WERE PARTLY REPRESENTATIVE AND PARTLY DIRECT.

The colonists who arrived in New England settled in a practically uninhabited land. Such of the tribes as lived in the country were much lower in civilization. The settlers came from England, and they brought with them their liberty-giving political institutions. *The government in local affairs was conducted at public meetings in which each freeman voted.* The selectmen or any 10 voters could call a special town meeting.

In the course of time the settlements confederated, and it became necessary to employ representatives. *But the people retained direct legislation in local affairs and their representatives were instructed at will.* Proof of the right to instruct is presented in a later section.

The remarkable value of this system is stated as follows in Democracy in America, by Alexis De Tocqueville, the noted French historian:

"In New England townships were completely and definitely constituted as early as 1650. The independence of the township was the nucleus round which the local interests, passions, rights, and duties collected and clung. It gave scope to the activity of real political life, thoroughly democratic and republican. The colonies still recognized the supremacy of the mother country; monarchy was still the law of the State; *but the republic was already established in every township.*

"The American Revolution broke out and *the doctrine of the sovereignty of the people came out of the townships and took possession of the State.* Every class was enlisted in its cause; battles were fought and victories obtained for it; it became the law of laws." (Democracy in America, by De Tocqueville, vol. 1, p. 50.)

In Massachusetts and New Hampshire the voters enacted the State constitutions. In Massachusetts they first rejected one proposal for a State government. In New Hampshire three propcsals for a State government were rejected.

Furthermore, in the Massachusetts constitution of 1780, in force in 1787, *it was provided that in the year 1795 the voters by direct ballot should determine whether or not the constitution should be revised.* (Page 30 above.)

And in New Hampshire the constitution of 1784 to 1792 declares that at the "expiration of seven years from the time this constitution shall take effect" (1791) the legislature shall issue "precepts, or direct them to be issued from the secretary's office, to the several towns and incorporated places, to elect delegates to meet in convention for the purposes aforesaid; the said delegates to be chosen in the same manner and proportioned as the representatives to the general assembly; *provided that no alteration shall be made in this constitution before the same shall be laid before the towns and unincorporated places, and approved by two-thirds of the qualified voters, and voting upon the question.*"

In addition to these provisions for direct legislation on State questions the Georgia constitution of 1777, in force until 1789, provides in Article LXIII:

"No alterations shall be made in this constitution without petitions from a majority of the counties, and the petitions from each county *to be signed by a majority of voters in each county within this State*; at which time the assembly shall order a convention to be called for that purpose, *specifying the alterations to be made, according to the petitions preferred to the assembly by the majority of the counties as aforesaid.*"

In each of the 13 States the voters possessed the right to instruct representatives. *Through this system the people could start legislation and secure its enactment, and they could stop the enactment of proposed measures. Of course the mere possession of the power did practically all the work.*

SUMMARY.

The foregoing historical facts demonstrate that in 1787 in several of the American States, at the time of the adoption of the Federal Constitution, the Government was partly direct and partly representative—mixed government. That, combined with the national government of the American Confederacy, was the system that existed in the American representative democracies.

Judged by this standard the existing system of real direct legislation that is used in combination with representative government in Oklahoma, Montana, Maine, and Missouri, *is of the character that existed in several of the States at the time of the adoption of the Federal Constitution, and, therefore, the system is a republican form of government.*

IV. DEFENDANT'S FALLACIOUS ARGUMENTS.

Defendant's constructive argument (pp. 26–51) ignores the fact that there is such a thing as representative democracy.

And in the constructive portion of his brief he ignores the further fact that the governments in New England and in Georgia in 1787 were mixed governments.

To have admitted either of these facts would have destroyed the definitions of republic and democracy, on which he relies.

These definitions are obtained by defendant from a present-day dictionary. It is well understood that a mere dictionary definition is of little or no value for interpreting legal terms. In the case at bar, the truth of this statement is apparent, if the standard adopted by defendant be applied. This standard is also adopted by us, and is as follows:

"The guaranty of the Federal Constitution, in Article IV, section 4, *is to be interpreted in the light of governments in existence when the Constitution was adopted.*" (Page 39 of defendant's brief.)

By applying this standard to defendant's dictionary definitions they are found to be incomplete and inaccurate. Defendant says:

"Webster defines a *republic* to be: 'A State in which the sovereign power resides in the whole body of the people, *and is exercised by representatives elected by them.*'"

This italic text is not an accurate description of the State governments of 1787, *for in New England and in Georgia the governments were partly direct and partly representative;* pages 38–41, above.

Thus defendant's basic proof is faulty.

Defendant goes on to say:

"This definition—Webster's definition of a republic—was adopted by the Supreme Court of the United States in its opinion in Downes v. Bidwell. (182 U. S., 279.)"

What the court did was merely to quote Webster's definition, and the question of the constitutionality of direct legislation was not entered into and was not involved in any way.

Defendant further says:

"A *democracy* Webster defines as: 'A government by the people; a form of government in which the supreme power is retained *and directly exercised by the people.*'"

The first part, namely, that a democracy is a government by the people, is clearly correct, *but the latter part is obviously not correct if it is interpreted so as to exclude representative democracy.* Apparently defendant so interprets it, and since, as we have pointed out, representative democracy existed in the various States during and prior to the adoption of the Constitution (p. 37, above), the fallacy involved in defendant's argument is clearly obvious.

Thus, defendant's definitions of republic and democracy are incorrect, judged by defendant's own standard.

There are other ways whereby their incorrectness can be shown. Glance back at the first part of the definition of a republic, namely, "A State in which *the sovereign power resides in the whole body of the people.*"

Surely this is a democracy. Yet defendant claims that this democratic Republic is not a democracy. His caption on page 26 is:

DIFFERENCE BETWEEN A REPUBLIC AND A DEMOCRACY.

Could there be a greater inconsistency?

But the motive is clearly apparent. Defendant is claiming that democracy—the people's rule—is "the irresponsible despotism of the mob," etc., and is asking this court to destroy Oregon's initiative. Should this defendant—a special-privilege corporation—succeed here in Oregon, it will open the way for a similar assault on the people's rule in the 5 other States that have established the initiative, and in the other 40 States it will tend to prevent the overthrow of machine rule—the reestablishment of the people's rule.

Still another way to show up the fallacies in defendant's definitions is to read James Madison's description of a republic in the Federalist, in letter No. 39, quoted at page 26, above.

To make our position perfectly clear we repeat that, according to the use of words in 1787, a republic is a democracy (the people's rule), as distinguished from a monarchy and an oligarchy (aristocracy). The means whereby the people ruled in 1787 was partly direct and partly through representatives (mixed government).

That the people ruled in the thirteen States in 1787 is distinctly stated in the proceedings of the National Constitutional Convention.

So how can the defendant, who accepts the State governments of 1787 as the standard for determining the meaning of "republican form of government," claim that it is a government in which the people do not rule?

The position is utterly indefensible.

FURTHER DETAILS.

Defendant quotes from many cases; also from various statements uttered in 1787, and from textbooks.

Some of these are in harmony with our argument, while in others there is a fallacy, namely, that a republican form of government, within the meaning of the Article IV in the Federal Constitution, is a representative government. The fact is that the governments in the thirteen States of 1787 were partly direct and partly representative (p. 38, above).

In section 4 a half truth is told, namely, that the extent of the territory of the States long sufficed, in the judgment of the friends of the Constitution, to condemn the establishment of a democratic form of government. The error would have been avoided by saying "a *purely* democratic form of government."

In section 6 the defendant claims that "republican form of government," as those words were used by the framers of the Constitution, was used to distinguish the "American from the other Republics by the introduction of the principle of representation" (p. 43). Very well. We will admit it for the sake of argument, *and then we point to the undisputed fact that in connection with the principle of representation there existed also, alongside of it, the principle of direct legislation.* This completely spoils the defendant's case, for it demonstrates that the Government was a combination of the two systems—mixed government.

Defendant tries to wriggle out of it. He admits, at page 52, that direct legislation existed in local affairs in "Massachusetts and other States," and then he attempts to avoid the effect of this admission by stating as a positive fact the very question at issue, namely:

"The Federal Government recognizes only one method of exercising the State legislative powers, i. e., by State legislatures."

When a defendant argues in this manner it is pretty certain that his contention is a very difficult one to establish.

In the next section (p. 53) the defendant squarely faces the issue, but the evidence he presents does not prove his case. His claim is:

"Direct legislation is invalid, because government by the people directly is inconsistent with our form of government."

Such is the caption, and the opening statement is as follows:

"It has been shown that the vital element in a republican form of government, as that phrase is used in American political science, is *representation.* Legislation by the people directly is the very opposite, the negative, of this principle. It can therefore have no place in our form of government. Indeed, it has been repeatedly said to be contrary to and subversive of the structure of our Republic." (Italic letters are defendant's.) (Defendant's brief, p. 53.)

The fallacy is in the claim that representation is the sole and only method whereby the people ruled at the time of the adoption of the Federal Constitution.

Defendant attempts to prove his claim by the following authorities, but he completely fails:

REVIEW OF DEFENDANT'S AUTHORITIES IN SECTION 9.

He quotes from Letter No. 63 in the Federalist, which merely distinguishes the modern democracies (representative democracies) from the democracies of earlier times—pure democracies.

Defendant relies upon in re Duncan (139 U. S., 449). Following is his quotation from the case:

"By the Constitution a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration and pass their own laws in virtue of *the legislative power reposed in representative bodies* whose legitimate acts may be said to be those of the people themselves; but while the people are thus the source of political power their governments, National and State, have been limited by written constitutions, and they have themselves set bounds to their own power as against the sudden impulses of mere majorities." (P. 54 of defendant's brief.)

The facts before the Chief Justice when he delivered the foregoing opinion *did not include the question of whether direct legislation is or is not inconsistent with a republican form of government, and he in the opinion does not refer in any way to direct legislation.* Approximately the statement in italics is correct, for it is a well-known fact that in the various States of the Union at the time the foregoing was written, and in 1787, representatives were employed and the legislation enacted was almost exclusively by them, but direct legislation existed to some extent, as is demonstrated by us at pages 38–40 above.

Next, defendant quotes from State courts in which the Federalist position is asserted in obiter dicta or in the points decided, but, as we have shown in an earlier section, the Federalist idea completely failed through the success of the Massachusetts plan. This is a complete answer to the statements quoted from State *v.* Swisher (17 Tex. 448, 449; Rice *v.* Foster (4 Harr. (Del.), 479); The People *v.* Collins (3 Mich., 416, 417); Thorne *v.* Cramer (15 Barb (N. Y.), 112); Parker *v.* Commonwealth (6 Barr (Pa.), 507, 512, 516, 519); Borough of West Philadelphia (5 Watts and Sarg. (Pa.), 283); Clarke *v.* City of Rochester (28 N. Y., 606, 663). More in detail:

In State *v.* Swisher the Supreme Court of Texas, in 1856, declared that the legislature had no power to pass a local-option liquor law. The reason assigned was that the legislature had no power to delegate to the voters of the county the question of whether or not the sale of intoxicating liquor should be licensed. "But," continues the court, "besides the fact that the constitution does not provide for such reference to the voters to give validity to the acts of the legislature, we regard it as repugnant to the principles of the republican government formed by our constitution." Later, however, a local-option liquor law was held valid in the Texas Supreme Court. The cases are San Antonio *v.* Jones (28 Tex., 32), Werner *v.* City of Galveston (72 Tex., 22), Johnson *v.* Martin (75 Tex., 33).

In Rice *v.* Foster the Delaware Supreme Court, in 1847, decided that the legislature was not authorized to pass a local-option liquor law. In this case, as later occurred in State *v.* Swisher, above described, there is obiter dicta, in which the Federalist idea is enunciated. But defendant's brief fails to add that *since these decisions were rendered the courts of the country hold with practical unanimity that legislatures, under the State constitutions, are clothed with power to refer to the voters the question of adopting local-option laws.*

In People *v.* Collins in the Michigan Supreme Court, in 1854, it was decided that the legislature had not the power under the State constitution to refer to the people the question of whether or not a bill for a State law should take effect. The question was simply as to the power conferred upon the legislature by the State constitution.

In Thorne *v.* Cramer the New York Supreme Court points out the well-known need for representatives in great States.

In Parker *v.* Commonwealth the Supreme Court of Pennsylvania, in 1847, decided that a local-option liquor law was unconstitutional. *Defendant quotes largely from this case, but fails to inform this court that the case has been overruled.* In Locke's Appeal (72 Pa., 491), decided in 1873, it is said:

"It is argued that Parker *v.* Commonwealth (6 Barr) decided the question before us. *That case was overruled soon after it was decided,* not in express terms, it is true, but its foundation was undermined when it was held that laws could constitutionally be made dependent on a popular vote for their operation."

In Borough of West Philadelphia and in Clarke *v.* City of Rochester the utterances quoted by defendant are merely the obiter dicta of the judges who wrote the decisions.

SUMMARY.

It is clear that the defendant's authorities do not prove his case, the difficulty being that his proposition that the Republic of 1787 was not a democracy but an oligarchy is not capable of substantiation.

The foregoing review of defendant's authorities takes us where he starts in to answer some of the State of Oregon's claims. This he does at page 66, section 10.

DEFENDANT'S ANSWER IS INSUFFICIENT.

In answer to the unquestioned fact that State constitutions are adopted by direct vote of the people and that this system is admittedly a republican form of government, defendant states that the adoption of constitutional amendments "is not legislation."

This answer is insufficient, *for the constitutions contain subject matter that is as purely legislative as anything can be.* (See pp. 33, 34, above.)

Defendant's next point is as follows:

"(b) Nor does the practice of legislating directly in municipal affairs furnish a precedent. It has been pointed out that nothing is more firmly engrafted on the institutions of this country than the practice of conducting the business of municipalities by assemblies of voters."

We submit that the above is an inadequate answer, *for defendant simply admits that the system existed. He admits that it is direct legislation, and that the system was in use in 1787. In other words, he admits that the governments in the representative democracies in New England were mixed governments.*

SUMMARY.

We submit that defendant has not proven his case. He has not presented to this court the slightest ground for it to declare that "republican form of government," within the meaning of the guaranty in the Federal Constitution, is anything more than a guaranty "against aristocratic or monarchical innovations," as is expressly declared in Letter No. 43 in the Federalist. And even where, for argument's sake, we take up other features of the State governments we find that several of these State governments of 1787 were partly representative and partly direct. Therefore, even by this standard, the present-day system of real direct legislation in combination with representative government is a republican form of government within the meaning of the guaranty in the Federal Constitution.

V. THROUGH THE INITIATIVE THE PEOPLE OF OREGON HAVE REASSERTED THEIR RIGHT TO RULE.

In the use that has been made of the initiative in Oregon in the defendant's case, the people and the governor have merely levied a reasonable tax which, in several States, has been levied by the legislature. (21 Am. and Eng. Ency. of L., 778, note 6.) In Oregon the legislature refused to levy such a tax, and it did so in controvention of the people's will, as is evidenced by their vote on the initiative measure, namely, yes, 70,872; no, 6,360, or 11 to 1.

In other words, through the use of the initiative the people of Oregon have reasserted their right to rule. They have discarded the rule of the few under guise of popular government—machine rule. In a short time the membership in the legislatures will be such that the people's wishes will doubtless be carried out by their representatives. Such is the case in many of the States to-day, and the same will become true in Oregon.

We have presented one instance of where the Oregon legislative assembly refused to carry out the people's will. Other examples are as follows:

The legislative assembly refused to establish a system of direct nominations and the people got it through direct legislation. But in three-fourths of the States of the Union the legislature has established direct nominations, thereby reflecting the people's will. Oregon's Legislature refused to empower the people to say whether or not the sale of intoxicating liquor should be licensed in their midst, and it was through direct legislation that the people secured the system. In more than three-fourths of the States in this country the right was granted by the legislature.

In Oregon the legislature refused to prohibit the railroads from discriminating by giving passes. In most of the other States of the Union the legislature terminated the giving of these special privileges.

These examples demonstrate that through the initiative the people of Oregon have reasserted their right to rule. In a later section we explain how it came about that machine rule was established.

VI. DEFENDANT'S REAL CONTENTION IS THAT REPRESENTATIVES ARE RULERS.

Defendant's real contention is that a republican form of government, within the meaning of the Federal guaranty, is a government in which the legislative representatives are rulers—are not delegates (agents).

Proof that this is defendant's real contention is the fact that he is objecting to the people's rule. The people of Oregon willed that the gross receipts of telegraph and telephone companies shall be taxed, and the defendant objects.

Further proof is defendant's concluding statement at page 147:

"The question is submitted with confidence that the courts of this country will protect the people in the enjoyment of those constitutional checks and safeguards against their own power which, with wisdom and deliberation, they created for themselves. *Injustice and misrule* have characterized all unconstitutional democracies *and all popular governments administered in accordance with the whims and caprices of the multitude (majority rule).*"

On page 22 the defendant speaks of the rule of the majority as "the irresponsible despotism of the mob," and says that it "has no place in our policy."

In other words, defendant claims that the few men elected to office by the voters are their rulers; that legislative policies should be determined by the representatives of the voters.

OUR ANSWER.

Our answer is that the system of government in each of the 13 States in 1787 was such that the representatives were not rulers but delegates—agents.

Convincing proofs are the Bills of Rights in five of the States, wherein *the voters reserved the right to assemble to instruct their representatives.* The States were North Carolina, Pennsylvania, Massachusetts, New Hampshire, and Vermont. The wording of the reservation is substantially as follows:

"No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good, nor for *instructing their representatives,* nor from applying to the legislature for redress of grievances." (Constitution of Oregon, 1857, art. 1, sec. 27.)

Further proofs are the newspapers and other written records of that era *in which are chronicled the instructions that were actually given to the representatives.* These records show that at the time of the adoption of the Federal Constitution most of the delegates to the State conventions were instructed, which reveals a habit of instructing representatives. The evidence on this last-named point has been carefully collected by Mr. O. G. Libby, of Wisconsin University, who says:

"Very many delegates went instructed to conventions and voted according to their instructions, and in many other cases there was a correspondence between the votes of the delegates and the ascertained attitude of the constituency; only three exceptions have been discovered. When the difficulty of recovering such instructions from scattered town records, newspapers, etc., is considered the number of them existing is quite remarkable." (Bulletin of the University of Wisconsin, vol. 1, pp. 5 and 6.)

In a later chapter in which Mr. Libby reviews the evidence from which the foregoing generalization is made, he says:

The evidence reveals *a habit of instructing representatives firmly fixed in the political ideas of the time.*

The evidence which Mr. Libby presents shows that in the States outside of New England the principal method whereby the people voted on the adoption or rejection of the proposed constitution of 1787 was by voting for pledged candidates.

MEANING OF RIGHT TO INSTRUCT.

What is really meant by a right to instruct is stated as follows in the minutes of the Boston town meeting of 1764:

"By this choice they [the freeholders of this town] have delegated to you the power of acting in their public concerns, in general, *as your prudence shall direct you; always reserving to themselves the constitutional right of expressing their minds and giving you such instructions upon particular matters, as they at any time shall judge proper.*" (Proceedings of the American Political Science Association, 1907, vol. 4, p. 159.)

In other words, *the legislative representatives are delegates (agents) and not rulers.* They are clothed with discretionary power except when their constituents shall choose to decide for themselves. In the Boston town meeting records this right to instruct is spoken of as a "constitutional right," which means that it had existed from time immemorial.

PROOF OF USE OF INSTRUCTIONS.

In the township of Boston the right to instruct representatives in the general court (legislature) was exercised 12 times during the seventeenth century. In the eighteenth century such instructions were given at least 36 times before the right was inscribed in the State constitution. (Proceedings of the American Political Science Association, 1907, vol. 4, p. 157.)

Following is proof that Members of Congress were instructed by direct vote of the people at town meetings, also that two proposals for a State constitution were directly voted upon by the people at town meetings.

The minutes of the town clerk of Weston, Mass., are republished in a volume, in which it is said:

"At a meeting of the freeholders and other inhabitants of the town of Weston [Mass.], being legally warned, assembled at the public meeting house in said town on Monday, the 12th day of January, 1778, at 1 o'clock p. m.

"First. To hear and consider of articles of perpetual union between ye United States of America, formed and proposed to ye legislative body of this State by ye honorable the Congress, *and to instruct your representative to act and to do as you judge mostly for the advantage of this and ye United States.*

"Second. To hear an address of ye House of Representatives *to the inhabitants of this State* setting forth ye reason which induced the House to pass an act for calling in the bills of credit emitted by ye government and obviating the objections that have been made to it.

"They then chose Josiah Strong, Esq., moderator.

"1. Voted to accept of the consideration of perpetual union as adopted by the Congress *and that the representatives be instructed to act accordingly.*

"2. Voted not to hear the second article in the warrant at this meeting."

Twenty days later another special town meeting was held and it was voted not to act upon the warrant.

March 2 the regular annual town meeting was held at which considerable business was transacted and an adjournment taken for one week.

May 18 the freeholders and other inhabitants met to choose a representative in the great and general court (legislature) to assemble May 27.

Ten days later the freeholders and other inhabitants met at 4 o'clock p. m.—

"1. *To hear the form of government as adopted by the convention of ye Massachusetts Bay and act thereon.*

"2. To know the minds of the town if they will do anything relative to the war committee.

"3. Also to know their minds if they will make an additional grant to support the war.

"4. To know the minds of the town if they will allow to each man drafted for three months last August for ye northern campaign what they pay, respectively, for hiring of men.

"They then chose Mr. Joseph Roberts moderator for the meeting.

"1. Voted to act upon the constitution and form of government sent for their consideration.

"2. Voted to choose a committee of nine men, and nominations being called for the following gentlemen were named: * * *.

"3. Voted that the above committee take under consideration the plan of government *and make a report to the town at the time of their adjournment.*

[Three other objects were considered and voted upon.]

"Voted to adjourn to June 8 at 3 o'clock."

Agreeable to the adjournment, the inhabitants met and voted as follows:

For the approbation of ye constitution of government	6
Against it or disapprobation	57

This rejection of the proposed constitution of Massachusetts by the people of Weston was a fair sample of what was done in the other towns. *The people of Massachusetts vetoed the proposed system of State government, and by 5 to 1 vote—for there were no limitations upon the legislature—no bill of rights.* All Anglo-Saxons had possessed bills of rights from about the year 100 A. D., and here in Massachusetts only a hundred years ago the people preserved their ancient liberties through the direct-vote system.

In 1780, two years after the Massachusetts people vetoed the proposed constitution, they secured the submission of a splendid one and adopted it. The manner of its adoption in the township of Weston is described as follows in the minutes of the town clerk:

"At a meeting of the freeholders and other inhabitants of the town of Weston that were by law qualified to vote in town affairs in public town meeting assembled on Monday, the 6th day of March, A. D. 1780—

* * * * * * *

"8. To hear the account of the delegate chosen by the town to attend on the convention to form a new constitution of government *and act thereon.*"

The hearing of the report was deferred, but on May 15 a meeting was held—

"1. To hear and act upon a constitution or form of government *agreed upon by the delegates of the people of the State of Massachusetts Bay.*"

The town clerk's minutes further show:

"1. Voted not to choose a committee to act upon the constitution.

"2. *Voted to accept the constitution and form of government as it now stands, but it is our opinion that it should be revised within 10 years and made certain. Yeas 5½, nays 20.*"

In the North Carolina Colonial Records there are republished the following instructions:

"At a general conference of the inhabitants of Mecklenberg assembled at the courthouse on the 1st of November, 1776, for the express purpose of drawing up instructions for the present Representatives in Congress, the following were agreed to by the assent of the people present and ordered to be signed by John M. Alexander, chairman chosen to preside for the day in said conference:

"To Waightstill Avery, Hezekiah Alexander, John Phifer, Robert Erwin, and Zacheus Wilson, Esquires:

"GENTLEMEN: You are chosen by the inhabitants of this country to serve them in Congress or general assembly for one year, *and they have agreed to the following instructions, which you are to observe with the strictest regard, viz: You are instructed:*

"1. That you shall consent to and approve the Declaration of the Continental Congress declaring the 13 United States Colonies free and independent States."

Eighteen additional paragraphs of instructions by the people follow, including one for a bill of rights in the proposed constitution for the State, and that the instrument be referred to the people for adoption. (Vol. 10, Colonial Records of North Carolina, 870a.)

In Orange County, N. C., the instructions to the delegates were as follows:

"We, the people of the county of Orange, who have chosen you to represent us in the next Congress of Representatives delegated by the people of this State, *require you take notice that the following are our instructions to you which you are required to follow in every particular with strictest regard.*" (Vol. 10, Colonial Records of North Carolina, 870f.)

These instructions were in 1776.

Proof that in 1787 in North Carolina and in the other 12 States the delegates who were elected to the State conventions to consider and act upon the proposal to adopt the Federal Constitution *were instructed* is the evidence that has been collected by Mr. O. G. Libby, of Wisconsin University, referred to in a preceding page.

Reviewing this section it is clear that at the time of the adoption of the Federal Constitution in 1787 the representatives were delegates and not rulers.

FALLACIOUS ARGUMENTS BY HOLDERS OF SPECIAL PRIVILEGES.

To-day, nearly a century after the people of this country had ceased to instruct at town meetings and county conferences because a better system had existed for a time, namely, party conventions, *the few who have secured special privileges and therefore are intent on preventing the restoration of the people's rule are declaring that representative government in this country is a system wherein the few men in office are not delegates but are rulers.* Among other things they attempt to prove it by quoting from Edmund Burke's speech to his constituents in 1780, *but they conceal the further fact that his constituents refused to reelect him, thereby maintaining their right to instruct.* Burke's speech,

in which he withdrew from the contest on election day, even before the ballots were all cast, is published in the same volume from which our opponents quote, but they carefully refrain from mentioning it. In Bell & Sons' edition of Burke's speeches, in Volume II, page 170, in declining the poll, Burke said:

"I have not canvassed the whole of this city in form. But I have taken such a view of it as satisfies my own mind that *your choice will not ultimately fall on me.* * * * *I confided, perhaps, too much in my intentions.* They were really fair and upright; and I am bold to say that I ask no ill thing for you when on parting from this place I pray that whomever you choose to succeed me he may resemble me exactly in all things except in my abilities to serve and my fortune to please you."

BASIS OF RIGHT TO INSTRUCT.

The people's unquestioned right to pledge representatives to obey instructions is a consequence of their right to elect to office. In the words of John Stuart Mill in Representative Government, Chapter XII:

"Let the system of representation be what it may, *it will be converted into one of mere delegation if the electors so choose.* As long as they are free not to vote, and free to vote as they like, they can not be prevented from making their vote depend on any condition they think fit to annex to it. By refusing to elect anyone who will not pledge himself to all their opinions, and even, if they please, to consult with them before voting on any important subject not foreseen, they can reduce their representative to their mere mouthpiece or compel him in honor, when no longer willing to act in that capacity, to resign his seat." (Quoted in The Platform, Its Rise and Progress, by Henry Jephson, Vol. II, p. 434.)

BLACKSTONE'S FALLACY.

The "Commentaries on the Laws of England," by Sir William Blackstone, are the lectures that were delivered at Oxford University, the educational center of toryism. In these lectures the professor argued for the rule of the few and afterwards his services were rewarded by the Tory government which knighted him. This was in the year 1770. Following is the noted instance wherein Prof. Blackstone argued against the people's power to instruct their representatives:

"The number of English Representatives is 513, and of Scots 45; in all, 558. And every member, though chosen by one particular district, when elected, and returned, serves for the whole realm; for the end of his coming thither is not particular, but general; not barely to advantage his constituents, but the commonwealth; to advise his majesty (as appears from the writ of summons) 'de communi consilio super negotiis quibusdam arduis et urgentibus, regem statum, defensionem regni Angliae et ecclesiae Anglicanae concernentibus.' *And therefore he is not bound, like a deputy in the united provinces, to consult with, or take the advice of, his constituents upon any particular point, unless he himself thinks it proper or prudent so to do.*" (Blackstone's Commentaries, Vol. I, p. 159.)

The fallacy in the foregoing is that the mere form of the English Government is said to be the real thing, which it is not, for England is a constitutional monarchy, and has been since 1714.

Party government in England commenced at that time, and representatives have been delegates. Edmund Burke's case is an instance of where the voters insisted on electing a man who would obey instructions.

Another fallacy in Blackstone's statement is that he cites the ancient Roman law (4 Justinian Institutes, 18). The few who in England had secured special privileges loved to refer to the ancient Roman civilization to prove that the King was all powerful, but the Anglo-Saxons are a more modern people and are fast approaching real representative democracy.

SUMMARY.

A review of the foregoing section will clearly demonstrate that at the time of the adoption of the Federal Constitution the government in the several States was such that the legislative representatives were delegates and not rulers.

VII. DEFENDANT'S CONTENTION FOR RULE OF THE FEW IS SIMILAR TO THE FEDERALIST PROGRAM THAT WAS DEFEATED BY THE MASSACHUSETTS PLAN.

Defendant's real contention, namely, that the legislative representatives are rulers and not delegates, is similar to the claim put forth by the Federalists in the proposed Constitution, which was defeated by the success of the Massachusetts plan.

The system of government proposed by the Federalists was one in which the people should *not* possess the right to instruct their representatives. That was the basic principle, as is evidenced by Madison's explanation in Letter No. X, in the Federalist, and also the proposed Constitution. In Letter No. X it is said:

"The two great points of difference between a democracy and a republic are, first, *the delegation of the government* in the latter *to a small number of citizens elected by the rest;* secondly, the greater number of citizens and greater sphere of country over which the latter may be extended.

* * * * * * *

"The effect of the first difference is, on the one hand, to refine and enlarge the public views *by passing them through the medium of a chosen body of citizens,* whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations."

Here is the declaration for a government in which the discretionary power is to be vested in "a small number of citizens elected by the rest," in which the people were *not* to possess a right to instruct, for the proposed constitution contained no bill of rights, and therefore it completely delegated the legislative power as follows:

"*All* legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." (Federal Constitution, Art. I, sec. 1.)

But this proposed system was defeated through the success of the Massachusetts plan, whereby Amendments I to X were adopted, and the ninth of which is as follows:

"The enumeration in the Constitution of certain rights *shall not be construed to deny or disparage others retained by the people.*"

Among the rights thus reserved to the people is the right to instruct, for in five of the State constitutions there is expressly reserved to the people the right to assemble to instruct Representatives (p. 50 above).

In a debate in the First Congress, August 15, 1789, Mr. Madison expressly stated that should the people possess the right to instruct their Representatives, it would mean that they and not the few men in office would be the ruling power. Madison's exact words are:

"The consequence that instructions are binding on the Representatives is of doubtful if not of a dangerous nature. *So far as it is of doubtful nature, so far it obligates us to run the risk of losing the whole system.*" (Debates in the First Congress, Aug. 15, 1789.)

The debate arose over a proposal to incorporate in one of the proposed amendments the statement:

"The right of the people to instruct shall never be infringed."

Observe that the statement admits the existence of the right to instruct.

From the beginning of the First Congress the legislatures instructed Representatives, as is evidenced by the following entry in the diary of United States Senator Maclay, of Pennsylvania, March 22, 1790:

"The doctrine of *instruction* may certainly be carried so far as to be, in effect, the tribunitial veto of the Romans and reduce us to the state of a Polish Diet. *But it is introduced.* Perhaps the best way is for all the States to use it, and the general evil, if it really should be one, will call for a remedy." (Journal of William Maclay, p. 220.)

In the House the Members were subject to instructions in such of the districts as the voters cared to enforce it, for they had it in their power to refuse to elect a candidate who should refuse to promise to obey instructions.

It is clear that the Federalist idea was defeated. Further details are in the succeeding section.

VIII. IN 1796 A NEW SYSTEM OF GOVERNMENT WAS ESTABLISHED—PARTY GOVERNMENT, IN WHICH THE PEOPLE'S SOVEREIGNTY IS ACKNOWLEDGED—HISTORY OF PARTY GOVERNMENT IN THE UNITED STATES.

A few years after the adoption of the Federal Constitution a new system of government was established, namely, party government.

Party government is government by a political party, operating through the departments that have been established by constitutional law. Here in the United States the Federal Constitution has established the Congress of the United States, and the executive and judicial departments, and through these the party system operates. *The real government, therefore, is the party in power.* The constitutional provisions concerning the Congress and executive and judicial branches are merely the framework.

The function of party government is to secure a widespread cooperation for political purposes. The system came into being in England shortly after the revolution of 1688 as the result of intelligent leadership, combined with the fact that a considerable portion of the liberty-loving Anglo-Saxons had become so powerful that the King and the nobles could no longer rule. *Wherever there is a considerable degree of intelligence among the people party government is a necessity.*

The framers of the Federal Constitution endeavored to prevent the establishment of party government, as is evidenced by various provisions, among which is the one that the candidate for the Presidency who should receive the second highest vote should be Vice President. This was changed in 1804.

For eight years, 1788 to 1796, there was no party government. President Washington called to his Cabinet the leaders of both the Republicans and the Federalists.

But in 1796, when the choice of Washington's successor arose, there were two well-defined political organizations, the Federalist Party and the Republican Party, each endeavoring to secure control of the Government. That year the Federalist organization secured the Presidency and a majority in the Senate, while the Republicans secured the Vice Presidency, and most of the time were able to control the House.

The choice between presidential nominees *was practically by direct vote of the people,* for the nominees for presidential electors were only those who pledged in advance of their nomination that, if elected, they would vote for their party's nominee.

Two years later, 1798, owing to attempted blackmail of our Government by some members of the French Directory and a knowledge of it in this country, the Federalist organization secured full control in the House, and for the first time a complete control of the entire Government.

But soon the party's actions were so unconstitutional as to bring forth bitter protests *and at the following election, in the year 1800, the voters placed the Republican Party in power, both in Congress and in the White House. Then under Thomas Jefferson's leadership a truly people's-rule system prevailed and the country was so prosperous that the organization's power continued to increase and in 1817 the Federalist national organization disbanded. Thenceforth for eight years there was only one national political organization, the Democratic-Republican Party.* In the words of Alexander Johnston, professor of political economy at Princeton University:

"Membership in it (the Democratic-Republican Party) was so essential to political advancement that after 1817 all national opposition to it came to an end. * * * *The idea that the people were to impose their notions of public policy upon their rulers,* and not altogether to receive them from their rulers, which the Federalists had always detested at heart, had now been accepted by all politicians." (Lalor's Encyclopedia of Political Science and United States History, Vol. III, p. 1101.)

Thus the Federalist idea of "the delegation of the Government to a small number of citizens elected by the rest" was completely rejected.

The results of the people's rule were far-reaching:

RESULTS OF THE PEOPLE'S RULE, 1776–1833.

Beginning in 1776 and for many years thereafter the people in the thirteen States established equal rights within the family and between families by abolishing entails and primogeniture. Also they established equal right between churches by separating the church and State. And they established equal rights to an education through a system of free public schools. These far-reaching changes are outlined at page 19, above.

The result of these measures, combined with the other progressive tendencies, *resulted in an extension of the right to vote.* During the years 1800 to 1826 white manhood suffrage was established in practically all the Eastern States and Southern States. In the Western States this system existed from the start.

Under competing political leaders *the voters secured greater and greater control of the nomination and election of public servants and greater control of public policies.* County nominating conventions sprang up, then State nominating conventions, beginning in 1823. The candidates for nomination announced their attitude toward public policies and at an early date the party's attitude on political issues was declared. Next the national nominating conventions were established, 1830–1832.

At about this time, namely, 1833, the noted French historian, Alexis De Tocqueville, visited the United States and said:

"At the present day the principle of the sovereignty of the people has acquired, in the United States, all the practical development which the imagination can conceive. * * * *The people reign in the American political world as the Deity does in the universe. They are the cause and the aim of all things; everything comes from them and*

everything is absorbed in them." (Democracy in America, Vol. I, p. 72.)

These party conventions worked well for a time. In the words of United States Senator Thomas H. Benton concerning the national party conventions:

"Party nominations by conventions of delegates from the States worked well at first, *the will of the people being strictly obeyed by the delegates, and the majority making the nominations.*" (Thirty Years in the United States Senate, vol. 1, p. 49.)

The results of the people's rule are summed up as follows by De Tocqueville:

"America exhibits in her social state an extraordinary phenomenon. *Men are there seen on a greater equality in point of fortune and intellect*, or, in other words, more equal in their strength, *than in any other country in the world, or in any age of which history has preserved the remembrance.*" (Democracy in America, vol. 1, p. 67.)

The method whereby this was brought about is described by De Tocqueville in the following words:

"The English laws concerning the transmission of property were abolished in almost all the States at the time of the Revolution. The law of entail was so modified as not materially to interrupt the free circulation of property. The first generation having passed away, estates began to be parceled out; and the change became more and more rapid with the progress of time. And now after a lapse of a little more than 60 years, the aspect of society is totally altered; the families of the great landed proprietors are almost all commingled with the general mass. In the State of New York, which formerly contained many of these, there are but two who still keep their heads above the stream; and they must shortly disappear. The sons of these opulent citizens have become merchants, lawyers, or physicians. Most of them have lapsed into obscurity. The last trace of hereditary ranks and distinctions is destroyed—*the law of partition has reduced all to one level.*

"I do not mean that there is any lack of wealthy individuals in the United States; I know of no country, indeed, where the love of money has taken stronger hold on the affections of men, and where a profounder contempt is expressed for the theory of the permanent equality of property. But wealth circulates with inconceivable rapidity, and experience shows that it is rare to find two succeeding generations in the full enjoyment of it." (Democracy in America, pp. 63–64.)

Two years after the French Revolution of 1848 De Tocqueville in the preface to the 12th edition of his work said:

"However sudden and momentous the events which we have just beheld so swiftly accomplished, the author of this book has a right to say that they have not taken him by surprise. His work was written 15 years ago, with a mind constantly occupied with a single thought—that *the advent of democracy as a governing power in the world's affairs, universal and irresistible, was at hand.* Let it be read over again, and there will be found on every page a solemn warning that society changes its forms, humanity its condition, and that new destinies are impending. It was stated in the very introduction of the work that the gradual development of the principle of equality is a providential fact. It has all the chief characteristics of such a fact; it is universal, it is durable, it constantly eludes all human interference, and all events as well as all men contribute to its progress. Would it be wise to imagine that a social movement, the causes of which lie so far back, can be checked by the efforts of one generation? *Can it be believed that the democracy, which has overthrown the feudal system and vanquished kings, will retreat before tradesmen and capitalists?* Will it stop, now that it has grown so strong and its adversaries so weak? * * *

"Now, this problem, which among us has just been proposed for solution, was solved by America more than 60 years ago. The principle of the sovereignty of the people, which we enthroned in France but yesterday, has in America held undivided sway for over 60 years. It is there reduced to practice in the most direct, the most unlimited, and the most absolute manner. For 60 years, the people who have made it the common source of all their laws have increased continually in population, in territory, and in opulence; and—consider it well—it is found to have been, during that period, *not only the most prosperous, but the most stable of all the Nations of the earth.* While all the Nations of Europe have been devastated by war or torn by civil discord, the American people alone in the civilized world have remained at peace. Almost all Europe was convulsed by revolutions; America has not had even a revolt. The Republic there has not been the assailant, *but the guardian of all vested rights; the property of individuals has had better guaranties there than in any other country of the world; anarchy has there been as unknown as despotism.*" (Democracy in America, pp. 53–54.)

Thus history answers all who claim that the people's rule is mob rule.

ESTABLISHMENT OF THE RULE OF THE FEW AND THE RESULTS.

But the people lost the power to rule. The change came stealthily like a thief in the night. Quietly and unobtrusively the convention system of the two great parties was debased. In issuing the calls for the conventions, the State and National committees of the Whig and the Democratic Parties provided that instead of delegates "fresh from the people," as Jackson termed it, and who obeyed instructions, *the conventions were to be composed of delegates elected by delegates, who were to be elected by delegates, and in some cases these delegates were to be elected by other delegates, so that the people could not rule, for they had ceased to exercise the right to instruct at town meetings and mass meetings, and could not resume it while participating in the election of delegates to the party conventions.*

During 1844, in an address to the American people, the system was thoroughly exposed by John C. Calhoun, who said:

"I object, then, to the proposed convention, because it will not be constituted in conformity with the fundamental articles of the republican creed. The delegates to it will be appointed from some of the States, not by the people in district, but, as has been stated, by State conventions en masse, composed of delegates appointed in all cases, as far as I am informed, by county or district conventions, and in some cases, if not misinformed, these again composed of delegates appointed by still smaller divisions, or a few interested individuals. Instead, then, of being directly, or fresh from the people, *the delegates to the Baltimore convention will be the delegates of delegates, and of course removed in all cases at least three, if not four, degrees from the people.* At each successive remove the voice of the people will become less full and distinct until, at last, it will be so faint and imperfect as not to be audible. To drop metaphor, *I hold it impossible to form a scheme more perfectly calculated to annihilate the control of the people over the presidential election, and vest it in those who make politics a trade and who live, or expect to live, on the Government.*" (Thirty Years in the United States Senate, vol. 1, p. 596.)

In 1853 former Senator Thomas H. Benton, in his carefully prepared memoirs, said:

"Mr. Calhoun considered the convention system degenerated to the point it was in 1844, to have been a hundred times more objectionable than the Congress caucuses which had been repudiated by the people; measured by the same scale, *they are a thousand times worse at present*, having succeeded to every objection that was made against the Congress caucuses, and superadded a multitude of others going directly to scandalous corruption, open intrigue, direct bargain and sale, and flagrant disregard of the popular will." (Thirty Years in the United States Senate, vol. 1, p. 597.)

The convention system grew worse and worse, and in the contest over the extension of slavery *the Democratic and the Republican organizations*, through their control of the Government, North and South *became engaged in civil war.*

During the war the private banking corporations exercised great political power, and after the war these and other of the private corporations increased in strength. *Private monopolies developed rapidly and more and more money was invested in politics.*

The machine-ruled system of government is minutely described in The American Commonwealth, by Hon. James Bryce, M. P., the present ambassador from Great Britain. He describes "The machine," "What the machine has done," "How the machine works," and in conclusion says:

"Observing the form of consulting the voters, it substantially ignores them, and forces on them persons whom they do not know, and would dislike if they knew them. It substitutes for the party voters generally a small number of professionals and their creatures, extracts prearranged nominations from packed meetings, and calls this consulting the pleasure of the sovereign people. * * * *Thus the machine works on and grinds out places, power, and opportunities for illicit gain to those who manage it.*" (The American Commonwealth, vol. 2, p. 106, 1st ed.)

Under this rule-of-the-few system the concentration of wealth became enormous, accompanied with political corruption, child labor, and all the other evils that follow from a plutocracy.

RESTORATION OF THE PEOPLE'S RULE.

Bryce's two-volume work was the first book to describe party government in this country, though the system had been established for nearly 100 years, and for 50 years quite completely. Bryce's own words are:

"Even in the United States, where party organization early attained a completeness and effective power unapproached in any other country, *I could not find*, when in 1883 I began to study and was seeking to portray the institutions of that country, any account *of the very remarkable and well-compacted scheme or organization which had been at work there for 40 or 50 years;* and noted that among even the best educated men there were few who had mastered its details. The historical action of the parties, their principles or tenets, their local distribution, the social influences that pervaded them, the character of the men who had led them—these were the matters on which attention had been fixed, to the neglect of the less attractive and less conspicuous questions connected with the machinery by which they worked. *There was no book on which one could draw*, and the persons whom I interrogated usually seemed surprised that a stranger should feel interested in inquiries of the kind." (Preface to Democracy and the Organization of Political Parties, by M. Ostrogorski, p. 39.)

Bryce's book describing our disgraceful system of machine rule raised up a reform spirit that has increased yearly. The Australian ballot was just coming into use in Massachusetts, and the reform quickly spread to all the other States, though seriously crippled by artful loopholes placed in the bill by the ruling machine.

After a time the registration of voters was secured.

Amendments to the ballot laws were effected.

A movement to place the primaries under the control of public officials was commenced and carried to a successful conclusion.

Then success began to crown the efforts to abolish the convention system—direct nominations began to be established, and the movement has partially succeeded in more than three-fourths of the States. It surely will go on to completion.

In 20 of the States the direct-nomination system includes United States Senators, also the candidates for the legislature are pledged that if elected they will vote for the senatorial candidate who receives the highest vote at the primaries. In Oregon the pledge is to vote for the people's choice at the general election.

Along with the abolition of the convention system and the establishment of direct nominations the States of South Dakota, Oregon, Montana, Oklahoma, Missouri, Illinois, Texas, and Maine *have reestablished a system whereby the people can ballot directly on public questions, thereby restoring majority rule which existed in each of the thirteen original States from 1776 until about 1844, when the convention system was debased.*

Again in these States the representatives in the legislature are the people's agents and not their rulers. The people are the ruling power.

RESULTS OF THE PEOPLE'S RULE IN OREGON, 1904–1908—MIGHTY OPPOSITION BY SPECIAL-PRIVILEGE CORPORATIONS.

The results in Oregon since the reestablishment of the people's rule in 1904 have been along the same lines as when the people ruled during the first 75 years of our national existence, namely, equal rights before the law are being established—legal privileges are being abolished. *The telephone and telegraph corporations, along with other legal-privilege corporations, are being compelled to pay their fair share of the taxes, which for years they have evaded. They are resisting and have come before this court and are asking you to overthrow the people's rule by declaring that direct legislation in combination with representative government is an unrepublican form of government.* Following are the exact words:

"The question is submitted with confidence that the courts of this country will protect the people in the enjoyment of those constitutional checks and safeguards against their own power which with wisdom and deliberation they created for themselves. *Injustice and misrule have characterized* all unconstitutional democracies *and all popular governments administered in accordance with the whims and caprices of the multitude (majority rule).*"

"It is in the power of the courts to maintain and preserve this Government against the attack of direct legislation *and the absolutism of numbers (majority rule).*" (Defendant's brief, pp. 147, 148.)

The special privilege corporations of this country realize that the restoration of the people's rule will result in "equal rights to all, special privileges to none" and therefore these corporations are opposing the change. What they will be able eventually to accomplish no man can

say; but the duty of the American judges is as clear as noonday. *Republican ideals are to be upheld and arguments for the establishment of an oligarchy through judicial legislation are to be rejected.*

Following is President Roosevelt's description of the mighty contest for the maintenance of republican institutions. In his inaugural address he said:

"Our relations with the other powers of the world are important, but still more important are our relations among ourselves. Such growth in wealth, in population, and in power as this Nation has seen during the century and a quarter of its national life is inevitably accompanied by a like growth in the problems which are ever before every nation that rises to greatness. Power invariably means both responsibility and danger. Our forefathers faced certain perils which we have outgrown. We now face other perils, the very existence of which it was impossible that they should foresee. Modern life is both complex and intense, *and the tremendous changes wrought by the extraordinary industrial development of the half century are felt in every fiber of our social and political being. Never before have men tried so vast and formidable an experiment as that of administering the affairs of a continent under the forms of a democratic republic.* The conditions which have told for our marvelous material well-being, which have developed to a very high degree our energy, self-reliance, and individual initiative, *also have wrought the care and anxiety inseparable from the accumulation of great wealth in industrial centers. Upon the success of our experiment much depends, not only as regards our own welfare, but as regards the welfare of mankind. If we fail the cause of free self-government throughout the world will rock to its foundations,* and therefore our responsibility is heavy, to ourselves, to the world as it is to-day, and to the generations yet unborn. There is no good reason why we should fear the future, but there is every reason why we should face it seriously, neither hiding from ourselves the gravity of the problems before us nor fearing to approach these problems with the unbending, unflinching purpose to solve them aright.

"Yet, after all, though the problems are new, though the tasks set before us differ from the tasks set before our fathers who founded and preserved this Republic, *the spirit in which these tasks must be undertaken and these problems faced,* if our duty is to be well done, *remains essentially unchanged. We know that self-government is difficult. We know that no people needs such high traits of character as that people which seeks to govern its affairs aright through the freely expressed will of the free men who compose it.* But we have faith that we shall not prove false to the memories of the men of the mighty past. They did their work; they left us the splendid heritage we now enjoy. *We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children.*

"To do so we must show, not merely in great cities, but in the everyday affairs of life, the qualities of *practical intelligence, of courage, of hardihood and endurance, and, above all, the power of devotion to a lofty ideal,* which made great the men who founded this Republic in the days of Washington, which made great the men who preserved this Republic in the days of Abraham Lincoln."

ORDER FOR A RECESS.

During the delivery of Mr. OWEN'S speech,

Mr. SMITH of Georgia. Will the Senator from Oklahoma yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Georgia?

Mr. OWEN. I yield.

Mr. SMITH of Georgia. I desire to ask unanimous consent that the Senate take a recess until half past 9 o'clock to-morrow morning.

Mr. OWEN. Mr. President I can not yield for that purpose now.

Mr. SMITH of Georgia. I mean at the conclusion of the speech of the Senator from Oklahoma.

Mr. OWEN. I yield for that request.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent that at the conclusion of the remarks of the Senator from Oklahoma the Senate stand in recess until 9.30 o'clock. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. WILLIAMS subsequently said: Mr. President, twice while I was in the Chamber the request was made that immediately after the completion of his speech by the Senator from Oklahoma [Mr. OWEN] we should take a recess, and twice I objected. I stepped into the cloakroom for a second, and in my absence the request was renewed, and I understand it was granted. I suppose I have no right to complain; I shall not complain; I shall plead no "baby act" in connection with it; but it strikes me that that is not the usual procedure in the Senate. I was not informed that the request would be made the third time. I objected to it twice, and every Senator knew that I was going to object to it.

Mr. OWEN resumed his speech. After having spoken for some time,

Mr. WILLIAMS. Will the Senator submit to an interruption for a moment?

Mr. OWEN. I must not yield for another interruption. I hope the Senator will not ask to interrupt me again, especially for a motion.

Mr. WILLIAMS. I do not want to make a motion. I merely want to make a statement.

Mr. OWEN. Very well; I will yield to the Senator.

Mr. CATRON. I should like to have it understood that the Senator's speech is not to be interrupted to allow anything else to intervene.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WILLIAMS. Mr. President, I made a statement a moment ago which was doubted. I have gotten a verification of it from another Senator. The Senator from Utah has gone down and has seen the conferees and has ascertained that the statement that I made was abundantly sustained. What has been done by the conference committee was to reduce certain salaries from $2,250 to $1,800, to reduce other salaries from $1,800 to $1,200, to reduce the chief clerk from $1,600 to $1,200, and to continue the assay offices to the end of the fiscal year. So the statement I made was even less than the facts justified. I said they continued them, but had abolished certain offices. It now seems that they have not abolished any of the offices, but have merely reduced the salaries of the officers. I hope that will be satisfactory to the Senator from Nevada.

Mr. NEWLANDS. So far as that amendment is concerned, I will say that both my colleague and myself have acquiesced, under pressure, in these reductions simply in order not to put the Senate to inconvenience, in the expectation that at the next session this wrong will be remedied. What we objected to was that the House proposed, practically, by this legislation to nullify provisions on the statute books authorizing the assay offices and fixing the salaries, and they practically in that way sought to abolish the assay offices.

As to the statement of the Senator from Mississippi [Mr. WILLIAMS], I think that he will find, if he refers to the RECORD, that the statement that he made, the accuracy of which I questioned simply because I questioned the accuracy of his information, was not a statement similar to this.

Mr. WILLIAMS. My statement was stronger than this. I said that they had abolished certain of the salaries. It seems that they have abolished none, but simply reduced them.

Mr. NEWLANDS. That is all.

Mr. WARREN. Will the Senator yield to me to present a conference report?

Mr. OWEN. I do not yield for that purpose.

Mr. WARREN. I beg the Senator's pardon. I did not know the Senator from Oklahoma had the floor.

Mr. OWEN. I do not want the present consideration of any conference report.

Mr. PENROSE. There is no objection to it.

Mr. OWEN. I can not yield any more.

Mr. WARREN. I wish to say to the Senator that this is the closing up of the legislative bill.

Mr. OWEN. Very well. The reason I made that suggestion was because the Senator from New Mexico requested that I should not yield to a conference report on the Indian appropriation bill.

Mr. WARREN. I hope the Senator will yield, that I may present the conference report on the legislative bill.

Mr. PENROSE. I think that will be perfectly agreeable to the Senator from Oklahoma.

Mr. GAMBLE. I observe the Senator from New Mexico is here. Should there be a yielding to one conference report and not to another?

Mr. WARREN and Mr. FALL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Wyoming?

Mr. OWEN. I yield to the Senator.

Mr. WARREN. I present the conference report on the legislative, executive, and judicial appropriation bill. Mr. President, there is quite an amount of reading in the report, and, unless some Senator asks that the report be read, I desire to say this is what we agreed to before, with a reduction of some members of the police force. The assay office in Nevada is restored. The matter of appropriations for all the assay offices is extended for the entire year, but at somewhat reduced salaries for the officers. There is nothing in the failure to appropriate that carries with it any idea of abolishing the assay offices.

Mr. PENROSE. I ask for a vote on the adoption of the report.

Mr. SMOOT. I ask unanimous consent that the reading of the report be dispensed with and that it be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the reading of the report be dispensed with and that it be printed in the RECORD. Without objection, it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after

full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 23, 24, 25, 26, 27, 61, 68, 82, 83, 84, 139, 148, 149, 151, 152, 154, 155, 160, 161, 162, 163, 179, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 11, 37, 38, 39, 147, 180, 181, and 190, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, $1,200, in all, $4,200."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $1,800; clerk, $1,000; assistant assayer, $1,200; assayer's assistant, $1,000; in all, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Helena, Mont.: Assayer in charge, $1,800; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,200; assayer's assistant, $1,000; in all, $5,400."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows. In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$232,210"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "78,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For surveyor general of South Dakota, $2,000; clerks in his office, $4,500; in all, $6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "$23,000"; and the Senate agree to the same.

F. E. WARREN,
GEORGE PEABODY WETMORE,
Managers on the part of the Senate.
J. B. JOHNSON,
A. S. BURLESON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. OWEN resumed his speech.

Mr. FALL. Will the Senator from Oklahoma yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. OWEN. I do.

Mr. FALL. I simply want to place myself right with the chairman of the Committee on Indian Affairs [Mr. GAMBLE].

Mr. OWEN. I was not referring to the Senator from New Mexico [Mr. FALL] but to his colleague [Mr. CATRON], who wanted to go and get a little needed rest.

Mr. FALL. That is all; I wanted that statement made for the benefit of the Senator, who seemed to think I had possibly taken advantage of him during his absence.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. FALL in the chair). Does the Senator from Oklahoma yield to the Senator from South Carolina?

Mr. SMITH of South Carolina. I had better explain before I ask the permission of the Senator from Oklahoma. I want to say now that I shall take occasion to speak about the agreement to take a recess at the conclusion of the Senator's speech.

After the conclusion of Mr. OWEN'S speech,

Mr. PENROSE. If the Senator from Oklahoma has concluded, nothing is in order but the taking of the recess.

Mr. OWEN. I have concluded.

Mr. SMITH of South Carolina. I have the floor.

Mr. PENROSE. By unanimous consent——

Mr. SMITH of South Carolina. Then I suggest that we have not a quorum.

Mr. PENROSE. There is nothing in order, Mr. President, but a recess.

The PRESIDING OFFICER. The Senator from Oklahoma having concluded, under the unanimous-consent agreement the Chair will hold that there is nothing in order except the recess. The Senate is in recess until half past 9 o'clock.

Thereupon (at 4 o'clock and 5 minutes a. m., Tuesday), the Senate took a recess until 9.30 o'clock a. m., Tuesday, March 4, 1913.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1913.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. Ernest Wetherill Wood, of Pennsylvania, to be chaplain, with the rank of first lieutenant, from March 3, 1913, vice Chaplain John A. Mills, Coast Artillery Corps, who died October 8, 1912.

POSTMASTERS.

ALABAMA.

Green E. Bankhead to be postmaster at Sulligent, Ala. Office became presidential October 1, 1912.

COLORADO.

Willa E. Johnston to be postmaster at Ridgway, Colo. Office became presidential July 1, 1912.

MISSISSIPPI.

Thomas R. Gates to be postmaster at Shubuta, Miss., in place of Thomas R. Gates. Incumbent's commission expired April 28, 1912.

NEW YORK.

Horace B. Fromer to be postmaster at Hunter, N. Y., in place of Horace B. Fromer. Incumbent's commission expired February 9, 1913.

OHIO.

Calvin H. Love to be postmaster at Maumee, Ohio, in place of John K. Neisz. Incumbent's commission expired March 1, 1913.

OKLAHOMA.

Victor Anderson to be postmaster at Muskogee, Okla., in place of Alice M. Robertson. Incumbent's commission expired January 14, 1913.

Harry L. Crittenden to be postmaster at Mangum, Okla., in place of Harry L. Crittenden. Incumbent's commission expired February 11, 1913.

PENNSYLVANIA.

Harvey J. Simpson to be postmaster at Vandergrift Heights, Pa., in place of Charles C. Craig. Incumbent's commission expired December 11, 1911.

SOUTH CAROLINA.

J. E. Jeffries to be postmaster at Gaffney, S. C., in place of Thomas Hester. Incumbent's commission expired January 22, 1913.

TEXAS.

Joseph W. Barber to be postmaster at Ranger, Tex., in place of Joseph W. Barber. Incumbent's commission expired April 28, 1912.

W. L. Brown to be postmaster at Hamlin, Tex., in place of W. L. Brown. Incumbent's commission expired December 16, 1912.

James A. Butler to be postmaster at Troup, Tex., in place of James A. Butler. Incumbent's commission expired December 16, 1911.

VERMONT.

Ira Towne to be postmaster at Richmond, Vt., in place of Ira Towne. Incumbent's commission expired February 9, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1913.

PROMOTIONS IN THE ARMY.

Carroll A. Devol to be a brigadier general.
James Parker to be a brigadier general.
Hunter Liggett to be a brigadier general.

APPOINTMENT IN THE ARMY.

Ernest Wetherill Wood to be a chaplain.

PUBLIC HEALTH SERVICE.

Henry F. White to be an assistant surgeon.

WITHDRAWALS.

Executive nominations withdrawn March 3, 1913.

POSTMASTERS.

PENNSYLVANIA.

James R. McCoy to be postmaster at Lewistown, in the State of Pennsylvania.

KANSAS.

Henry L. Cooper to be postmaster at Eldorado, in the State of Kansas.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 3, 1913.*

(Continuation of legislative day of Saturday, March 1, 1913.)

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker at 9.30 o'clock a. m.

MINOR MERIWETHER.

Mr. ESTOPINAL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Minor Meriwether, jr., in consideration of his previous naval service.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. ESTOPINAL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Louisiana is entitled to 20 minutes, and the gentleman from Illinois to 20 minutes.

[Mr. ESTOPINAL addressed the House. See Appendix.]

Mr. MANN. I have 10,000 young men in my district who are also strong and able bodied, and some of whom would like to have good, fat jobs. But, Mr. Speaker, out of deference to my

friend from Louisiana, I will not occupy the balance of my time.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

STEAMBOAT-INSPECTION SERVICE, LOS ANGELES.

Mr. STEPHENS of California. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (S. 8429) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal., and pass the same.

The SPEAKER. The gentleman from California moves to suspend the rules, to take from the Speaker's table the bill S. 8429, and to pass the same. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4414 of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "New Orleans, La.," and before the words "Juneau, Alaska," the words "Los Angeles, Cal."; and that the said section be further amended by inserting in the fifth paragraph thereof, after the words "Portland, Me.," and before the words "Juneau, Alaska," the words "Los Angeles, Cal."

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. STEPHENS of California. Mr. Speaker, the purpose of this bill is to establish at Los Angeles, Cal., a board of local inspectors, Steamboat-Inspection Service. The city of Los Angeles has approximately 450,000 inhabitants. Into Los Angeles Harbor last year there came more than 4,100 coastwise vessels subject to United States inspection and 118,000 seamen, a large part of whom, as ships' officers, with various responsibilities, are required to pass Government examinations. There is no inspection board nearer than San Francisco, 500 miles distant. The establishing of this board at Los Angeles will prove of great convenience to the shipowners and shipbuilders in and about Los Angeles Harbor and to hundreds of owners and officers on the four to five thousand coastwise vessels now entering our harbor. It will also prove an economy to the Government. The Department of Commerce and Labor, the Supervising Inspector General, and the inspector at San Francisco have all recommended it. Both Senators from California, one of whom lives near San Francisco, are strongly favorable. Indeed, I know of no one opposed to this measure.

Mr. STEPHENS of Texas. Is it not a fact that San Pedro is a port of entry of Los Angeles?

Mr. STEPHENS of California. It is, and San Pedro is all within the city of Los Angeles.

Mr. STEPHENS of Texas. And on the other side there is the port of entry of Santa Monica.

Mr. STEPHENS of California. There are several ports of entry within a few miles of this harbor.

Mr. STEPHENS of Texas. Is this officially classed as Los Angeles port of entry or San Pedro or Santa Monica?

Mr. STEPHENS of California. It is officially known as the port of Los Angeles, and Santa Monica, Venice, Long Beach, and Redondo are all subports of entry to Los Angeles.

Mr. STEPHENS of Texas. And this would provide for all those different ports?

Mr. STEPHENS of California. Yes; and for many others. I reserve the balance of my time.

Mr. MANN. Will the gentleman yield?

Mr. STEPHENS of California. I will.

Mr. MANN. As I understand it now, there is no board of inspection in the Steamboat Service south of San Francisco.

Mr. STEPHENS of California. That is right.

Mr. MANN. How much would the expense be to the Government for the board at Los Angeles if this bill passes?

Mr. STEPHENS of California. I will say to the gentleman from Illinois that it is believed that the expense will not be very much, if any, greater.

Mr. MANN. I know, but that is not the question I asked. How much will the expense be at Los Angeles?

Mr. STEPHENS of California. About $5,000 per annum. But this amount will be exceeded if the Inspection Service is to be performed in the old way, for additional inspectors will be needed at San Francisco, and a much larger traveling expense made necessary by the wonderfully growing shipping industry at and near Los Angeles.

Mr. MANN. Well, they send inspectors now from San Francisco to Los Angeles.

Mr. STEPHENS of California. Yes.

Mr. MANN. Of course there is some expense growing out of that for traveling expense and subsistence.

Mr. STEPHENS of California. One hundred dollars every time they go to Los Angeles. It takes two inspectors, one for hulls and one for boilers.

Mr. MANN. I see the supervising inspector of the district says that, if necessary to visit it two or three times a week, they send inspectors down there at the expense of $300 per week. They are certainly guilty of gross extravagance if they send down inspectors two or three times a week at an expense of $300 a week.

Mr. STEPHENS of California. I will say to the gentleman from Illinois that the inspection bureau at San Francisco is trying to accommodate the service on the Pacific coast as best it can. The Craig Shipbuilding Co. now have in operation a large shipbuilding plant at Long Beach, near Los Angeles. Last year four or five good-sized steamships were built by this company. This year it will build more than that, and in addition will construct two submarines for the United States Government.

Mr. MANN. The gentleman believes from his knowledge of the subject that the expenses of this board at Los Angeles will practically be no more than the expenses now incurred by sending inspectors from San Francisco to Los Angeles?

Mr. STEPHENS of California. I feel sure the next three years will prove this an economical thing for the Government to have done.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRANDEGEE, Mr. ROOT, and Mr. PAYNTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 23673. An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

CHARLES DUDLEY DALY.

Mr. PETERS. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 7747, and pass the same.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

An act for the relief of Charles Dudley Daly.

The SPEAKER. Is a second demanded?

Mr. HARDWICK. Mr. Speaker, I demand a second.

Mr. MANN. I demand a second, and I will make a point of no quorum if that bill is coming up.

The SPEAKER. If the gentleman from Massachusetts [Mr. PETERS] will withdraw it, the Chair will recognize him first after we get a quorum.

Mr. PETERS. All right, Mr. Speaker.

RELATIONS WITH THE PHILIPPINES (H. DOC. NO. 1446).

Mr. KENDALL. Mr. Speaker, I ask unanimous consent to address the House for one minute, as doubt is entertained of the presence of a quorum.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KENDALL. Mr. Speaker, Cardinal Gibbons is not only a very distinguished prelate but he is a very eminent statesman as well. He has had occasion to devote very deep and discriminating study to the subject of our relations to the Philippines, a proposition which will be one of difficulty and importance in the next Congress. Some time ago he submitted to an interview, which is a contribution of peculiar value, in my opinion, to the American people. I ask unanimous consent to extend my remarks by including it in the RECORD.

The SPEAKER. The gentleman from Iowa [Mr. KENDALL] asks unanimous consent to extend his remarks in the RECORD.

Mr. HUMPHREYS of Mississippi. Reserving the right to object, I just wanted to make this suggestion to the gentleman. I have no doubt in the world that this is a valuable contribution. It would be of much more benefit to the House if the gentleman would have it printed as a document, so that we could get it, as we do other documents, and have it bound.

Mr. KENDALL. I am inclined to adopt the suggestion of the gentleman from Mississippi. If there be no objection, I modify my request and ask that the interview with Cardinal Gibbons be printed as a House document also.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. KENDALL]?

There was no objection.

The matter referred to is as follows:

[House Document No. 1446, Sixty-second Congress, third session.]

Retention of the Philippines.

(Article by Cardinal Gibbons for the retention of the Philippines.)

CARDINAL FOR RETENTION OF PHILIPPINES—OPPOSES ANY PLAN FOR PRESENT OR FUTURE INDEPENDENCE AT FIXED TIME—NOT YET READY FOR SELF-GOVERNMENT—SAYS FOR UNITED STATES TO ABANDON PLAIN DUTY WOULD IMPERIL CHRISTIAN CIVILIZATION.

Cardinal Gibbons, in an interview with James T. Williams, jr., editor in chief of the Boston Evening Transcript, which appears in that paper recently, expresses his firm opposition to any declaration regarding the independence of the Philippine Islands in the near future.

He takes the ground that the Philippine problem is in no sense a partisan question, but belongs to the whole American people. His eminence declares that a "scuttle" policy in the islands would be a dishonorable act, and is firm in his belief that the American people will never stand for such a policy.

FAVORS INVESTIGATION.

Before making any change in the Philippine policy of the Government, the cardinal suggests that the President be authorized by Congress to appoint a commission to investigate conditions in the islands at first hand, so that its recommendations with respect to the future be based upon observations on the ground.

In his interview the cardinal said:

"The future of the Philippine Islands is a problem that belongs to the whole American people. At no time should it be considered from the standpoint of partisanship. To its solution the best thought of the country should be devoted, and the efforts of our Government in that direction deserve the loyal support of all Americans without regard to creed, religious or political. The orderly progress and development of the Filipinos and their education in the difficult science of self-government under the wise and benevolent policy pursued by this Nation since the American occupation is threatened by the proposal to commit the Government to abandon those islands at a fixed time in the future—and that only a few years away.

CAN NOT PUT DUTY ASIDE.

"Those islands were taken as a war measure. Some may think it would have been better for us never to have exercised our jurisdiction over them, but once American sovereignty was established in that archipelago, the responsibility for the welfare and development of the Filipinos devolved upon the American people, and upon their shoulders it rests today. I am irrevocably opposed to any proposal that would commit this Nation to a scuttle policy in the Philippine Islands—to-day, to-morrow, or at any fixed time in the future—and I say this wholly in the interest of the social, material, and moral advancement of the people of the United States, of whom I am proud to be a fellow citizen, no less than of the Filipinos themselves.

"In the first place, I maintain that the Filipinos—the vast majority of them, at any rate—have never been consulted regarding their independence. The islands composing the archipelago number more than 3,000 and are widely scattered. The people of one island have little or no relation with the inhabitants of another. No attempt has been made to ascertain the views of these segregated groups upon the question so vital to them as to whether they shall be turned adrift to shift for themselves. There has been no plebescite, and it would require days and weeks for them to gather and register their opinions on the subject.

"Up to the present moment the Filipinos have no conception of the honor and responsibility which it is now proposed to thrust upon them. I hold it to be unreasonable in the extreme to impose both upon men who have not even been consulted as to their wishes and have no adequate conception of the duties and responsibilities involved in giving them their independence.

NOT READY FOR FREEDOM.

"But even could it be demonstrated that a large number of Filipinos desired that independence, in my judgment the inhabitants of those islands as a whole are utterly unprepared to shoulder the responsibility which independence will place upon them. Some authorities give the number of those capable of reading and writing as not more than 5 per cent. Nor have more than 3 per cent an adequate idea of the duties required of those charged with self-government.

"It took 300 years to civilize and Christianize the Filipinos. The entire population is estimated at 8,000,000, of whom 7,000,000 are Christians and 1,000,000 are Moros and Mohammedans. If we were to withdraw now, it is much to be feared that these people would lapse into a state of barbarous infidelity, and thus undo the work of 300 years. It must be remembered that there are constant uprisings in the islands; that the fierce and warlike Moros continue to invade the different islands and keep their inhabitants in a state of constant turmoil and bloodshed. The missionaries there now, while willing to sacrifice their lives in the discharge of their sacred duty, are powerless unless they be sustained by the strong arm of the United States Government to enforce law and order.

"Evidence of the bloodthirstiness of the Moros comes to us with depressing frequency. Their attacks upon the United States troops and upon their law-abiding fellow countrymen continue from time to time, and only recently an American officer and several scouts were ruthlessly massacred by these men. How helpless would be the peace-loving Filipinos against the Moros' uprisings were the worthy protecting hand of the United States withdrawn!

WOULD IMPERIL INDUSTRY.

"To withdraw from the Philippines at a fixed time in the future, regardless of conditions in those islands, would work a serious injustice to the many Americans and far-seeing citizens of other countries who have invested their money in developing the resources of those islands. These investments have been made on the assumption that the Philippines would continue under our protection indefinitely.

"For the United States to reverse its repeatedly declared policy with respect to these islands would, in my earnest belief, be a dishonorable act. It would work great harm to those investors, as well as to the Filipinos themselves, for this country to withdraw and witness a resultant reign of anarchy. It should be borne in mind that the development of those islands is essential to the development of the Filipinos. Many capitalists are disposed by an enlightened self-interest to invest their capital in the building of railroads and in the development of the mines and other resources of the archipelago, a development that, I repeat, would contribute vastly to the interest and welfare of the Filipinos; but these investors are not willing to enter upon such enterprises unless given the guarantee of permanent law and order in those islands which can alone come under the benevolent protection and guidance that has characterized the American occupation.

ENCOMIUMS FOR TAFT.

"I speak upon this Philippine problem with the interest and sincerity of an American citizen, proud of the record there made by our Government in colonial administration and hopeful of the beneficent results which, with the patriotic pursuance of that policy, the future will bring. Nor do I speak without information. I have been in frequent conferences with the President upon this problem, which is so near to his heart. No citizen of the United States is better equipped with information on the conditions in those islands than President Taft. He is a man of close observation, judicial temperament, and entirely disinterested, save as every American should be interested in seeing his country do well the task set before it.

"In his efforts on behalf of the common welfare of those islands and of the United States, Mr. Taft has shown unselfish courage and patience of a rare order. He was their governor general and had ample opportunity to study the character and mental and moral qualifications of the Filipinos and to judge of their capacity for self-government. I have also recently conferred with the present governor general, Mr. Cameron Forbes, a gentleman who rightly enjoys the esteem and confidence of America, and especially of the people of his native State of Massachusetts. In addition, I have conferred with many private citizens who have spent considerable time in those islands, and for many years I have been in constant touch with the Philippine people through correspondence with the bishops and clergy among them.

"All are unanimous in their deprecations of the early autonomy of those islands; all are emphatic in their opposition to the fixing of any definite or indefinite time when the Filipinos might be capable of self-government; all are among the best friends the Filipinos have.

SHOULD INVESTIGATE FIRST.

"If another step in the policy of leading and helping the Filipinos to deserve through increasing capacity a larger measure of self-government is to be taken, let us go about the matter with deliberation. In my opinion the wisest step in this direction would be for the President, in his wisdom and discretion, to select a committee of discreet and observant patriotic citizens to visit various portions of the islands. Thus would they be enabled to form their judgment upon observations made at first hand as to the time when the Filipinos may have the ability and education to assume a larger measure of self-government than this Nation is warranted by conditions to-day in promising them. To hold out a promise to them that we could not keep would be no less dishonorable than to shirk our obligation toward them.

"I have no patience with the argument that the Philippine Islands are the source of an annual deficit to this country. Even were that true, the fact would not warrant a cowardly abandonment of the clear and accepted duty of the American people toward the Filipinos. Surely as a nation we owe that much to the world and to ourselves; we owe it to the cause of peace and good order the world over. But I am credibly informed that those islands are self-supporting and that the only item in which the expenditures exceed the receipts is in the difference of cost between maintaining an army there and at home. Certainly that difference is not worthy of consideration by a nation of our resources and of our large responsibilities to the world.

DISTANCE NO ARGUMENT.

"Objection is raised against our continuing to rule a people 8,000 miles away. In answer I would say that when we acquired California in 1847 President Polk is said to have remarked that a territory so far removed from what was then the United States would be a doubtful possession. We know now how fallacious was his reasoning. Although the Philippine Islands are so far removed from us geographically, it is easier for us to-day to reach Manila than it was 60 years ago to go from New York to San Francisco, and, in fact, it might be said that we are in hourly communication with the islands by cable.

WOULD MEAN ANARCHY.

"On many sides of us to-day we see republics torn with chronic revolutions—Liberia, San Domingo, Cuba, and last, but by no means least, Mexico. For those revolutions this Nation is not responsible. I hold that it would be a grave mistake to add another to that group, and one for which as a nation the United States would be wholly responsible. The world at large would hold us responsible, not only for the setting up of such a republic but for the disorder that would follow the thrusting upon a people, unprepared for the responsibility involved, of independence and so-called self-government.

"Now that the United States, through a considerable period of years, has with patience and a firm and steady purpose assumed the responsibility before the world of administering the affairs of the Philippine Islands, I am very firmly of the belief that it would be a national dishonor, harmful to all concerned, for this Government to surrender the Filipinos to the tender mercies of a neighboring power or to turn them adrift wholly unprepared to face the future as an independent people; to give them up in such a way would be like a mother abandoning a helpless child, or like a father withdrawing counsel and control from a son who had not yet come to years of discretion. I am hopeful of the future of the Philippine people because I have confidence that the American people will never stand for a 'scuttle' policy in those islands."

RURAL CREDITS IN EUROPE.

Mr. MOSS of Indiana. Mr. Speaker, I move to suspend the rules and take from the Speaker's table Senate joint resolution 132 and pass the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe.

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance, held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas 27 States were represented through delegates in the conference; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of delegates from all States of the United States, to report to the International Institute of Agriculture (which under treaty is supported by the Government of the United States), at the time of the meeting of the general assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved, etc., That the Congress of the United States, in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance, hereby indorses the proposed American commission and invokes for it the diplomatic consideration of the countries to be included in the itinerary.

Also the following amendment was read:

Strike out all after the resolving clause and insert the following:

"That the Secretary of State be authorized and requested to bespeak for the proposed American commission to investigate the European system of rural credits the diplomatic courtesies of the various European Governments."

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, Mr. Speaker.

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Indiana [Mr. Moss] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I understand, and I wish to ask the gentleman about it, that the motion proposes to amend the joint resolution so that instead of providing that Congress shall invoke the diplomatic consideration of countries abroad it authorizes the Secretary of State to do that in the usual diplomatic manner.

Mr. MOSS of Indiana. That is correct.

Mr. MANN. Then I have no objection.

The SPEAKER. The question is on suspending the rules and agreeing to the joint resolution.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, and the joint resolution was agreed to.

AIDS TO NAVIGATION, ETC.

Mr. ADAMSON. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 27789, as amended by the paper which I send to the Clerk's desk, which is really a substitute for the bill.

The SPEAKER. The Clerk will report the substitute. What is the number of the bill?

Mr. ADAMSON. The number of the bill is H. R. 27789, but the Clerk has the substitute for it.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

That the Secretary of Commerce and Labor is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded.

To construct and equip a lighthouse tender for general service at a cost not exceeding $250,000.

FIRST LIGHTHOUSE DISTRICT.

To construct and equip a light vessel to be placed near Monhegan Island, off the entrance to Penobscot Bay, Me., at a cost not to exceed $125,000.

THIRD LIGHTHOUSE DISTRICT.

To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., at a cost not exceeding $23,000.

SIXTH LIGHTHOUSE DISTRICT.

Purchase of a site and construction of a wharf and buildings, and purchase of the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed $125,000.

EIGHTH LIGHTHOUSE DISTRICT.

Aids to navigation in Atchafalaya Entrance Channel, La., at a cost not to exceed $50,000.

To construct and equip a light vessel for the Southwest Pass Entrances to the Mississippi River, La., at a cost not to exceed $125,000.

NINTH LIGHTHOUSE DISTRICT.

Light station on Navassa Island, in the West Indies, at a cost not to exceed $125,000.

Purchase for lighthouse purposes of approximately one-half acre of land in the vicinity of the lighthouse reservation at Port Ferro Light Station, P. R., for the purpose of constructing a watershed and cistern, and the appropriation "General expenses, Lighthouse Service," for the fiscal year in which the purchase is effected, is hereby made available for the purchase of said site.

TENTH LIGHTHOUSE DISTRICT.

Rearrangement, rebuilding, and improvement of the aids to navigation at Ashtabula Harbor, Ohio, at a cost not to exceed $45,000.

Removal, reconstruction, and improvement of the fog-signal station at Cleveland, Ohio, at a cost not to exceed $17,000.

Light and fog-signal station and improvement of aids to navigation at Lorain Harbor, Ohio, at a cost not to exceed $35,000.

ELEVENTH LIGHTHOUSE DISTRICT.

Additional aids to navigation at Ashland, Wis., at a cost not to exceed $25,000.

A pierhead light and lighted buoy at Oconto Harbor, Wis., at a cost not to exceed $5,000.

TWELFTH LIGHTHOUSE DISTRICT.

Establishment of aids to navigation in the harbor of Manistique, Mich., at a cost not to exceed $20,000.

SIXTEENTH LIGHTHOUSE DISTRICT.

Light and fog signal at or near Cape St. Elias, Alaska, at a cost not to exceed $115,000.

SEVENTEENTH LIGHTHOUSE DISTRICT.

Aids to navigation and improvements of existing aids in Puget Sound and adjacent waters, Wash., at a cost not to exceed $30,000.

Improvement of Warrior Rock Light Station, Columbia River, Oreg., including the purchase of additional land at a cost not to exceed $2,000.

EIGHTEENTH LIGHTHOUSE DISTRICT.

To authorize the completion of the unfinished portion of the Government road from Rollerville to the Point Arena Lighthouse, Mendocino County, Cal., at a cost not to exceed $3,000.

For establishing a light and fog-signal station on or near North Farallon Island, Cal., $100,000.

Hereafter the purchase of necessary additional land for light stations and depots is authorized under rules prescribed by the Secretary of Commerce and Labor: *Provided*, That no single acquisition of such additional land shall cost in excess of $500.

Hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special works.

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service the same shall be appraised and sold, either by sealed proposals for the purchase of the same or by public auction after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interests require, the proceeds of such sales, after the payment therefrom of the expenses of making the sales, to be deposited and covered into the Treasury as miscellaneous receipts as now provided for by law in like cases.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. The gentleman from Illinois [Mr. Mann] demands a second.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that a second be regarded as ordered.

The SPEAKER. The gentleman from Georgia [Mr. Adamson] asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Georgia [Mr. Adamson] has 20 minutes and the gentleman from Illinois [Mr. Mann] has 20 minutes.

Mr. ADAMSON. Mr. Speaker, I am not disposed to consume all the time unless it is rendered necessary by questions.

I will say that early last session the Committee on Interstate and Foreign Commerce took up for consideration the recommendations of the Department of Commerce and Labor and prepared an omnibus lighthouse bill, but gentlemen around the House suggested that it was too large to pass, and we cut it down to a bare emergency bill, and passed that emergency bill. But in answer to numerous questions asked by various Members of the House, it was stated by me on this floor, with the acquiescence of all the leaders, as I understood it on both sides, that this bill should be passed at this session.

That emergency bill went to the Senate and the Senate placed on it nearly all of the provisions that the department had recommended. In conference your conferees, faithful to the orders of the House and their pledges to the Members of the House, rejected all of those amendments and brought back the bill, with few exceptions, as the House passed it.

We did not at this session press the bill which gentlemen on the floor said was too large. The Senate, however, passed a bill of substantially the same size, carrying about $1,800,000, but we declined to bring up that bill. We prepared a substitute containing those aids to navigation, which are urgently needed and to which there appeared to be no objection, and this substitute, we are assured, will be acceptable to the other branch of Congress. We have been so assured by that committee. There is nothing in it, we believe, that is not a matter of necessity, and we hope that the bill, now reduced to moderate proportions and doing nothing except to provide for the actual needs of the service, will be speedily passed.

Mr. MOORE of Pennsylvania rose.

Mr. ADAMSON. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Illinois [Mr. Mann] has 20 minutes.

Mr. MANN. I understood the gentleman from Pennsylvania [Mr. MOORE] desired to ask the gentleman from Georgia a question.

Mr. MOORE of Pennsylvania. Yes.

The SPEAKER. The gentleman from Georgia will give his attention. The gentleman from Pennsylvania desires to catechize him. [Laughter.]

Mr. ADAMSON. I shall try to give the gentleman my attention, and if he asks me questions that I can not answer I will do as the little Sunday school boy did and say, "I do not know." [Laughter.]

Mr. MOORE of Pennsylvania. I do not want to catechize the gentleman along biblical lines.

Mr. ADAMSON. I think I shall not have to say "I do not know," if the gentleman will get into that field—so novel for him. [Laughter.]

Mr. MOORE of Pennsylvania. I do not want to get the gentleman's biblical history confused with the facts. [Laughter.]

Mr. ADAMSON. I will answer anything that the gentleman propounds concerning history, sacred or profane. [Laughter.]

Mr. MOORE of Pennsylvania. Was every Senate amendment cut out in conference on the emergency bill at the last session?

Mr. ADAMSON. Everything except the lightships.

Mr. MOORE of Pennsylvania. I notice that the fourth lighthouse district is not considered in this bill at all.

Mr. ADAMSON. Mr. Speaker, the gentleman is in error. The committee did consider it very carefully, and we did not disregard it until we were compelled to in order to get the bill passed.

Mr. MOORE of Pennsylvania. The gentleman says that necessary projects only are authorized in the bill.

Mr. ADAMSON. Mr. Speaker, the gentleman misunderstood my statement. I said those left in the bill are absolutely necessary. There are many others of great necessity, but, as Bill Acklin told the eel, when the eel wriggled off his hook, "There will be more days than one," and we hope other necessary projects will be provided for in the near future.

Mr. MOORE of Pennsylvania. I do not want to incur the gentleman's displeasure, and I would not——

Mr. ADAMSON. I love the gentleman like a brother and love to answer his questions.

Mr. MOORE of Pennsylvania. I know that; but I am doing the best I can to draw the gentleman's attention to the fact that the Goose Islands Flats light in the fourth district has not been provided for in this bill, and that it is needed along a stretch of territory along navigable water which has very scant aids to navigation for 14 miles. This is a very urgent matter, because vessels run ashore on those flats in the Delaware River. I understand there was a Senate amendment, and I wanted to understand whether it was considered by the committee.

Mr. ADAMSON. I admit everything the gentleman says about the importance of that light, and if it were in my power I would amend the bill and put it in. I have tried my best to get some arrangement by which we could include other items in this bill, but it is just as big as we can possibly get through both Houses at this time.

Mr. MOORE of Pennsylvania. If the gentleman at this time admits the merit of that project, I am satisfied.

Mr. ADAMSON. I admit the merit of this and of half a million dollars' worth of others that we could not get into this bill.

Mr. MANN. Mr. Speaker, I should like to ask the gentleman about a few matters in this bill.

A few years ago, on the reorganization of the Lighthouse Service, I noticed that where there had been two inspectors before in each district there was after the reorganization only one I pector in the district, and it was stated then that the Lighthouse Bureau would have a surplus of tenders. Now comes in a proposition for a new lighthouse tender. The expense of the maintenance of a lighthouse tender is in the neighborhood of $40,000 to $50,000 a year, without considering repairs. I am sorry the gentleman from Georgia is having his attention diverted by the gentleman from Washington [Mr. HUMPHREY] in a private conversation, so that he has not heard what I said.

Mr. ADAMSON. I hope the gentleman from Illinois will pardon the gentleman from Washington.

Mr. MANN. I presume the gentleman from Washington [Mr. HUMPHREY] is trying to get additional propositions into this bill, because the lighthouse district represented by the gentleman from Washington will never be satisfied until it has a lighthouse every few hundred feet along the coast, both of the Pacific and the Sound.

Mr. HUMPHREY of Washington. If the gentleman will yield, I thank him for the compliment; but I have not asked for any addition to the bill. I certainly would not hesitate to do so, however.

Mr. MANN. Ever since the gentleman from Washington has been a Member of the House he has been continuously and persistently asking for additional aids to navigation on his coast, and although we have granted more there than for any other similar area in the United States, he is still unsatisfied, and has a large number of requests now in.

Mr. ADAMSON. I am much obliged to the gentleman from Washington for diverting the attack of the gentleman from Illinois from me. I thought he got up to "jump" on me.

Mr. MANN. Not at all. I rose for the purpose of acquiring some of the large and valued information which is always lodged in the head of my distinguished friend from Georgia, to see if I could extract some of it for the benefit of the House. I will ask the gentleman what is the need for this new lighthouse tender?

Mr. ADAMSON. Mr. Speaker, the author of this bill and the gentleman who directed its preparation has come in, and having performed as far as is necessary, I will now refer the gentleman from Illinois to the gentleman from Maryland [Mr. COVINGTON].

Mr. MANN. Mr. Speaker, although I shall be glad to hear the answer of the gentleman from Maryland [Mr. COVINGTON], it is not necessary for any member of the Committee on Interstate and Foreign Commerce—the greatest committee of this House, and, in my judgment, the most important committee of the House—to refer any subject to any other member of the committee for information, because every member of that committee is always filled with information concerning any subject reported from the committee.

Mr. ADAMSON. If the gentleman from Illinois will permit an interruption, I have an illustrious precedent for the course I have taken. Under a former administration when the gentleman from Illinois, the great minority leader [Mr. MANN], was a high private in the rear rank, the chairman of the committee very often delegated to him not only the management of bills on the floor, but the preparation of bills, and I am proud to say that there are a number of able gentlemen on the present committee to whom the chairman can safely delegate such questions to handle bills on the floor.

Mr. MANN. I do not question that; I believe every member of that committee is quite capable of handling any bill on the floor of the House. I would be glad to have the gentleman from Maryland give to the House the reasons why we should have a new lighthouse tender. I understand perfectly well that we lost a tender during the last year, but also that we had a surplus of tenders at the beginning of the year. Now, do not tell me that it is because they lost a tender; tell me what became of the surplus tenders.

Mr. COVINGTON. Mr. Speaker, there seems to be a difference of opinion between the former chairman of the committee and the gentleman to whom has been intrusted the management of the Lighthouse Bureau. The Commissioner of Lighthouses came before the committee and said that by reason of the loss of the lighthouse tender *Armenia* in Alaskan waters there was a necessity for a new tender. I can not assume the responsibility of saying whether the chairman of the Committee on Interstate and Foreign Commerce in the last Congress or Commissioner Putnam of the Lighthouse Bureau is the best expert, but I do know that the *Armenia* was the only tender in Pacific waters available for Alaskan work, and that vessel should be replaced. The remaining tenders are vessels of about 600 tons, while the *Armenia* was a vessel of 1,000 tons. It takes a stanch tender of at least that much tonnage to do the Alaskan work.

Mr. MANN. I understand the gentleman's answer is that the commissioner says they need the tender, and that settles it with the committee.

Mr. STEVENS of Minnesota. Will the gentleman yield?

Mr. MANN. I have but a few moments.

Mr. COVINGTON. I want to say one thing more.

Mr. MANN. The next item in this bill is to provide a light vessel to be placed near Monhegan Island. That is off the coast of Maine. It costs a large sum of money every year to maintain a light vessel. The distinguished Senator from Maine who has passed away—Senator Frye—was for many years the chairman of the Committee on Commerce in the Senate, and had jurisdiction over providing additional aids to navigation. With all due respect and affection for his memory and his services, I have come to believe that there was no place off the coast of Maine which the distinguished Senator had not been able to provide for.

Yet the first lighthouse bill that comes in after he is gone beyond contains a provision for a new light vessel off the coast of Maine. I yield to the gentleman from Minnesota, who is well acquainted with Maine from early life, to tell why we need a new light vessel.

Mr. STEVENS of Minnesota. Mr. Speaker, I will be glad to tell the gentleman very briefly. In the very last bill which passed three years ago Senator Frye was one of the conferees, and the bill contained this provision. The conferees on the part of the House objected to this provision, then. The Senate conferees, with Senator Frye at the head, agreed that we would first try a cheaper method of lighting with acetylene buoys, but if it was unsatisfactory and unsafe to navigation interests, they ought to be replaced by a light vessel.

That has been tried; the navigation interests are opposed to acetylene buoys on the ground that they are not only unsatisfactory but unsafe, and for that reason we have deemed it necessary to go back to the original provision for a lightship. It is asked for because it is the only safe way to light a dangerous coast.

Mr. MANN. The gentleman has given the explanation, but during my long service the distinguished Senator never suggested nor did the marine interests suggest a light vessel at this place.

Mr. STEVENS of Minnesota. The gentleman will find the provision in the bill three years ago.

Mr. MOORE of Pennsylvania. If the gentleman will yield, I want to enlighten the gentleman from Illinois [Mr. MANN], who wanted to know what became of the old tenders on the Pacific coast after they got through with them. I can tell the gentleman what they do with the old tenders on the Lakes; they send them to the Atlantic coast.

Mr. MANN. After we get through with an old vessel, worn out in the active service on the stormy waters of the Lakes, the proper place to send them is to the sweet, dead town of Philadelphia, where there are no storms and no troubles.

Mr. MOORE of Pennsylvania. That is where they come.

Mr. MANN. When they get dead and asleep, that is where they belong. I would like to ask the gentleman with reference to the last two items in the bill.

Mr. PAYNE. Mr. Speaker, before the gentleman does that, I want to ask him a question. The gentleman has spoken of the late Senator Frye, of Maine, and his activities in making provision on the coast of Maine for those things that came under his eye and within his knowledge. I would like to know whether other members on the committee in the Senate, and also members of a like committee in the House, have been as industrious in providing for the needs that came under their eyes and close observation, even though they happened to be in their own State.

Mr. MANN. Mr. Speaker, I can assure the House that my distinguished friend from New York [Mr. PAYNE] has never missed an opportunity to get an aid to navigation wherever it was needed in his district. [Laughter.]

Mr. PAYNE. Mr. Speaker, that is so, because I never have applied for a lightship of any kind or a light in my district.

Mr. MANN. Because the gentleman could not use one.

Mr. PAYNE. Oh, I think we have some ports on the lake that are quite important.

Mr. MADDEN. I suggest that the most of the lights in the gentleman's district are on public buildings.

Mr. PAYNE. Possibly.

Mr. MANN. Oh, no; the chief light in the gentleman's district is the distinguished gentleman himself. [Laughter and applause.]

Mr. PAYNE. Mr. Speaker, I do not want to rest under any false accusations. There have never been any lights in my district in the last 30 years placed there as aids to navigation, because they have never been asked for.

Mr. MANN. Mr. Speaker, I would like to ask in reference to the last two items in this bill. They came into the House the other day on the sundry civil appropriation bill, and, to myself and other Members of the House, seemed proper items, but when those two items were reached on the consideration of the sundry civil appropriation bill the distinguished gentleman from somewhere, representing the Committee on Interstate and Foreign Commerce, promptly raised a point of order and had them stricken out of the bill.

Mr. COVINGTON. Mr. Speaker, I am the person who made the point of order, and it was sustained.

Mr. MANN. The only reason that can be offered for that was that the gentleman thought they were improper items. Having had them stricken out when there was surely a chance for their passage, the gentleman now proposes to insert them in this bill. Why this change of heart?

Mr. ADAMSON. Oh, they had been inserted in this bill for some six months.

Mr. MANN. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Illinois has six minutes remaining.

Mr. MANN. Does the gentleman from Maryland desire to give any reason?

Mr. COVINGTON. Yes.

Mr. MANN. I am sorry that I have propounded a question that the gentleman does not seem able to answer.

Mr. COVINGTON. Mr. Speaker, I did make the point of order to which the gentleman refers, and I can answer his question satisfactorily to this House.

The SPEAKER. Does the gentleman from Georgia yield the gentleman from Maryland any time?

Mr. COVINGTON. The gentleman from Georgia has yielded me the remainder of his time; but, Mr. Speaker, I am answering the question in the time of the gentleman from Illinois who has asked me regarding a point of order that I made to items on the sundry civil appropriation bill when that bill was on its passage in this House some days ago. It is a fact that the point of order referred to by the gentleman from Illinois was made, and it was made by me. It was made because the sundry civil bill, among other numerous items of general legislation which have no proper place on an appropriation bill, carried those particular items of general legislation for the lighthouse service, which have their proper place in the lighthouse bill we are now considering, and which was then on the Calendar of the House. For that reason, and for no other reason, I state very frankly to this House, I made the point of order, in order that this bill might retain its proper place and integrity.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. COVINGTON. I can not answer the gentleman because I am answering an inquiry of the gentleman from Illinois.

Mr. SHERLEY. I want the gentleman to answer another question.

Mr. COVINGTON. If the gentleman from Illinois has no objection to yielding the time.

Mr. SHERLEY. I just desired to ask a question, and it will take only half a minute.

Mr. COVINGTON. If the gentleman from Illinois is content, very well.

Mr. MANN. The gentleman is occupying his own time.

Mr. COVINGTON. Oh, I beg the gentleman's pardon; I am answering a question of the gentleman from Illinois in the gentleman's time.

Mr. MANN. Oh, not at all; the gentleman took the floor in his own right.

Mr. COVINGTON. Oh, no; I could not presume to waste that much time in my own time.

Mr. MANN. The gentleman says now he did not take the floor in his own right. He did, however.

The SPEAKER. The gentleman from Illinois reserved the remainder of his time.

Mr. MANN. I did. The gentleman does not seem to know in whose time he is talking.

The SPEAKER. The Chair inquired of the gentleman how he got the floor.

Mr. ADAMSON. The gentleman from Maryland was answering a question of the gentleman from Illinois and explaining the bill, which he had in fact prepared.

The SPEAKER. The Chair knows, but he also replied that the gentleman from Georgia yielded him the rest of his time.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is not the present parliamentary condition this, that the gentleman from Chicago has been caught asleep at the switch? [Laughter.]

The SPEAKER. The Chair is not going to rule that the gentleman from Chicago ever got caught asleep at the switch. [Laughter.] Does the gentleman from Maryland desire to use any of his time?

Mr. COVINGTON. Mr. Speaker, I do not desire now to use any of my time.

Mr. MANN. The gentleman from Maryland said that the reason he raised the point of order on the two items when they were in the sundry civil bill was because when the items came in that bill there was no time for consideration. Now, the fact is that in the consideration of the sundry civil bill when those items were reached there was plenty of time for consideration, but now——

Mr. ADAMSON. Will the gentleman yield? I would like to correct an impression.

Mr. MANN. But now the gentleman proposes to suspend the rules and pass the bill when there is no time for consideration. The excuse offered by the gentleman will hardly wear.

Mr. ADAMSON. Mr. Speaker, the gentleman misunderstands the explanation which was offered.

Mr. MANN. I did not refer to the explanation of the gentleman from Georgia.

Mr. ADAMSON. I understand, but the gentleman misunderstood the gentleman from Maryland.

Mr. MANN. I did not; I heard him distinctly.

Mr. ADAMSON. He said it was general legislation, and therefore he made the point of order, and it was sustained on that ground.

Mr. MANN. He said that the reason he made the point of order was because it was not possible to receive consideration of the items in that bill, when, in fact, that is the only way they could receive consideration.

Mr. SHERLEY. If the gentleman will permit, perhaps the reason that he made the point of order was that the best things that are now in their bill we had in our bill, and they wanted those good things to carry along with the others they have got in this bill.

Mr. MANN. Now, Mr. Speaker, I desire to congratulate the House upon its Committee on Interstate and Foreign Commerce and upon its chairman. [Applause.] In my judgment, after some years' service, that committee is the most important legislative committee in either branch of Congress. [Applause.] They have done good service in this Congress, and I congratulate the members of that committee upon the service they have rendered to the House and to the country. [Applause.]

Mr. ADAMSON. And this is the best work we have done, and I hope it will pass unanimously.

Mr. DUPRÉ. Mr. Speaker, I would like to ask the gentleman from Maryland a question, if I may.

Mr. COVINGTON. I yield to the gentleman.

Mr. DUPRÉ. I have been unable to get a copy of the bill in its present shape, and I would like to ask the gentleman what provision it makes for a lightship at the mouth of the Mississippi River?

Mr. COVINGTON. I will state to the gentleman from Louisiana that the original draft of this bill carried with it two lightships for the Mississippi Passes, one of them for the South Pass and another for the Southwest Pass. In order to make this bill carry the smallest possible amount in authorizations we had the Commissioner of Lighthouses before the committee a few days ago, and he stated that there was now at the South Pass a lightship which for a year or two will probably answer the needs of navigation. There is also a lightship at Galveston, Tex., and with the additional lightship we have provided and which is to be placed at Southwest Pass of the Mississippi, the new pass which has just been completed by recent river and harbor legislation, there will be in existence the three lightships for the lightship service that are necessary on the Gulf of Mexico. Lightships occasionally have to be removed from their stations for repairs, however, and the additional lightship which was originally contemplated was for relief work in the Gulf district. We eliminated it to save money, believing that the service can wait a year or so for the authorization of the additional vessel. With the passage of this bill both channels at the mouth of the Mississippi will have lightships.

Mr. DUPRÉ. Mr. Speaker, only on the theory that half a loaf is better than no bread I accept the explanation offered by the gentleman from Maryland.

Mr. MANN. I yield one minute to the gentleman from New York [Mr. CALDER].

Mr. CALDER. Mr. Speaker, on January 18 last I introduced H. R. 28239, providing for the appointment of a commission to be known as the Labrador Current and Gulf Stream Commission, which was referred to the Committee on Naval Affairs, who have received much favorable matter relating to it, but the pressure of business already before them has prevented its further consideration.

The subject is an investigation to be made upon the Grand Banks of Newfoundland, which can only be made during the summer and autumn months, and unless early favorable action can be had by Congress a delay of an entire year must ensue.

I intend introducing this bill into the next Congress at the earliest moment, and that this very interesting project may be properly before those who will consider it during the interim I desire to be heard, or in lieu of that privilege that my speech be ordered printed.

I would like to add that this bill has the support of our foremost thinkers in the worlds of commerce and science, and in theoretical and practical engineering, notably that of Col. George W. Goethals, whose letter, just received, I will read, and then await your pleasure:

ISTHMIAN CANAL COMMISSION,
Culebra, C. Z., February 19, 1913.

Mr. CARROLL L. RIKER,
575 Fifty-ninth Street, Brooklyn, N. Y.

DEAR MR. RIKER: I have carefully read your pamphlet on the subject of "Power and Control of the Gulf Stream" and find it most interesting and fascinating. I think the subject warrants the investigation contemplated by the provisions of House bill 28239, and sincerely trust you will be successful in securing its passage.

Yours, sincerely,

GEO. W. GOETHALS.

The project which the bill is to investigate at first seems like a dream, but level-headed engineers and scientists who so prounounced it are now its most ardent supporters. On September 28, 1912, less than six months ago, it was first proposed by the author of a work entitled "Power and Control of the Gulf Stream."

On October 29, 1912, the following petition was signed by the well-known gentlemen of New York whose names follow:

OCTOBER 29, 1912.

We, the undersigned citizens of the United States, hereby petition Congress to appropriate the necessary funds for and to authorize an expedition to determine as soon as possible the feasibility of constructing a jetty upon the Grand Banks of Newfoundland, and that a report be made thereon at the earliest date;

And that a further appropriation be provided for the investigation of ocean and air currents as they may relate to the project mentioned and the probable effects of such a jetty if built.

R. G. Packard, R. G. Packard, jr., Park E. Bell, Frederick A. Dunaka, Frederick C. Beach, Frederick W. Walz, Paul Goepel, Wm. Jay Schieffelin, Carroll L. Riker.

On December 30, 1912, the following petition was signed:

To the honorable PRESIDENT PRO TEMPORE
OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: The Maritime Association of the Port of New York, representing the marine interests at this port, begs to respectfully petition the Congress of the United States to appropriate the necessary funds for, and to authorize an expedition for the purpose of determining as soon as possible the feasibility of, constructing a jetty on the Grand Bank of Newfoundland, and strongly urges that a report be made thereon at an early date.

We also respectfully petition that a further appropriation be provided for the investigation of ocean and air currents as they may relate to the project above referred to, and the probable effect on these currents were such a jetty constructed on the Grand Bank.

Very respectfully,

(Signed) WILLIAM SIMMONS,
Vice President.

On January 4, 1913, the Board of Trade and Transportation of New York City indorsed this bill, which I was about to introduce:

NEW YORK, *January 8, 1913.*

At the regular monthly meeting of the New York Board of Trade and Transportation, held this day, the following resolution, submitted by Hon. Lewis Nixon, was thoroughly discussed and then unanimously adopted:

Resolved, That we indorse a bill to be introduced into Congress by Hon. WILLIAM M. CALDER for the scientific investigation of possible methods to divert icebergs from the course of trans-Atlantic steamships and for other purposes, authorizing the President of the United States to appoint a commission to make such investigation, and making an appropriation therefor.

A true copy.

FRANK BRAINARD, *President.*

Attest:

FRANK S. GARDNER, *Secretary.*

Since then this bill has received, among others, the support of the Hydrographic, Geodetic, and the Fisheries Bureaus, and also many of our foremost thinkers. A copy of the bill follows:

A bill providing that one competent officer of the United States Navy, who shall be nominated by the Secretary of the Navy for the approval of the President, with two other competent persons appointed by the President, shall constitute a commission to be known as the Labrador Current and Gulf Stream Commission, defining its powers and duties, and making an appropriation for its expenses.

Be it enacted, etc., That a commission is hereby authorized and created, to be known as the Labrador Current and Gulf Stream Commission, which shall consist of one competent officer of the United States Navy, who shall be nominated by the Secretary of the Navy and approved by the President, with two other competent persons appointed by the President. The members of the commission shall serve without pay, but shall be allowed their necessary expenses while engaged in any duties devolving upon them under the provisions of this act.

SEC. 2. That it shall be the duty of the commission to investigate and report as to the feasibility and cost of causing an obstruction to the Labrador current passing over the Grand Banks of Newfoundland; to ascertain and determine, by practical experiments and otherwise, the best means that can be employed to induce and create a deposit upon the said Grand Banks of the sand and other sediment which is carried by the Labrador current; the effect of such obstructions—first, in preventing the encroachment of icebergs and fogs upon the course traveled by trans-Atlantic steamships; second, the effect upon the Gulf Stream and other ocean currents; third, the effect upon the climate of countries in the Northern Hemisphere on both side of the Atlantic Ocean; fourth, the probable effects upon the fogs of the coasts of the United States, Canada, the British Isles, and upon the waters thereabouts; and fifth, and any other effects of such obstruction, not specifically mentioned herein, which may be discovered during the investigations of the commission and deemed to be worthy of note for scientific or other reasons. The commission shall also make a thorough

investigation of the currents and subcurrents of the ocean which would be influenced by the proposed obstruction of the Labrador current, or which now have, or after the creation of the obstruction would have, relation to it; and especially the probable effect upon the disintegration of the warm north-flowing Gulf Stream which now occurs by its meeting with the cold south-flowing Labrador current.

The commission shall also investigate and report upon all of the matters mentioned herein, and upon all other matters, methods, causes, effects, and phenomena which it may deem proper, or which it may discover in the course of its investigations and deem to be pertinent to or important to a scientific and accurate determination of the feasibility of obstructing the flow of the Labrador current and of the effects of obstructing such current.

The commission shall be vested with authority to engage such assistants and incur and pay from the appropriation hereinafter provided such indebtedness as it may deem necessary and useful in making the inquiries, investigations, soundings, observations, and experiments, and in making the most thorough and scientific studies that are practicable to carry into effect the intentions and purposes of this act, and to collate, plot, and report to Congress the results thereof.

SEC. 3. That the Secretary of the Navy shall assign such vessels, with their officers and crews, as may be desired by the commission and approved by the Secretary, for the use of the commission, to enable it to perform the duties imposed by this act, without expense to the commission.

SEC. 4. That the several departments of the Government and the bureaus thereof, which are fitted by knowledge and experience to render any assistance to the commission in their investigations, upon the application of the commission to the proper officer of any such department, shall furnish any information within the purview of their duties which may be called for by the commission.

SEC. 5. That the commission shall immediately proceed with its investigations and report to Congress the results thereof, and their conclusions, within two years from the passage of this act.

SEC. 6. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated out of the Treasury for the purposes of the investigation provided for in this act.

SEC. 7. That this act shall take effect immediately.

OCEAN CURRENTS.

Ocean currents practically control the interzonal distribution of tropical solar heat upon which the temperature and climatic conditions of the northern hemisphere largely depend.

The following description of the currents involved are taken from Maury, Pillsbury, and Soley, the most eminent authorities, as published by direction of the Secretaries of the Navy:

"The Gulf Stream is undoubtedly the greatest and mightiest of all terrestrial phenomena. There is a river in the ocean, its fountain in the Gulf of Mexico, its mouth in the Arctic Ocean; a current more rapid and conveying more heat than would a stream of molten iron the size and velocity of the Mississippi."

Ninety billion cubic yards of water at more than 75° Fahrenheit pass Cape Florida northward every hour (liberating more heat in being cooled to 55° than could be produced by the burning of 2,000,000 tons of coal every minute.—Riker).

It carries its waters northward, easily distinguished from the surrounding ocean by its deep blue color.

Its warm waters reach to Iceland; they flow into the Arctic Basin; toward the northern short of Spitzbergen and past Nova Zembla; into the waters of the British Isles, materially modifying their climate and that of all northern Europe. Otherwise Scandinavia would be uninhabitable, and Great Britain as sterile as Labrador.

Wherever it flows it serves to regulate all the processes of nature, while it contributes to the temperature of the region of the Arctic Circle more heat than comes to that region by the direct influx of the sun.

The great warm, north-flowing Gulf Stream conveys the needed heat for better climatic conditions in the northern hemisphere, but is met and robbed of it when but half way on its course by the cold, south-flowing Labrador current.

"The Labrador current sweeps down from the Arctic along the eastern coast of Greenland and from Baffin Bay and passes the coast of Labrador and Newfoundland, bearing with it vast fields of ice and enormous bergs, reaching the Gulf Stream.

"The intrusion of a large body of cold water running in a southerly direction between the Gulf Stream and the American shore is a phenomenon of so much importance that the Labrador current must be considered with the Gulf Stream, whose conditions it affects materially. The Labrador current pours into the Atlantic enormous masses of cold water, which flow southward along the American coast in a great current, which is quite as important as the Gulf Stream itself.

"This interference is most remarkable where the Polar current first meets the Gulf Stream, south of Newfoundland and over the Grand Banks, in a never-ceasing struggle for the mastery, with varying results, depending on the seasons, in which the winds often hold the balance of power, and the struggle is marked by the appearance of cold and warm bands extended across the Banks."

The Grand Bank, upon which it is proposed to build this jetty, and upon which the two now meet, lies southeast of Newfoundland, and is in general nearly circular in shape, about 300 miles in diameter at its top, a great plateau or sand bank, practically level on top, rising from the vast depths of the ocean (about 15,000 feet below), until there is only from 200 to 250 feet of water over it. It is covered generally with a fine shifting sand and gravel, like a beach, with somewhat more sedimentary deposits in places, and with coarser gravel, sand, mud, stone, iceberg deposit, and with rock projecting above the sand in its northern part, at and near the site of the proposed jetty.

There are but few spots in this great area where, if the *Titanic* were placed on end, one-third of her length would be under water, and her propellers would be higher out of water than the tops of the highest buildings in New York are above the streets. Over an area of about 10,000 square miles it is much shoaler, from which, although 200 miles from land and apparently in mid-ocean, it will be seen the depth is not very great.

The ice-cold Labrador current (as described) now passes Newfoundland, headed south, sweeps westwardly around Cape Race and over the Grand Bank with considerable velocity in a shallow, southwesterly stream, about 250 miles wide and about 200 feet deep, that occupies the whole depth and meets much of the waters of the warm Gulf Stream flowing rapidly in an opposite direction, also occupying nearly if not the whole depth.

As a result of this meeting and the shoalness of the water in which it occurs a part of the Labrador current is projected in a northwesterly direction by the collision, while the Gulf Stream is forced more or less to the south, depending largely upon their relative velocities.

A large part of the cold water of the current here mixes with the warm water of the stream, some underrunning it rises through and mixes with it at other points, greatly reducing its temperature, and a part here at times goes under the stream into the deep water of the Atlantic to the south, after producing uprisings and cross currents and continually mixing with the stream from beneath.

The Gulf Stream has here received a staggering blow, from which it never recovers. The eddies, cross currents, and revolving motions thus created, principally in and because of the shoal waters, are the beginning of its end.

Much of the heat of which the Gulf Stream has been thus deprived half way on its journey would probably be retained by it until well within the frigid zone, which needs that heat, and the torrid zone the frigidity or capacity for heat which the Labrador current would otherwise absorb from it, and which were neutralized when here exchanged by the two currents midway, benefiting neither their destinations nor their battlefield, but instead producing almost continuous fogs at and near their meeting place and largely along the entire coast southward; also bringing the bergs far south into the line of transatlantic steamers, instead of being melted by the warm water of the Gulf Stream near where they originate, or before calving. The offspring of these two great currents are the mongrels into which the Gulf Stream soon divides, they becoming aimless wanderers, without force or effect, compared with its previous irresistible, majestic sweep, and thus enfeebled, wholly unable to cope with the head-on southeasterly opposing flow of the European polar current after its projection to the surface as it surmounts the great mid-Atlantic backbone 400 miles south of the Faraday Hills.

Assuming the speed of the ice-cold Labrador current at 1 mile per hour, which is less than its average over the site of the proposed jetty, 200 miles long, averaging, say, 250 feet deep—the course for 25 miles crossing the deeper Cape Race channel—we have a flow of about 50,000,000,000 cubic yards per hour, or more than one-half that of the Gulf Stream passing between Bemini and Cape Florida, which chills the eastern coast of the United States and Canada, producing our late springs and frequent fogs.

It would require the burning of more than 1,000,000 tons of coal per minute to heat this mass of ice water from 35 to 55 degrees.

The Gulf Stream issues from between Bemini and Cape Florida, having a width of about 40 miles and a depth of about 1,200 feet, at a temperature above 75°, and this ice-laden current of brine, with an average temperature below 32°, beginning with its fiercest attack and head-on charge upon the Grand Banks, never ceases its attack upon it to its issuing source, and passing beneath it between Bemini and Cape Florida, even enters and chills it in its very cradle, the Gulf of Mexico.

The possible climatic effects upon the Northern Hemisphere by such a proposed conservation of the heat of the Gulf Stream are beyond conception. Referring again to Pillsbury's estimated flow of 90,000,000,000 cubic yards per hour passing Cape Florida, the heat passing north at that point, estimated between 75° and 35°, would melt 18,000,000,000 cubic yards of ice per hour, equivalent to about 1,800 square miles of ice 10 feet thick per hour, or an amount of ice of that thickness equal to the entire Polar Sea, estimated at 2,000,000 square miles, in less than 45 days.

When it is remembered that the northern mongrel branch of the Gulf Stream now reaches as far north as Greenland, with a temperature of 53°, it seems probably that if only one-fourth of its initial heat, when so protected, reached the Frigid Zone, it would melt every vestige of ice upon the Northern Hemisphere during the summers and so attack Jack Frost in the rear, by establishing a warm Polar Sea in the winter, as to make Siberia and British North America desirable residential countries at all seasons, and greatly reduce the winter temperature of the Temperate Zone here and in Europe.

There can be no doubt that the temperature of all northern Europe and America would be greatly tempered and benefited.

The immediate effect of the jetty when constructed will be to completely separate the Gulf Stream and the Labrador current, conducting them to the deep waters of the Atlantic at its end. A short distance beyond, the ice-cold and saline bottom waters of the Labrador current will sink to the bottom of the ocean, from 2 to 3 miles deep, and pass under the Gulf Stream southward. The lighter, fresher ice-laden surface of this current, pursuing the tendency of all light matter, will take an easterly course, paralleling the Gulf Stream on the north until its ice is melted and its fresher water has mixed with the waters of the ocean.

The eastern half of the Atlantic has a general northward tendency, while the western half has a southerly one greatest at the point of the jetty.

Therefore, while the natural course of the Gulf Stream leaving the point of the jetty if passing through still water would be about northeast, by virtue of the southerly movement of the ocean through which it passes that course upon passing the jetty would be first south of east, gradually changing to north of east at a point about midway across the Atlantic and about due east of the jetty; thence it will gradually take a more northeasterly course, impinging upon and bathing the British Isles, Norway, and the north of Europe, in the waters of the Caribbean, protecting them and pouring its heat into the Arctic Ocean on its mission to melt the ice of the Arctic regions.

The climate of the British Isles will be made much warmer and more equable, as will also the surface of the surrounding water, thus eliminating the fogs.

The magnitude of this project as it appears at first sight, comprising as it does the control of the two greatest of ocean currents, in themselves the most mighty of all natural phenomena, and what would be the resultant benefits, seems too vast to be practical, if not appalling.

The construction of this proposed mighty jetty or peninsula of land extending 200 miles into the ocean and tapering from about 40 miles in width at the shore end to 3 at its easterly extremity, and covering an area of more than 1,000 square miles, where the water now rolls hundreds of feet deep, amid fogs and icebergs; and in view of the general attitude of old Neptune when attempt is made to encroach on his domain, seems, indeed, a Herculean task, even for this twentieth century.

As this project is investigated and understood, it unfolds and reveals plainly to view that the amazing power and the means that are required to execute this Herculean task are ready and practically without cost, awaiting only man's direction.

The material that will quickly form this land is but an aggregation of grains of sand that are ever being moved southward by the action of the Labrador current over the site where it is proposed this jetty or peninsula shall rise.

If this material can be obstructed in its southerly movement at and about the site of the proposed jetty, it becomes evident that it would

form a sandbar that would continue to build in width and height until it reached the surface of the ocean.

It only remains for man to place an obstruction that shall maintain a position a few inches above the constantly rising surface of the material that is deposited to effect the deposit of all the heavy matter that is in movement—no interference in any way with the current of the water above being required.

It is here proposed and submitted that this obstruction shall be effected by an obstructor to be stretched across the Grand Banks over the proposed site in the form of a great rope cable, or its equivalent, that has been saturated with asphaltum and weighted with wire, or otherwise, giving the requisite specific gravity or weight to cause it to just sink in the ocean and rest lightly upon the bottom or ocean bed; and having lesser specific gravity than the sand or other deposit, it will thereby be prevented from sinking into or being buried by the deposit by virtue of its greater buoyancy, it being heavier than the water but very much lighter than sand in sea water.

This obstructor should be so anchored as to be supported against the pressure of the southerly flow of the current against its side throughout its entire length and still have unrestrained vertical movement, to insure which it should be anchored by a series of kedge anchors at short intervals, and the connecting ropes should be supported by buoys so that they shall not become embedded in the sand and serve to prevent the natural upward movement of the obstructor upon the top of the sand or other deposit as it forms, thereby insuring the unfettered vertical movement of the obstructor as it is buoyed up higher and higher by the rising surface of the deposit.

The wave action upon the buoys will, to an extent, be transmitted to the anchor ropes and by them in a lesser degree to the obstructor.

The most important requisite to an obstructor, or marine deposit-inducer, in this sytem is that it shall have a specific gravity greater than the water and less than that of the materials to be deposited, but its shape, size, and general characteristics, including the method of holding it in position, may be varied at will to suit conditions.

An obstructor may, however, under certain conditions be employed that shall have a much greater specific gravity than the water and under some circumstances greater than that of the deposit.

In this case it would require to be underrun or lifted to the surface of the deposit each time the deposit by accumulation covered it—while in the first instance the obstructor should automatically rise as the deposit rises.

In the case of the heavier obstructor fewer or no kedge anchors would be required, and it would be surer to prevent undermining by strong currents and over uneven bottom, but this in most instances can be better effected by two obstructors.

An obstructor may be of any form and often should be made to meet special conditions, and usually the more flexible vertically the better.

It seems from careful investigation by the best authorities that for about seven-eighths of the distance to be traversed by the jetty the bottom would be almost perfectly smooth and level.

For one-eighth the distance just east of Cape Race the bed is not so level, but apparently a perfect bottom for the operation of the obstructor. In considering the certainty of this method of construction it must be remembered that more than three-quarters of this upbuilding will occur below the influence of wave action and seven-eighths below the serious influence of wave action.

The amount of material that is now being moved by the Labrador current can be increased by the least disturbance of the bottom sands to the north of the site of the proposed jetty. A slight disturbance of the bottom at one point may inaugurate a cut or movement by the current amounting to millions of yards of the bottom. Because of the almost perfect static balance or readiness to move on which now exists there, the author firmly believes that the proposed investigation will demonstrate the probability that at least three-quarters of the present flow of the Labrador current over the Grand Banks can be stopped by its own deposits within two years from the placing in position of the obstructor.

The simplicity, cheapness, and feasibility of the plan appeal at once to the scientist, engineer and the old salt. Not the least argument that would weigh in many instances would be their own experiences as boys with the mud puddle in the gutter.

This jetty when completed would be just south of the Virgin Rocks and the East Rocks, and would seem to be but the resurrection of the Virgin Peninsula, apparently the original coastal formation thereabouts, at no very ancient period.

The United States Government charts show an erosion or increased depth over great areas upon this site to have been one-third in less than 20 years, equivalent to the removal of a dam the height of a man's head reaching from New York to Chicago, through which clear space ice-cold water is pouring along our coast where none passed 20 years previously and which is increasing year by year. If this is not checked the climatic conditions along our coast will continually grow worse.

The increasing coldness of the waters in and about New York Harbor and the more frequent and denser fogs thereabout, of which there is no question, are corroborative proof that this Arctic flood is actually upon us, and at the rate of increase shown by the Government reports referred to in detail in "Power and Control of the Gulf Stream," 50 years will convert our coast into a semi-Labrador. This of itself is a serious matter and of sufficient importance to warrant the investigation asked for.

With man's direction and assistance as above outlined, Old Neptune will willingly bear the yoke of servitude, working unceasingly in sunshine and storm, night and day and at all seasons, to complete this mighty work. Nevertheless he will require careful watching, especially while nearing the completion of his job.

The saving by this plan over the best other method, as estimated by competent engineers, will reduce the cost from about $200,000,000 to less than $20,000,000—a clear saving of $180,000,000. It will also save more than half the time.

When the proposed investigations shall have been completed and the practicability and desirability of the project shall have been determined, then the carrying into effect of the proposed plan will become a matter for international action.

The following letters explain themselves:

OFFICE CHIEF OF ENGINEERS,
January 25, 1913.

The SECRETARY OF WAR:

1. Returned.

2. The accompanying bill, H. R. 28239, Sixty-second Congress, third session, provides for the appointment of a commission to investigate and report on certain matters with respect to the Labrador Current and the Gulf Stream and makes an appropriation to defray the cost of such work. The experiments and investigations provided for may result in the acquisition of useful and important data.

3. Section 1 of the bill provides that the commission shall consist of one competent officer of the United States Navy with two other competent persons appointed by the President. It is believed that the Coast and Geodetic Survey and the Corps of Engineers of the Army are the branches of the public service best fitted by knowledge and experience to cooperate in this important work, the former by reason of having charge of ocean surveys and deep-sea soundings and the latter on account of its long connection with the planning and construction of jetties and breakwaters.

4. It is suggested, therefore, that the bill be amended so as to provide that the commission shall consist, in addition to an officer of the Navy, of an officer of the Corps of Engineers, United States Army, and one official of the Coast and Geodetic Survey. The suggested amendment is indicated in *red* on a copy of the bill herewith.

W. H. BIXBY,
Chief of Engineers, United States Army.

[Third indorsement.]

WAR DEPARTMENT,
January 27, 1913.

Respectfully returned to the chairman Committee on Naval Affairs, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, and to the accompanying copy of amended bill referred to.

The department concurs in the views expressed by the Chief of Engineers.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

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DEPARTMENT OF COMMERCE AND LABOR,
COAST AND GEODETIC SURVEY,
Washington, January 24, 1913.

Hon. WILLIAM M. CALDER,
House of Representatives, Washington, D. C.

SIR: Your letter of the 21st instant, inclosing a copy of House bill No. 28239, and requesting a special opinion of the same "as to the benefits to be derived to your department from an investigation of this kind, irrespective of the feasibility of the ultimate project," has been received.

In reply I beg to state that the Great Bank of Newfoundland is an unusually promising field for hydrographic work which, if carried out in a satisfactory manner, would be of great value to this bureau. The Danish Meteorological Institute carries on hydrographic work at a considerable distance to the north and northeast of this locality; the Canadian tidal and current survey covers the Canadian waters and has done a limited amount of hydrographic work on the western edge of the bank. Comparatively little systematic work has been done upon the Great Bank in recent years, and that done in the past related mainly to surface temperatures of the water.

The material most desired by this bureau for the locality in question would be as follows:

Observations upon the currents at various depths;

Observations upon the temperature and density or salinity of the water at various depths;

Observations upon the rise and fall of the tide by means of pressure gauges or otherwise.

Because of the great seasonal changes in the currents and in the temperature and salinity of the water, the value of observations for these items would be greatly enhanced by covering a period of at least one entire year. Their value would also be enhanced if the points of observation were so taken as to define one or more sections extending from or near Cape Race to deep water.

It seems probable that the Bureau of Fisheries would also be interested in procuring information concerning this locality of the kind contemplated in the bill.

Respectfully,
O. H. TITTMANN,
Superintendent.

—

HYDROGRAPHIC OFFICE,
Washington, D. C., January 14, 1913.

Mr. CARROLL L. RIKER,
575 Fifty-ninth Street, Brooklyn, N. Y.

DEAR SIR: With regard to the bill which you are desirous of having introduced in Congress for the purpose of making an investigation of the currents and character of the bottom on and in the vicinity of Grand Banks, Newfoundland, the Hydrographic Office begs to advise you that, entirely apart from any consideration of the value of building an obstructor across those banks, any investigation of the currents, the depths of the water, and character of the bottom on the Grand Banks and in their vicinity will be most valuable to science, to navigation, and the safety of life at sea; and any money appropriated for making an investigation of these matters certainly would be well spent, and the Hydrographic Office will lend all the aid in its power in making any investigation of the subjects enumerated.

Respectfully,
GEORGE F. COOPER,
Commander, United States Navy, Hydrographer.

—

BUREAU OF FISHERIES,
Washington, January 23, 1913.

Hon. WILLIAM M. CALDER,
House of Representatives, Washington, D. C.

SIR: In reply to your letter of January 21, I have the honor to say that the information relating to the temperature and salinity of the water, the velocity and character of the currents, and the nature of the bottom and its inhabitants which should be obtained by the investigations of a commission such as is provided by House bill 28239 would be of value to this bureau and to the fisheries. Should the commission be authorized, this office would desire to offer suggestions concerning the character of the data which it could utilize for its own purposes.

Lacking comprehensive data of the character indicated, definite opinion concerning the effects of the proposed jetty on the fisheries of the Grand Banks and on the coast of New England can not be formulated. It can be assumed, however, that any great increase in the temperature of the waters on the fishing banks would interfere with the spawning and probably cause the permanent removal of the important food fishes now inhabiting them, and it is doubtful if they would be replaced by equally valuable immigrants from the present warmer parts of the Atlantic.

Respectfully,
H. M. SMITH,
Acting Commissioner.

(William M. Calder, Member of Congress, sixth district, New York.)

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 27, 1913.

DEAR SIR: Referring to the inclosed bill, which is now under consideration by the Committee on Naval Affairs of the House and by the Navy and War Departments, may I ask your valued opinion upon the theory advanced by Mr. RIKER concerning the underlying cause of the ocean currents, as set forth in the inclosed pamphlet?

Any other comment upon this project will be greatly appreciated.

It already has strong supporters among scientists, submarine and practical engineers, and legislators familiar with its simple efficiency.

Under separate cover I am sending a map showing circulation of the waters of the north Atlantic.

Hoping I may be favored with a reply in time for use before Congress, I am,

Yours, very truly, WILLIAM M. CALDER.

Two inclosures.

NEW YORK, *February 6, 1913.*

To Commercial Associations and Others:

We ask your support for H. R. bill 28239.

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK.
WILLARD U. TAYLOR, *President.*

THE NEW YORK BOARD OF TRADE AND TRANSPORTATION.
FRANK BRAINARD, *President.*

To draw correct conclusions for the performances of these two currents under the proposed new conditions that can be verified, the cause which underlies and controls their movements must be established.

Should Mr. Riker's theory be established it will greatly simplify the arrival at correct deductions.

The SPEAKER. The question is on suspending the rules and passing this bill as it was read.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended, and the bill was passed.

STEAM YACHT "DIANA."

Mr. UNDERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill S. 1653, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 1653) to provide American register for the steam yacht Diana.

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the steam yacht Diana, wrecked and repaired in the United States, and owned by C. Ledyard Blair, a citizen of the United States, residing at Peapack, N. J., to be registered as a vessel of the United States: *Provided*, That said vessel shall not at any time hereafter engage in the coasting trade, under penalty of forfeiture.

The SPEAKER. Is a second demanded?

Mr. HUMPHREY of Washington and Mr. MANN demanded a second.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. UNDERWOOD] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. UNDERWOOD. Mr. Speaker, the situation in reference to this bill is a very simple one. I have for many years considered the monopoly that exists in the coastwise trade in this country the most indefensible piece of legislation that to-day remains on the statute books. It prevents ships from entering the coastwise trade that can bring about competition. It lessens competition in railroad rates.

Now, there would be no question about this bill having gone through on the Unanimous Consent Calendar if opposition had not come from those gentlemen who seemed to think it is their especial privilege to protect the coastwise trade from the monopoly and trust of the United States. Some years ago there was a provision of law that when a vessel was wrecked on the American coast, if two-thirds, I believe it was, or one-half—not exceeding two-thirds, at any rate—of the cost of the vessel was in rebuilding it, it was entitled to a full American register.

The gentlemen who desire to continue this monopoly succeeded in getting that provision removed, so that under the law to-day when a vessel is wrecked on our coast and some person buys the wreck, if you take that wreck to an American shipyard and have it rebuilt, and rebuild 90 per cent of the wreck, it can not be restored to the American register unless Congress passes a special act to permit it to fly the American flag. I think it is one of the most indefensible pieces of legislation that ever passed this House.

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. UNDERWOOD. Just let me finish, and then I will answer the question.

Now, Mr. Speaker, the fact in reference to this bill is that it was a foreign-built ship, built in Glasgow in 1896. It was afterwards purchased by an American citizen and its name changed to the *Delaware*. The purchaser spent $35,000 in reconstruction. The *Delaware* was burned in the dock in Hoboken, N. J., in March, 1905, and the wreck was appraised and sold for $35,000. Since that time it has been rebuilt and repaired. The foreign part was about $35,000, and the part that is American built amounts to $135,000; and yet, under our law, this vessel, owned by American citizens, practically built in an American shipyard, is not allowed to fly the American flag because some gentlemen think it is necessary to protect this coastwise monopoly.

I did not introduce this bill, but it has a provision in it that, even if you pass it, will prevent this vessel from engaging in the coastwise trade. If it had been my bill, I never would have put in such a provision here. I think it is entitled to American registry, and to go into every port of the American continent. I have no patience whatever with this effort to protect monopoly in the interest of holding up the transportation rates throughout the United States. [Applause.] But as the bill comes from the Senate, as it is reported by the committee, the vessel can not engage in coastwise trade. It merely asks that an American citizen, who has paid four-fifths of the original cost of the vessel, may have the right to fly the American flag on the peak of that vessel when he goes into foreign waters.

Mr. HARDWICK. Why would it not be better, Mr. Speaker, if the gentleman will permit, to strike the proviso out? I am in sympathy with what the gentleman says, and I think we ought to strike the proviso from this bill and let the vessel engage in American trade.

Mr. UNDERWOOD. I will say to the gentleman it is not my bill. I have volunteered to bring it up here because I thought it was a matter of justice. I have no interest in the matter. If I struck the proviso out, the bill as amended could not get through the United States Senate and it would be killed, and therefore I am in favor of taking what we can get.

Now, Mr. Speaker, I will answer the question of the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Is this yacht engaged only for pleasure purposes?

Mr. UNDERWOOD. I really do not know what purposes it is used for.

Mr. HARRISON of New York. If the gentleman will permit, I will say that this yacht belongs to the commodore of the New York Yacht Club, and it is purely a pleasure vessel, and there is no prospect or any intimation indicated that at any time in the future it will be used in commerce of any sort, and that is the reason why I, for one, am content to see this proviso placed in the bill.

Mr. MOORE of Pennsylvania. That it shall not engage in commerce along the coast?

Mr. HARRISON of New York. Precisely.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] if it is the intention on his side of the House to introduce a bill, or, if a bill has already been introduced for that purpose, to so revise the navigation laws as to permit foreign-built vessels wrecked on any one of the American coast lines to receive American registry?

Mr. UNDERWOOD. I will yield to the gentleman from Missouri [Mr. ALEXANDER], the chairman of the Committee on the Merchant Marine and Fisheries, to answer that question. He has those matters in charge.

Mr. ALEXANDER. I will say to the gentleman that a bill like that was pending before the Committee on the Merchant Marine and Fisheries and was considered at length. A bill of like character passed the Senate and was referred to our committee, but neither one of the bills has been reported out of the committee, and of course will not be at the present session of Congress.

Mr. MOORE of Pennsylvania. If the bill is passed in the form it is at present, with the proviso attached requiring that the vessel shall not be engaged in trade, the general question would not be raised in the instance of this yacht?

Mr. ALEXANDER. No. The admission of the yacht *Diana* to American registry does not involve the general question. The bill was introduced in the Senate in the last Congress by Senator BRIGGS, of New Jersey. It was reintroduced in the present Congress while the late Senator Frye, of Maine, then chairman of the Committee on Commerce in the Senate, was living. It was reported out of committee and passed the Senate on the 12th day of January of last year. It was not reported by our committee until very recently and after the gentleman from New York [Mr. HARRISON] asked us to consider it and act upon it. I then laid it before the committee for consideration, and we did act upon it and reported it to the House. I can not see any objection that can be made to the granting of American registry to this yacht.

Mr. MOORE of Pennsylvania. The general question of coastwise trade competition is not determined on a bill like this?

Mr. ALEXANDER. It does not concern it at all, as it is excluded from the coastwise trade.

Mr. MOORE of Pennsylvania. And the attachment of the proviso really prevents the consideration of the general question?

Mr. ALEXANDER. Yes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] a few questions.

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARDNER of Massachusetts. The gentleman says this bill will help to break up the monopoly of the coastwise trade?

Mr. UNDERWOOD. I beg the gentleman's pardon; I did not make any such statement.

Mr. GARDNER of Massachusetts. If the gentleman will allow me, I will continue my question. The gentleman implied that there was a monopoly of the coastwise trade, and said that he had no patience with the laws which protected American shipbuilders. He has not any patience with any protection, has he?

Mr. UNDERWOOD. No; I have not. The gentleman is right about that. [Applause on the Democratic side.]

Mr. Speaker, I reserve the balance of my time, unless some gentleman desires to ask me a question.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] reserves the rest of his time.

Mr. MANN. Mr. Speaker, I demanded a second for the purpose of gaining time for certain gentlemen on this side of the House who, I had reason to believe, were opposed to the passage of this bill.

I do not agree with much that the gentleman from Alabama [Mr. UNDERWOOD] has said; but this bill is a bill to grant American registry to a steam yacht of less than 800 tons gross burden, which was valued after it was burned in 1905 at $30,000, and upon which $130,000 has been since expended in America.

I yield my time to the gentleman from Washington [Mr. HUMPHREY].

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] is recognized for 18 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to take a great deal of time in regard to this bill. I do not know that I have any particular objection to it, but I want to call the attention of the House to the attitude taken by the gentleman from Alabama [Mr. UNDERWOOD]. The gentleman objected to the bill because this vessel was not permitted to engage in the coastwise trade. Undoubtedly the gentleman had not given any particular attention to the bill, or he would not have made that statement. This is a private yacht and could not engage in any trade. I want to call the attention of the House to the fact that when you are granting this registry you are granting it to a millionaire who uses this yacht for pleasure purposes only, and you are permitting him to bring it into this country without the payment of the duty which he would be required to pay otherwise. There is a way, perfectly plain and open, for this gentleman to bring this luxury into the United States, if he wishes to do so, by paying the duty upon it. It seems that my distinguished friend from Alabama is opposed to placing a tariff even upon luxuries that are used by millionaires. [Applause on the Republican side.]

I wish to use a few moments to reply to that portion of the gentleman's statement in regard to the coastwise monopoly. The gentleman never fails to improve every opportunity to condemn the coastwise monopoly. It is true that there is a monopoly of the ships engaged in the coastwise trade of this country; that most of the lines running on the Atlantic coast are in a combine, and that most of the lines upon the Pacific coast are in a combine, but there are a few independent lines still left in the coastwise trade of this country. But there are no independent foreign lines that come to this country, and while the gentleman from Alabama, the distinguished leader upon that side of the House, is denouncing American monopoly I hope he will some time add the weight of his influence in denouncing these foreign steamship combines, because there is not a single foreign steamship line that touches American shores but what is in a combination that fixes prices by agreement, a complete monopoly which fixes in Europe the prices that every American citizen must pay either to cross the ocean or to send his products to any part of the world. I challenge anyone to dispute the truth of that statement. I hope that some time when the distinguished gentleman from Alabama [Mr. UNDERWOOD] is denouncing the monopoly in the coastwise trade, which no one defends so far as it is made by agreement, he will also take up this question and be patriotic enough to denounce the foreign steamship combinations that are preying upon the commerce of this country.

As this bill is guarded, I have no particular objection to it. The only question involved is the question of the duty upon this private yacht owned by a millionaire. It can not engage in the coastwise trade, and could not even if the provision was not in the bill. If there had been in the bill any provision allowing it to engage in the coastwise trade, the bill would not have been before this House. The distinguished chairman of the Committee on the Merchant Marine and Fisheries, Mr. ALEXANDER, agrees with me in my attitude in that respect. The only question is this: I know of nothing that is more of a luxury than a private yacht. Nobody but a millionaire could own it. If you want to grant to this millionaire the privilege of bringing this vessel into this country without paying the duty on it, go ahead and do it. That is the only question involved.

Mr. STEENERSON. How much is the duty?

Mr. HUMPHREY of Washington. Thirty-five per cent. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes.

Mr. LINTHICUM. I desire to ask the gentleman a question.

Mr. HUMPHREY of Washington. I yield for a question.

Mr. LINTHICUM. The gentleman says he thinks the owner of this yacht ought to pay the duty under the Payne-Aldrich bill, which I believe is 35 per cent. The question I want to ask him is this: Ought he to pay the duty of 35 per cent on the amount which the wreck sold for—$35,000—or ought he pay the duty on the cost of the wreck and the $135,000 which he has expended in the shipyards of this country?

Mr. HUMPHREY of Washington. It is not a question of what he ought to pay. It is a question of what he would have to pay under the law.

I yield five minutes to the gentleman from Missouri, chairman of the Committee on the Merchant Marine and Fisheries.

Mr. ALEXANDER. Mr. Speaker, the testimony in this case shows that this yacht was burned to the water's edge, and sank at the dock. She was afterwards raised and rebuilt in an American shipyard, and about $180,000 was spent on her. The American owner of the yacht thought he had a right to have it admitted to American registry, upon the ground that it was built in an American shipyard; but the United States court held, and rightly held, that so long as any part of the original vessel remained, and she was rebuilt, she did not come within the terms of the Payne-Aldrich tariff law, and that she was foreign built and must pay the duty of 35 per cent before being admitted to American registry. The questions involved were considered by the Senate Committee on Commerce when Senator Frye was chairman, and have been considered by the House Committee on the Merchant Marine and Fisheries. In view of the fact that this yacht has been to all intents and purposes rebuilt in an American shipyard, and in view of the fact that by the proviso she is prohibited from engaging in the coastwise trade, we could not conceive any reason why the American owner of the pleasure yacht *Diana* should not have registry of that yacht, although he may be a millionaire. We do not consider that as a feature worthy of consideration at all.

Mr. MADDEN. He probably would not have been able to own the yacht if he was not a millionaire.

Mr. ALEXANDER. I have always been consistently in favor of preserving our coastwise trade for American-built ships, and this does not violate that principle. I trust there will be no objection whatever to the passage of this bill.

Mr. HUMPHREY of Washington. Mr. Speaker, I yield one minute to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I desire to call the attention of the House to the full facts in connection with the passage of Senate bill 1653, to grant American registry to the yacht *Diana*, owned by Mr. C. Ledyard Blair, of New York. When you see that this yacht is to all intents and purposes an American boat, I think there should be no objection to its passage.

The yacht was built in Scotland in 1896. In 1902 it came to this country, the property of Mr. Bourne. In 1903 the yacht was burned while lying at Hoboken, her upper works being totally destroyed, her engines so injured that they had to be dismantled, and the steel plates badly warped. The boat sank to the bottom of the river, a total wreck. She was taken over by the underwriters as a total loss, and as such was sold to Mr. Percy Chubb, of New York, at a nominal figure, who raised the wreck and rebuilt her in this country at a cost of $86,648.87. The boat was purchased by Mr. Blair from Mr. Chubb in 1906, and after her purchase Mr. Blair spent an additional $34,290.22 on her. It seems that during Mr. Chubb's ownership of the *Diana*,

after the boat had been rebuilt, he could have taken out an American registry for her by making proper application, but it was not done, and the act under which he could have secured such registration was repealed on February 22, 1906.

During the special session of 1911 the bill passed the Senate, but too near its adjournment to receive consideration in the House. The bill again passed the Senate last winter, and was sent to the House and referred to the committee who now have it in hand. The subcommittee, after giving Mr. Blair a hearing, reported favorably to the full committee, and the bill is now on both the Unanimous Consent Calendar and the House Calendar.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

TO EXEMPT FROM CANCELLATION CERTAIN DESERT-LAND ENTRIES IN CALIFORNIA.

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, shall be canceled prior to May 1, 1916, because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1915.

The SPEAKER. Is a second demanded?

Mr. COX. I demand a second.

Mr. HAYES. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAYES. Mr. Speaker, this bill is an attempt to extend the time for making improvements and proving up in the case of about 800 entrymen under the desert-land act. These men entered land in good faith, intending to take water out of the Colorado River, but owing to international complications with Mexico the Secretary of the Interior has refused to permit them to take any water out of the Colorado River until these conditions are settled. The time for proving up expires the 1st of May next, and unless this act is passed these entrymen will lose the money they have put in.

In a previous discussion of this bill the statement was made that the entrymen, or some of their number, had been selling irrigation stock, based upon the proposition covered by this bill, all over the country. I desire to say emphatically that no irrigation stock has been sold anywhere to anybody. In fact, the entrymen have organized no corporation. There is no ulterior motive behind this legislation. It is intended, as I have stated, only to extend the time for two years, in which the entrymen are to make their improvements and prove up on their claims.

Mr. COX. Mr. Speaker, let me say to the gentleman that I do not know that I am opposed to the bill, but I have not had time to read it. How much time do you propose to give these men?

Mr. HAYES. We propose to extend the time for two years.

Mr. COX. How much land is involved?

Mr. HAYES. Two hundred and fifty thousand acres.

Mr. COX. Did I understand the gentleman to say that the settlers were on the land?

Mr. HAYES. No; they could not go on the land. The land is not worth 25 cents an acre unless you can get water onto it. The conditions have been such since the entry that no water could be taken out of the river, and this is to extend the time in the hope that the conditions between this country and Mexico may be settled and they can get the water.

Mr. COX. The gentleman hopes that within two years the water can be taken out of the river?

Mr. HAYES. Yes. Mr. Speaker, I reserve the balance of my time. I will yield two minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, when this bill was before the House as a House bill on the Unanimous Consent Calendar I objected to its consideration because it seemed to me that it was likely to be the placing of good money to follow bad money, and an additional amount would be lost. The gentleman from California has called the bill up and assured me that it was not the intention of those interested in the passage of the bill to solicit or obtain more money from the entrymen, and has given me a letter from L. V. Shepherd, who is here in behalf of the bill representing these entries, which I ask to have read in my time so that it may be in the RECORD.

The Clerk read as follows:

CONGRESS HALL HOTEL,
Washington, D. C., February 24, 1913.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: The only purpose we have in asking for an extension of time on annual assessments and final proof in the Chuckawalla and Palo Verde irrigation project is that we may not be compelled to put any more money into the project until such time as we can be assured of water. There is no purpose on anybody's part to ask the entrymen for money for any purpose until they can be assured of water and success in the undertaking.

Yours, very truly,
L. V. SHEPHERD.

Mr. MANN. Assuming that the gentleman speaks correctly and represents the intention of those interested, I am perfectly willing to withdraw my objection to the passage of the bill.

Mr. Speaker, the gentleman from Indiana is entitled to 20 minutes on this bill, but I ask unanimous consent that he may address the House for 10 minutes on another matter to be taken out of his time.

Mr. MADDEN. I object.

Mr. MANN. I hope my colleague will not object.

Mr. MADDEN. I must object.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

EVAN URNER RINEHART.

Mr. LINTHICUM. Mr. Speaker, I move to suspend the rules, discharge the Committee on Naval Affairs from the further consideration of the bill (S. 7267) waiving the age limit to admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Evan Urner Rinehart in consideration of his previous naval service.

The SPEAKER. Is a second demanded?

Mr. SLAYDEN. Mr. Speaker, I demand a second.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. LINTHICUM. Mr Speaker, this is a bill to waive the age limit for Evan Urner Rinehart to enter the Pay Corps of the United States Navy. He has served for six years in the Navy, two years of sea duty. Mr. Rinehart during his two years of sea duty performed excellent service, and is reported as not having lost a day, nor did he have any trouble during that whole time with his hearing; but by reason of a slight defect in his hearing he was compelled to resign from the Navy. He now asks that he be allowed to enter the Navy and take the same examination as all other candidates would be compelled to take to enter the Pay Corps of the Navy. This bill has passed the Senate, and a bill in the identical terms was reported favorably in the House. It is recommended by the Acting Secretary of the Navy, Mr. Beekman Winthrop, who says:

The Bureau of Navigation of this department, which has cognizance generally of the appointment of officers of the Navy, recommends as follows:

"Mr. Rinehart had six years' service as a midshipman, October 3, 1904, to September 8, 1910, during which two years and two months were spent at sea. The reports of his two years' cruise after graduation are very good or excellent. He resigned on account of physical disability.

"In view of this previous naval service the bureau recommends favorable consideration of the bill to waive the age limit in his case for one year."

In view of the above recommendations and of the fact that the object of the bill is merely to waive the age limit, leaving to the determination of an examining board the question of Mr. Rinehart's physical, mental, and moral fitness the department has no objections to the enactment of this bill (H. R. 25428).

House bill 25428 is the House bill of the same terms as Senate bill 7267, which we have under consideration.

The bill merely places this young man, who is about a year above the age limit of 26, in a position to take the same examination that all other candidates would take for that duty. He is a graduate of the Naval Academy and has performed his sea duty and is absolutely in a very favorable condition to perform the duties of this office. I take it that a man who is a graduate of the Naval Academy and who has performed his sea duty is in a better position to perform the duties of paymaster than one who would come from the outside, and especially would it be more beneficial because in the event of war this man would not only

be a paymaster in the Navy, but would be of service because he is a graduate of the Naval Academy and if his services were needed they could be used. He has performed sea duty and is thoroughly capable of doing this work.

He comes of one of the best Maryland families. He is a nephew of the man who made those statues that stand on each side of the clock. He is a nephew of the man whom Crawford designated to complete the bronze doors in the front of this Capitol. He is a fine young man and comes from one of the best families of our State, and I hope the bill will pass.

I reserve the balance of my time.

Mr. SLAYDEN. Mr. Speaker, I want to say only a word or two. A number of bills are going through this House that are, to say the least, of doubtful propriety. I must confess that the gentleman from Maryland [Mr. LINTHICUM] makes a very good case for his man. I did not know at first that the young man had been in the Navy, or that the facts were as he has stated them. This thing of waiving the age limit which was fixed by law for the purpose of compelling a reasonable amount of service before a man reaches the retiring age ought not to be lightly put aside, and the practice of men going into the Army and Navy and resigning when they find it profitable to get out, and then, when they find that they are incapable of making as much money as their military salaries, desiring to get back, ought not to be encouraged by Congress. I have no objection to the passage of this particular bill.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Texas to yield me some time.

Mr. SLAYDEN. Mr. Speaker, I yield the gentleman from Illinois such time as he may want, or as I have remaining.

Mr. MANN. Mr. Speaker, this is another one of those private snap bills to permit a man above the age limit to enter the Army or the Navy, because, for some reason, he is able to secure personal work on the part of Members of Congress and personal solicitation. This man was in the Navy and now wishes to get back into the Navy—not into the active service but into the Pay Corps. He wants to have the age limit waived, so that he may enter the Pay Corps—not to go into the dangerous service. He was in the Navy and resigned for physical disability not incurred in the line of service. For years he suffered from an ear trouble, and while he says it was on account of the discharge of a cannon, or something of that sort, no one else agrees with him.

Mr. HOBSON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. HOBSON. I simply wish to ask if the gentleman is aware—and perhaps he is—of the fact that the paymasters and other staff officers aboard ship are now frequently called upon to do military duty, and that a proposition is on foot that will probably be adopted under which the Pay Corps will be amalgamated with the line of the Navy?

Mr. MANN. Oh, I know that under the personnel bill we have gone to the extent of extreme idiocy in reference to the Navy, upon the assumption that a man who is best fitted for navigation ought to be running the engine, and that the man who is best fitted for running the engine ought to be put on the deck of the ship. But I had not dreamed that the Naval Committee would go so far that a man who was to pay the Navy was the best man to run the engine, to navigate the ship. That may come—I do not know—with the distinguished gentleman from Alabama, who has peculiar notions concerning the Navy. From the statement in this case it appears that this man's physical disability was not incurred in line of duty, that he had a history of having suffered with ear trouble prior to his admission to the Naval Academy, and that he was frequently under treatment for this disease while at the academy and during his tour of duty on board the first ship. I understand that he still suffers from the same trouble. That may be the reason—I do not know—that he does not want to get back into the active service. The Congress of the United States ought not to permit the officers of the Army and Navy to believe that through personal solicitation they can receive favors at the hands of the Congress.

If there be any one place in the world where orders ought to be orders, where men ought to stand on the level, it is among the officers of the Army and Navy, and everyone of them who receives admission to the Army or Navy through personal favoritism, through personal solicitation, is a ruined officer so far as his value to the Navy is concerned; and when this bill comes up I propose, as I stated last night, to insist upon a quorum being present before it passes.

The SPEAKER. The gentleman gives notice that he will demand a quorum.

Mr. LINTHICUM. Mr. Speaker, I do not want to tie up the work of this House, and if I can bring the bill up later——

The SPEAKER. The Chair will recognize the gentleman if he finds a lull in the proceedings at any time after we get through with these appropriation bills.

Mr. LINTHICUM. Then I withdraw the bill for the present, Mr. Speaker.

MARIA M'MURDIE.

Mr. MADDEN. Mr. Speaker, I desire to suspend the rules and pass the bill (H. R. 1567) for the relief of Maria McMurdie.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1567) for the relief of Maria McMurdie.

Whereas on August 2, 1887, John McMurdie, an employee of the customhouse at Chicago, Ill., while in the discharge of his duties, was instantly killed by the sudden moving of an elevator cable while the deceased was in the act of stepping over same: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Maria McMurdie, widow, and the heirs at law of the said John McMurdie.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill. Is a second demanded?

Mr. SLAYDEN. Mr. Speaker, I demand a second.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Speaker, I would like to have an explanation of the bill from the gentleman.

Mr. MADDEN. Mr. Speaker, this bill provides for the payment of $720, one year's compensation, to the widow of a man named McMurdie, who, while in the employ of the Government of the United States as a fireman at the Chicago Federal building, and while in the performance of his duty was called upon to enter an attic of the building where there was no light, and where there was an unprotected cable, and while climbing over machinery where this cable was unprotected the cable caught him and carried him around and killed him. He was getting $60 a month. A bill was introduced for the payment of $5,000. The Committee on Claims reported a bill for the payment of one year's salary at $720. His widow is a very old woman. She is living on the charity of her daughter. The daughter's husband is earning only sufficient to make a very meager living for his own family. The widow of this man is very ill, and has been for some time; she can not live very long, and if she is to have any relief it should be granted now.

Mr. SLAYDEN. The gentleman has no doubt of the truth of these statements?

Mr. MADDEN. I know the family very well.

Mr. SLAYDEN. The gentleman has personal information and has known them——

Mr. MADDEN. For 20 years.

Mr. COX. Will the gentleman permit me to ask, Does the Secretary of the Treasury recommend this bill?

Mr. MADDEN. The Secretary of the Treasury and the coroner's jury found the Government of the United States or the local officials were negligent in causing this man's death.

Mr. COX. I may be confusing the report on some other bill; I may have in mind some other bill than this; but my recollection is it is either this bill which the gentleman is offering or some other bill where the Secretary of the Treasury said that if Congress wanted to pass this he had no objection to it.

Mr. MADDEN. Of course, the Secretary of the Treasury could not direct Congress to pass a bill.

Mr. COX. He could recommend it in direct terms, one way or the other.

Mr. MADDEN. He does recommend it.

Mr. COX. That is what I am trying to find out. Will the gentleman in his own time read what the Secretary of the Treasury says?

Mr. MADDEN. Yes. He says:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 19, 1911.

Hon. EDWARD W. POU,
Chairman Committee on Claims, House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, relative to John McMurdie, deceased, formerly a fireman in the United States customhouse building at Chicago, Ill., with which you inclose a copy of bill H. R. 1567, for the relief of Maria McMurdie, widow, and the heirs of John McMurdie, and in reply you are advised that the records of the department show that on August 2, 1887, while passing through the attic of the building Mr. McMurdie was fatally injured by the gearing of the elevator cables and died within a few hours after the accident.

The department is unable to express an opinion regarding the merits of the claim, as there is nothing on file relating thereto except as above stated.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

We have a copy of the coroner's verdict here.

Mr. SLAYDEN. Did not the Secretary recommend this?

Mr. MADDEN. He did.

Mr. COX. If I remember the report correctly, it shows they assumed all of that risk.

Mr. MADDEN. Well, the cables were unprotected, the gearings were unprotected, and if this accident had happened in a private institution the institution would have had to pay the full limit provided by law. And there is no reason on earth why, when a man is killed in the service of the United States Government, the Government ought not to be held responsible, and that those who were left dependent as a result of his death ought to be provided for by reasonable compensation.

Mr. SLAYDEN. Held responsible in reasonable damages?

Mr. MADDEN. Yes.

Mr. SLAYDEN. Do I understand the gentleman to say this will be a final settlement?

Mr. MADDEN. Absolutely final. They agreed to accept $720 in lieu of the amount provided for in the bill.

Mr. SLAYDEN. If this bill should fail to pass, would it not perhaps be the only exception to all the cases brought to the attention of Congress, where the Treasury has been opened for the payment of such claim?

Mr. MADDEN. If this bill fails to pass, it will be an exception to the rule, of course.

Mr. SLAYDEN. I shall make no objection.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules, discharging the Committee of the Whole House from further consideration of this bill, and passing the same.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended, the Committee of the Whole House discharged from further consideration of the bill, and the bill was passed.

RESIGNATION FROM COMMISSIONS.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 3, 1913.

The Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

MY DEAR SIR: I resign my place as a member of the Commission in Control of the House Office Building, and also of the Commission on Reconstruction of the Hall of the House of Representatives.

Most respectfully, yours,

J. G. CANNON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

APPOINTMENT TO COMMISSIONS.

The SPEAKER. The Chair appoints the gentleman from Illinois [Mr. MANN] as a member of the Commission in Control of the House Office Building, and the gentleman from Tennessee [Mr. AUSTIN] as a member of the Commission on Reconstruction of the Hall of the House of Representatives.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I present the conference report on the bill (H. R. 27148) making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee presents a conference report on the Post Office appropriation bill, and asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1604).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 5, 10, 17, 19, 20, 23, 27, 28, 29, 40, 41, 42, 43, 44, 45, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 22, 24, 35, 36, 38, 39, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, and 64; and agree to the same.

The conference committee has come to no agreement on amendments numbered 25 and 26.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out the amount "$500,000" and insert in lieu thereof "$475,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For inland transportation by railroad routes, $51,500,000: *Provided*, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis, but, *Provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $35,000: *Provided further*, That on account of the increased weight of mails resulting from the enactment of section 8 of the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after July 1, 1913, for the remainder of the contract terms, not exceeding 5 per cent thereof per annum, excepting upon routes weighed since January 1, 1913, and to be readjusted from July 1, 1913, until otherwise provided by law: *And provided further*, That the joint committee to make inquiry into the subject of postage on second-class mail matter and compensation for the transportation of mail provided for by the act of August 24, 1912, shall make an inquiry into the question of the transportation of second-class mail matter in fast freight trains and the manner of handling incident thereto, and report upon the same and the best method of effecting its discontinuance if such be found advisable."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the word "thirty-two" and insert in lieu thereof the words "three hundred and thirty-four"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agreement to the same with an amendment, as follows: Strike out the words "four thousand two hundred and one" and insert "two thousand three hundred and eighteen"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the figures "$24,755,850" and insert in lieu thereof "$24,969,990"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "three hundred and four" and insert in lieu thereof "thirteen hundred and ninety"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Strike out the words "fifteen hundred and twenty-seven" and insert "four hundred and two"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Strike out the words "eleven hundred and sixty-eight" and insert "two thousand seven hundred and eighty-eight"; and the Senate agree to the same.

JOHN A. MOON,
DAVID E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

JONATHAN BOURNE, JR.,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of

the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on Senate amendment No. 26, namely:

Senate amendment No. 26: This amendment reenacts the law of 1912 for carrying the mails over the bridge across the Mississippi River at St. Louis, Mo. The amendment increases the amount appropriated by the House $2,500,000 and provides for increasing the department's estimate for inland transportation by railroad routes $1,839,000. Provides for a special weighing on all railroad routes and a readjustment on account of the increased weight of mails resulting from the establishment of the parcel post. This would necessitate a weighing of all mails carried and a readjustment for the increase in weights of the regular mails as well as the allowance for additional increase for parcel post mails because it is impracticable to actually separate the parcel post or fourth-class mails from the others and weigh them separately over the routes carried. The department's estimate of the probable cost which such a weighing would result in for 10 months of the fiscal year (assuming a weighing to begin September 1) was $3,861,000 on account of increase of weight of regular mails; $4,812,000 increase on account of parcel post (fourth-class matter), and $500,000 estimated cost for 35 days' weighing and tabulation, making a total of $9,173,000. The department's estimate for probable increase on account of parcel post is 10 per cent of the annual compensation.

Under the proposed substitute the special weighing is dispensed with and no additional compensation is allowed for increase in the regular mails, and the Postmaster General is authorized to allow 5 per cent annually of the compensation paid on routes on July 1, 1913, for the remainder of the contract terms on all routes excepting those which are to be weighed subsequent to January 1, 1913, and to be readjusted from July 1, 1913. These excepted routes are those which are now being weighed and which will receive through the present weighing an increase on account of the present increase in parcel post or fourth-class mail. Five per cent of the compensation on the routes affected will amount to approximately $2,000,000 a year, which is a very material reduction under the estimates of the department and the provisions of the Senate amendment.

This amendment also authorizes the joint committee to make inquiry into the subject of postage on second-class mail matter and compensation for the transportation of mail provided for by the act of August 24, 1912, to make inquiry into the question of the transportation of second-class mail matter in fast freight trains and the manner of handling incident thereto, and report upon the same and the best method of effecting its discontinuance if such be deemed advisable.

The bill as passed by the House carried $280,662,781.

The bill as passed by the Senate, $283,785,442.

The bill as finally agreed upon in conference carries $283,352,171.

JOHN A. MOON,
D. E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

Mr. MOON of Tennessee. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] moves the adoption of the conference report.

Mr. MANN. Will not the gentleman from Tennessee [Mr. MOON] explain what this amendment does? What is the proposition? It is impossible to tell by hearing it read, and it is a very important matter.

Mr. MOON of Tennessee. Mr. Speaker, the statement was read for the purpose of explanation of this bill. I am sorry there was not that order in the House which would enable the gentleman from Illinois [Mr. MANN] to hear. I will call the attention of the gentleman, if he desires to know the position of the conferees on this question, to the fact that in the Senate amendment it was provided that the railway mail carried over the bridge at East St. Louis should be upon a mileage basis, and that for fuel, light, and space, the department in its discretion might give a sum of money not exceeding $20,000.

The conference committee, after full consideration of that matter, considering particularly the contention of the railroad companies that they were expending some $65,000 for the benefit of the Government there per annum, and the contention of the department and others that the expenditure was some $30,000 and some odd only, reached the conclusion to amend the Senate amendment by reenacting practically the law of last year, and we gave them $35,000, which we think is probably fair compensation.

Now, there is a bill, as the gentleman knows, for the repeal of that statute upon which the compensation is based. Until that is disposed of we thought it best to reenact the old law. The second part of this Senate amendment provided for weighing of the mails of the United States for 30 days.

This, of course, would be a special weighing, and it would not supersede the annual weighing under the statute. This is for the purpose of ascertaining what proportion fourth-class matter, known as parcel-post matter, holds to the whole mail of the United States, in order that we might determine the legitimate pay due to the railroad companies for the transportation for this increased weight of mails.

We were not able to reach any conclusion on the question of weighing because of the indefiniteness and uncertainty of the basis for the determination. Various propositions were suggested, but the conferees were not able to agree upon the weighing of the whole mail, because that involved, if settled upon the basis of a new weighing next year, an increase of $3,800,000 as compensation on general mail to the railroad companies, to be paid by the Government, and we could not agree to that, because the statutory contract now calls for a four-year weighing; so that view of the question was discarded.

Mr. MANN. That feature is left out in the conference report?

Mr. MOON of Tennessee. That is left out. So the conferees thought the most equitable thing to do was to weigh the parcel-post matter and care for that. But after calling in the executive officers of the department we were convinced that that could not be done without more cost to the Government than the amount involved. So, after ascertaining from the department that the increase of the parcel-post fourth-class matter in the mails would probably amount to from 7 to 10 per cent of the whole compensation, an agreement was reached by the conferees to pay after the 1st of July, 1913, the sum of 5 per cent per annum of the whole weight of the mails to cover the additional compensation for parcel post.

Mr. MANN. Let me see if I understand the gentleman.

Mr. MADDEN. During the contract period?

Mr. MOON of Tennessee. Yes.

Mr. MANN. Do I understand that the conference provides that after the 1st of July next there shall be added to the amount paid on the various contracts 5 per cent in each case?

Mr. MOON of Tennessee. It is 5 per cent per annum after July 1 for the remainder of the contract term.

Mr. MANN. Yes.

Mr. MOON of Tennessee. Except upon the routes weighed since January 1, 1913, which are to be adjusted on July 30, 1913, until otherwise provided. The effect will be to add about $2,000,000 per annum for the additional compensation for the extra mail. It is perhaps not more than two-thirds of what ought to be paid.

Mr. MADDEN. The increased volume is about 10 per cent, and you are only agreeing to provide for 5 per cent?

Mr. MOON of Tennessee. Yes.

Mr. POWERS. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman yield?

Mr. MOON of Tennessee. I do.

Mr. POWERS. I did not quite catch the substance of the conference report as to the weighing of the mail.

Mr. MOON of Tennessee. The department has asserted that the increase would be 10 per cent, and the conference report provides for the payment of 5 per cent to cover the additional increase of pay to the railroad companies after July 1.

Mr. POWERS. And you weigh all the mails?

Mr. MOON of Tennessee. We are not weighing any of them.

Mr. POWERS. Do you expect to do that?

Mr. MOON of Tennessee. Under the law we have quadrennial weighings, and we do not interfere with that law.

Mr. POWERS. I understand; but there is no special weighing provided for under the report?

Mr. MOON of Tennessee. Not at all; and we thereby save $500,000 for the cost of weighing.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. MOON of Tennessee. I do.

Mr. COX. I heard the statement read, and understood that the conferees had agreed upon the language to be adopted. Has the gentleman any information to give in addition to the reading of the language agreed upon and incorporated in the bill?

Mr. MOON of Tennessee. It has all been read. This is the language.

Mr. COX. I did not have opportunity to read it, but I heard the conference report read.

Mr. MOON of Tennessee. The conference report comes in this shape: We agree to the Senate amendment with an amendment. Every word of the law is in this report.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman yield?

Mr. MOON of Tennessee. I yield to the gentleman from Kansas.

Mr. MANN. How much time does the gentleman from Kansas desire?

Mr. MURDOCK. I would like to have five minutes' time.

Mr. MOON of Tennessee. I yield to the gentleman five minutes.

Mr. MURDOCK. Mr. Speaker, this is a highly technical matter, and it has now reached this stage: The House originally passed the ordinary appropriation for railway-mail pay. The Senate amended that item by adding an elaborate proposition for the reweighing of the mails and for the inclusion of matter in the mails not now in the mails, known as the blue-tag matter, and by other provisions increased the sum to be paid to the railroads some twelve or thirteen million dollars.

The bill came back to the House with these Senate amendments. I sought to get a separate vote at that time on the propositions, but failed to do so. The bill went to conference. It came back from conference with the House managers disagreeing to the Senate amendment numbered 26, which admittedly provided for an increase of pay to the railroads of some $10,000,000. Upon that I secured a separate vote in an attempt to show the sentiment of the House. Now the House managers have brought back from conference an agreement. As nearly as I could understand it in the confusion, the agreement is that, in some way to me unknown, 5 per cent is to be added to the present pay of the railroads. Where it is to be added, how it is to be added, by whom it is to be added, I can not tell, and I do not think 2 per cent of the membership of this House can tell.

Mr. MOON of Tennessee. I think they can.

Mr. MURDOCK. Now, Mr. Speaker, here is a matter of legislation upon which this House is asked to legislate on a mere statement. The language of the law, as I understand it from the statement, is not before this House, and this is a highly technical matter. The whole question goes not merely to the matter of an increase of $2,000,000 a year. Unquestionably there has been an increase in the weight of the mail by reason of the adoption of the parcel-post system, and undoubtedly the railroads should be paid for that increase in weight; but this House ought to have the right to know what the law is which is offered by which that increase is to be granted, and that has not been done. It is a manner of legislation that is out of all conscience, I will say to the gentleman. The House ought not to legislate on this subject in this way.

Mr. GARNER. Will the gentleman yield to me?

Mr. MURDOCK. Certainly.

Mr. GARNER. Does the gentleman believe that the railroads now are getting more money for carrying the mails than they ought to get?

Mr. MURDOCK. I think the New York Central, the Pennsylvania, and all the larger railroads are getting too much money for the carriage of the mails on their main lines.

Mr. GARNER. If I understand the purport of this amendment, if it becomes a law it will increase the present contracts with the railway companies 5 per cent. Is that correct?

Mr. MADDEN. Yes.

Mr. MURDOCK. Just a moment.

Mr. GARNER. If that is correct, the gentleman from Kansas has information as to what the effect of this law is. If it simply increases the present contracts 5 per cent, there can be no misunderstanding on the part of this House as to what the effect of this law is.

Mr. MURDOCK. Let me ask the gentleman from Texas a question. He has not heard the law read. The law is not before the House.

Mr. MOON of Tennessee. If the gentleman will allow me——

Mr. MURDOCK. The gentleman does not know any more about this law than I do, because he has not read it. Now, we have weighed the mail this spring in New York and Pennsylvania. Are we to add 5 per cent to the pay in that section, where the weight of the parcel-post matter has already been included? Will the gentleman answer that? He can not answer it, because he has no opportunity to know.

Mr. GARNER. I know the gentleman from Kansas will, and the House ought to, take the statement of the gentleman from Tennessee [Mr. MOON], the chairman of the committee, as to the effect of this law. It is absolutely impossible for us to go into a reference to the decisions, legal and otherwise, as to the effect of this language or the other; but the gentleman from Tennessee and his fellow conferees evidently have considered this from every standpoint, and their statement to the House is that it will increase the present contracts 5 per cent, and that the Post Office Department estimate that the increase in the weight is 10 per cent.

Mr. STEENERSON. The gentleman is mistaken about that.

Mr. MURDOCK. How does the gentleman know that?

Mr. GARNER. I have taken the statement of the gentleman from Tennessee [Mr. MOON].

Mr. STEENERSON. As I understand the proposition in that report, it does not provide for any increase in the weighing section that was weighed since the 1st of January, namely, the eastern section. There is no increase in that, is there?

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Has the amendment now under discussion been read to the House, or merely the statement of the conferees?

The SPEAKER. The statement was read.

Mr. MADDEN. The amendment was contained in the statement.

The SPEAKER. By unanimous consent the statement was read in lieu of the report.

Mr. COOPER. I understand that to be true. Now, I desire to ask the gentleman from Tennessee about how long that amendment is and what reason there is for not reading it to the House?

Mr. MADDEN. It was read to the House. It was contained in the statement.

Mr. MOON of Tennessee. If the gentleman from Kansas had been listening, he would have known what the provision was.

Mr. MURDOCK. I was listening, and I took the pains to ask for order that I might hear.

Mr. MOON of Tennessee. Then the gentleman did not comprehend. Here is the law exactly as it is provided:

Provided further, That on account of the increased weight of mails resulting from the enactment of section 8 of the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after July 1, 1913, for the remainder of the contract term, not exceeding 5 per cent thereof per annum, excepting on routes weighed since January 1, 1913, and to be readjusted from July 1, 1913, until otherwise provided by law.

Now, the explanation of it was, as the weighing continues under the general law now, this compensation, of course, will cease. It will be 5 per cent under the contract up to the time of weighing in each section and then they will have the full weighing, and full compensation will be based on the weighing as heretofore. We have no separate weighing of parcels now. The department has made an estimate on which we act, and it is the only estimate by which justice can be done. It is estimated that the railroad companies to-day are carrying mail on account of this enactment to which we refer, of 10 per cent over the previous amount carried. The department has estimated—and the estimate is based upon the return from all the important towns in the United States giving the weight of the mail, the destination, and estimate upon the cost of the carriage—and say that on account of this law which we have passed the railroad companies would be probably entitled to $4,011,000, the committee's estimate in the Senate being less than that by about a million or a million and a half. The conferees thought it would be on the safe side of the proposition, that if instead of giving 10 per cent or 7½ per cent, we should give 5 per cent increase, which will amount approximately to $2,000,000 per annum. The conferees as a result of this report, save to the United States over $7,000,000 of money against the Senate amendment when first here presented.

Mr. MURDOCK. Will the gentleman yield?

Mr. MOON of Tennessee. Certainly.

Mr. MURDOCK. I want to say that it is impossible for any Member to understand this provision clearly without having actually and intelligently read it. It is impossible in a technical matter like this to judge from a statement what the effect will be. It proposes to increase the rate of pay to the railroads 5 per cent. The mails were weighed last fall in New England, were they not?

Mr. MOON of Tennessee. A part of it was weighed and a part of it was not weighed.

Mr. MURDOCK. As to the part that was weighed. Now, this adds 5 per cent to the last year's adjustment of pay to the

New York, New Haven & Hartford Railroad in the pay of 1913 to 1914.

Mr. MOON of Tennessee. No; we do not add anything until after July, 1913.

Mr. MURDOCK. That is my question—do we add 5 per cent after July, 1913?

Mr. MOON of Tennessee. Yes; weighed before January 1.

Mr. MURDOCK. Now, between July 1, 1914, and July 1, 1915, if this system is to be continued, and no doubt it will be, is 5 per cent to be added on to the money that we have previously paid?

Mr. MOON of Tennessee. On the remainder of the contract?

Mr. GARNER. May I suggest to the gentleman that I have just read in the statement that these increases must be based on the weighing prior to January 1, 1913?

Mr. MURDOCK. I caught that, but the mails were weighed in New England last year. The pay to the New York, New Haven & Hartford Railroad is to be adjusted on that weighing.

Mr. MOON of Tennessee. No; there is no additional 5 per cent on the 5 per cent. It is 5 per cent on the full carriage for the remainder of the contract.

Mr. MURDOCK. I hope the law so states.

Mr. MANN. Mr. Speaker, will the gentleman yield me some time?

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the reading of the amendment I thought—and if I am mistaken, I would like to be corrected—made it very plain. The 5 per cent to be added by this was from July 1 until the end of the contract.

Mr. GARNER. Based on the 1912 weighings.

Mr. MANN. The contract is based on the weighings prior to January 1, 1913, but the 5 per cent is added from July 1, 1913, until the end of the contract.

Mr. GARNER. That is right.

Mr. MANN. Of course, as to those weighings made last fall, that would be practically three years or three and a half years.

Mr. MURDOCK. That is the way the gentleman caught the reading?

Mr. MANN. That is the way it reads, as I understood it, and I think I caught it correctly.

Mr. GARNER. That is right.

Mr. STEENERSON. Mr. Speaker, will the gentleman yield?

Mr. MOON of Tennessee. Yes.

Mr. STEENERSON. Mr. Speaker, as I understand the proposition, it is that this 5 per cent is to be added for the unexpired term of the weighing period in each section, there being four weighing sections in the United States, one of which was weighed last year. That has three years to run, so that this 5 per cent will be added to those three years. The next weighing section, which was weighed a year ago, would have the 5 per cent added for two years. The other weighing section, having one year of unexpired term, would have 5 per cent added for one year. The House should understand that the ordinary natural increase in the weight of the mail per annum in the last few years has been about 6 to 7 per cent. It is estimated that through the parcel post there will be an additional increase of 10 per cent. When you weigh the mail on a railroad this year, the railroad is paid for the next coming four years on the basis of the weight to-day; naturally, it would not get the benefit of the increase. At the end of four years they find that the weight of the mail has increased 24 per cent on the average, which, of course, has been the rule for many years, because there is a constant increase in the volume of mail. The total railway mail pay last year was about $49,000,000, and this 5 per cent, as I understand it, would amount somewhere to nearly two and a half millions, which is a very conservative estimate of the extra compensation to the railroads, because no doubt the parcel post has added a great deal more than 5 per cent to the total weight of the mail. This is a temporary expedient, and I congratulate the conferees upon arriving at so reasonable an adjustment of the differences with the Senate. I believe that the Congress ought in the near future to readjust the railway mail pay, and I understand this commission which we authorized is working on that, but in the meantime this will serve the purpose very well.

Mr. MOON of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, I do not desire to take any time unless I can have order, and I would not take the time of the House if the gentleman from Tennessee had had sufficient order so that those upon this side of the House could have understood the explanation which he made. I am satisfied they did not, and it is by request of those immediately about me that I am taking time.

Mr. MURDOCK. Mr. Speaker, before the gentleman proceeds, will he, for the benefit of this side of the House, read the proposed substitute as it has been agreed upon by the conferees?

Mr. WEEKS. I will in a moment. As this bill passed the House the railroads would receive no compensation whatever for the increased burden put on them for carrying the parcel post, since it went into effect on the 1st of January, 1913. As the bill passed the Senate it would require a reweighing, which not only would give them the benefit for the additional burden imposed on them by the parcel post, but would give them increased pay for all mail matter carried, to which they would not be entitled, because the weighing is in four periods. As the Members of the House should know, the country is divided into four sections. One section is weighed each year. Thereafter the weight so taken continues as the basis of pay for four years. Therefore, if there were a general reweighing at this time the section which was weighed last year, for instance, would receive additional compensation for three years and a half, or during the contract period on all mail, but it would not be entitled to any increase on mails other than those developed by the parcel post. In order to get the exact amount of parcel-post mail carried it would be necessary to have a reweighing throughout the entire country, which would cost something like $500,000. The Post Office Department estimates the amount of the parcel-post mail carried would probably cost the Government, if the weighing took place, about $4,000,000, which would be something less than 10 per cent.

But in order to arrive at a conclusion, and to avoid a reweighing, which would cost $500,000, the conferees have decided to recommend the payment of 5 per cent of the amount which corporations will receive under the existing weighing, and this is limited to those corporations which were weighed before January 1, 1913. The only section of the country which has been weighed since that time is New York, Pennsylvania, and New Jersey, and no additional pay will be paid to the railroads in those three States. Now, I will read, as has been requested by the gentleman from Kansas, the provision we have put into the bill, which I think is perfectly plain and will be satisfactory to the Members of the House:

Provided further, That on account of the increased weight of mails resulting from the enactment of section 8 of the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after July 1, 1913, for the remainder of the contract term, not exceeding 5 per cent thereof per annum, excepting on routes weighed since January 1, 1913, and to be readjusted from July 1, 1913, until otherwise provided by law.

In other words, the extra compensation will go to all the corporations located in sections of the country where the weighing took place before January 1, 1913, and only to those railroads, and it will be 5 per cent of the monthly pay as the pay is made, based on the weighing when it did take place one, two, three, or four years ago.

Mr. LEWIS. Will the gentleman yield?

Mr. WEEKS. I do.

Mr. LEWIS. The words "per annum" are used after the expression "5 per cent."

Mr. WEEKS. At the rate of 5 per cent.

Mr. LEWIS. Now, might that be construed in the case of a contract weighing of a railroad, extending probably four years from that time, to be 5 per cent for 1914, 5 per cent more for 1915, et seriatim?

Mr. WEEKS. No; the gentleman from Maryland knows the railroad is paid on the basis fixed for a four-year period, and unless some report is made by the commission which is now considering second-class mail rates and railway mail rates it will be at the rate of 5 per cent each year, paid monthly at the same time other payments are made, and the 5 per cent will be paid on the basis fixed at the beginning of the quadrennial period.

Mr. LEWIS. I want to say I believe that was the purpose of the conferees, but that the expression "per annum" suggests some doubt as to the effect of the provision.

Mr. WEEKS. I do not think there is any doubt about it.

Mr. MURDOCK. Is the substitute, as the gentleman has given it to the House, permanent law if enacted?

Mr. WEEKS. I believe it is permanent law until some other law is passed, but the gentleman knows we have provided in this very bill that the commission considering this subject shall report before the 4th of March, 1914, its conclusions on this subject.

Mr. MURDOCK. Yes; but the gentleman also knows after the commission has reported that this House and Senate must enact a law upon their findings.

Mr. WEEKS. Yes.

Mr. MURDOCK. And there have been innumerable commissions in the past reporting, but no resulting laws have been enacted. Let me get this clear in my mind. Under this substitute which the gentleman has read, do we continue to pay the increase of 5 per cent year by year thereafter?

Mr. WEEKS. During the present contract period.

Mr. MADDEN. In other words——

Mr. MURDOCK. Let me complete my question. Now, in the case of the New York, New Haven & Hartford Railroad in New England, where the mails were weighed last year, if we pay them under this law after July 1 on the basis of 5 per cent of the increased weight the readjustment showed for that weighing period, do we in the fiscal year 1914–15 pay them the increased 5 per cent on the just preceding payment, including 5 per cent on the adjustment of last year's weighing?

Mr. WEEKS. Five per cent on the only basis there is, which is the weighing which took place last September.

Mr. MADDEN. Under the present contract arrangement we pay them a fixed sum for the carrying of the mails.

Mr. WEEKS. Yes.

Mr. MADDEN. And we increase the fixed sum now 5 per cent?

Mr. WEEKS. Yes; for the balance of the contract period.

Mr. MADDEN. It is not increased until the end of the contract period?

Mr. WEEKS. It is not.

Mr. STEENERSON. If I understand this provision correctly when the next weighing period arrives and the next weighing takes place that does away with this provision entirely, because it is based upon the new weighing.

Mr. WEEKS. Yes.

Mr. FOWLER. Mr. Speaker, I discover that you say 5 per cent per annum is added to pay for the increase in the mail occasioned by the parcel post?

Mr. WEEKS. Yes.

Mr. FOWLER. Why do you use the words "per annum" if only 5 per cent additional is to be added to the sum which was agreed upon when the contract was made?

Mr. WEEKS. At the rate of 5 per cent per annum.

Mr. FOWLER. Why not strike out the words "per annum" and say "5 per cent"?

Mr. WEEKS. Because we believe that the rate of pay should be at the rate of 5 per cent per annum for each year. And we furthermore were advised by the officers of the department——

Mr. FOWLER. The only question that is in my mind is the one that was raised by the gentleman from Maryland [Mr. LEWIS]. Some of the contracts with railroads have three years to run yet. The law might be construed to mean an increase of 5 per cent for the first year, 5 per cent additional for the second year, and 5 per cent for the third year, making an increase of 15 per cent for the entire three years.

Mr. NORRIS. I wish the gentleman will read that clause again.

Mr. LEWIS. I will read it if the gentleman from Massachusetts [Mr. WEEKS] will yield. I want to say to the House in all seriousness that this is not a captious objection. I believe the conference committee has said what it did not mean, namely, that this compensation will be increased annually by 5 per cent, and now I read the language of the amendment:

It is authorized to add to the compensation paid for transportation on railroad routes for the remainder of the contract term, not exceeding 5 per cent thereof per annum.

Let me say the compensation of the Pennsylvania Railroad, for example, weighed last year, is a fixed sum, let us say 10 per cent of the aggregate railway mail pay——

Mr. WEEKS. I have not yielded, Mr. Speaker; I have the floor.

The SPEAKER. The gentleman from Massachusetts is entitled to the floor.

Mr. WEEKS. I have not yielded the floor to anyone for any other purpose than for the gentleman from Maryland [Mr. LEWIS] to read the part of the paragraph which he had in mind. If he desires to discuss that part of the paragraph, I wish him to do it in his own time.

Mr. LEWIS. I have no time, sir.

The SPEAKER. The gentleman from Massachusetts [Mr. WEEKS] declines to yield, and is entitled to the floor.

Mr. MURDOCK. Now, Mr. Speaker, I want to say to the gentleman from Massachusetts [Mr. WEEKS] that I desired to bring to his mind that the law relating to the pay of the railroads was reduced 10 per cent in 1876 and 5 per cent in 1878.

Mr. WEEKS. Yes.

Mr. MURDOCK. Now, in the actual administration of those reductions of pay it was found that the rate to the railroad was not reduced 15 per cent, but, as the gentleman knows, 14½ per cent.

Mr. WEEKS. Yes.

Mr. MURDOCK. Now, does not this inclusion of the words "per annum" in the substitute bring about precisely the same effect except in the reverse of it?

Mr. WEEKS. My opinion is that it does not. Now, that is all there is to it. It is a question of opinion.

Mr. MURDOCK. It is an opinion.

Mr. WEEKS. And I do not believe the Post Office Department or any officer in the Post Office Department would ever construe it in any other way. As the gentleman knows——

The SPEAKER. The time of the gentleman from Massachusetts [Mr. WEEKS] has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, I wish to say this, and say it emphatically, that I believe the House conferees have carried out in good faith the will of the House. We could not have everything in the bill as the House passed it, but I do say that on all material points involving large sums of money and increase of appropriations the Senate conferees receded. If the Senate provisions in this bill had gone through, I believe that the expenditures for the Government would necessarily have been increased anywhere from $9,000,000 to $15,000,000. That is not true in the shape that the House conferees bring back the bill to this House.

Now, as to amendment No. 26: We worked out carefully the proposition of how this 5 per cent would affect the railroads. As the law is, we know the mails are weighed once in four years in each of the four contract divisions of the country. The railroads, of course, are paid one-fourth of that amount annually. It is true that in the way we bring back the provision here we simply add 5 per cent annually to that. It is not cumulative. We will not pay 5 per cent and 5 per cent additional to that and 5 per cent more next year, or anything of the kind. The word "annually" was placed in the amendment because the point was made, and made by good lawyers, that if we would leave out the word "annually" it might be considered by the department to mean an increase of only 1¼ per cent; so that is the reason why the language is placed here as it is.

Mr. WILLIS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. WILLIS. Is this increase a flat increase of 5 per cent, or does it simply give the Postmaster General authority to make an increase of 2 or 3 per cent, say, if he thinks proper?

Mr. FINLEY. Substantially it does.

Mr. WILLIS. That is, he can make a smaller increase than 5 per cent if he desires?

Mr. FINLEY. Yes.

Mr. Speaker, there is one point that I wish to emphasize, and that is that the House conferees having in good faith obeyed the mandate of the House, there can be no valid objection, based upon principle, to what we have done with reference to this matter.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, after carefully listening to the reading of the amendment which has been accepted and to the discussion which has been had, my understanding is that this will be its result: That at the end of the present running contracts, other than those where weighing has been had since January 1, the railroads will ultimately receive 5 per cent more than they otherwise would receive in the total. If the contracts have one year to run, two years to run, or three years to run, the effect of the amendment is to give them 5 per cent more than they would otherwise receive.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. I do not want to argue with the gentleman. I am simply stating my understanding of it.

Mr. GOOD. Just one question. What place, then, have the words "per annum" in this contract?

Mr. MONDELL. I suppose that is because the railroads are paid on the per annum basis. It seems to me that no other construction than I have stated of the language is possible, and I hope that that is the correct construction of it, because I understand that is what was intended.

Now, Mr. Speaker, I am inclined to think that this is a fair settlement of this rather vexed and trying question, but I wish

to remark on the difference in the treatment we accord to these great corporations and the treatment we accord to the humblest and poorest-paid servants of the Government in the postal service. Of course we do not intend, either individually or collectively, to care for the corporations and forget the humble citizen; and yet it is a curious thing that we scarcely ever entirely overlook the great and powerful corporations, while sometimes the welfare and justice to the humble individual are overlooked. I refer to the appropriation for star routes.

I make no charge against the committee of the House. The Post Office Department did not in the first place ask for enough for star service. The committee gave them all they asked for the star routes. Later, and after I had called attention to the lack of sufficiency in the appropriation, the department communicated with the House and Senate committees and suggested an increase, approximately in the amount I had stated in my opinion as necessary, to wit, $300,000. That supplemental estimate was, through inadvertence, I think, overlooked by the Senate committee, and the conferees were without authority to make the increase. It will be necessary for the department to create a deficiency, and I do hope and trust they will not hesitate to do it, for this, the poorest-paid service in the postal service, and about the poorest paid under the flag, is the only part of the postal service that is not taken care of by an increase on account of parcel post in this bill.

The star-route carriers must and, I believe, will eventually be given a fair increase of compensation, but it is to be regretted that it was not done in this bill.

Mr. MANN. Mr. Speaker, will the gentleman from Tennessee yield to me five minutes?

Mr. MOON of Tennessee. I yield five minutes to the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, there seems to be some misapprehension as to the effect of the proposition, which, I think, is easily cleared up by a correct understanding of the situation. The language in the proposition is an increase of 5 per cent per annum, which some gentlemen have feared means an increase the first year of 5 per cent, and then a 5 per cent addition the next year.

As I understand the situation, the contracts with the railroads for carrying the mails are made according to law, and the law provides for so much on a certain basis per annum. The contract is made in accordance with the law, and the contract basis is by the year, not for the full term of four years. The compensation named is not the compensation for the full term of four years, but it is so much per year each year for a period of four years. So that when this item refers to 5 per cent thereof per annum to be added, it is 5 per cent of the amount named in the original contract made according to law, at so much for each year. If the amount is $1,000,000 or $10,000, it is 5 per cent of that each year thereafter that the contract runs, and can not be any more than that.

Mr. GOOD. Suppose the words "per annum" were left out and the contract provides for $100,000 a year, payable monthly; would not the railroad companies receive $105,000 a year for each remaining year of the contract under the provisions of this agreement?

Mr. MANN If the words "per annum" are left out, they might receive 15 per cent the first year. If the total contract price is for the four years and you propose to pay them 5 per cent additional, it might be construed, and probably would be construed, to mean 5 per cent on the contract price for the full period for each year.

Now, this is perfectly plain, that the "5 per cent thereof" is 5 per cent of the annual compensation, because the law provides that the compensation shall be so much per annum upon the amount of mail carried, and there can be no misconstruction of that by anybody.

Mr. MURDOCK. The gentleman has read the substitute or heard it read, has he?

Mr MANN. I have both heard it and read it.

Mr MURDOCK. It is permanent law?

Mr. MANN. It is permanent law.

Mr. MURDOCK. So that it does change this system of payment?

Mr. MANN. It does to that extent. It provides a bonus of 5 per cent on these outstanding contracts after July 1, which are not based upon weighing since January 1, for the balance of the period of the contract, unless Congress hereafter changes the law.

Mr. MURDOCK. Does the gentleman think this is the proper time to change the law in that important matter?

Mr. MANN. Do you mean just now?

Mr. MURDOCK. Yes; in this stage of legislation; in conference at the close of the session.

Mr. MANN. I voted against the proposition offered by the gentleman from Kansas the other day because I did not understand it, and said then that I thought it was asking us to pass upon something very quickly without knowledge.

This situation simply amounts to this: Having engaged in a parcel post, which the Government is now assuming will bring to the Government from $30,000,000 to $50,000,000 per annum, we propose to add to the pay of the transportation companies which do most of the work $2,000,000 per annum. That looks to me like a pretty good bargain on behalf of the United States.

Mr. MURDOCK. I think the gentleman ought to make this correction: That $2,000,000 per annum has been repeated over and over again here. As a matter of fact, we pay the railroads $50,000,000 a year for the transportation of the mails, and 5 per cent of that is $2,500,000.

Mr. MANN. That is all very true, but this does not apply to three of the large States of the Union—New York, Pennsylvania, and including now as a great State the State of New Jersey.

Mr. MURDOCK. But I will say to the gentleman that the inclusion of the weight of the parcel post will be paid for in that section, because there has been a weighing there this spring.

Mr. MANN. Many of them will not be paid for, because the parcel post is growing much more rapidly now than it was at the beginning.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, I only wish to say to the House that on a fuller examination of the text of the amendment, I am satisfied that the 5 per cent proviso would not have the cumulative effect suggested; that it refers to a specific sum fixed in the contract weighing and not to a changing, cumulative sum. I believe the amendment is fair to the Government at least and sufficiently certain in meaning to be put in the form of law.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

BRIDGE BILLS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the next 20 minutes be occupied in the consideration of bridge bills by unanimous consent, taking up the Senate bills that have passed first.

Mr. MANN. Will not the gentleman modify his request by saying "not exceeding 20 minutes"?

Mr. GARNER. I will say "not to exceed 20 minutes."

Mr. STEENERSON. Reserving the right to object, I would like to make an inquiry. Will that include Senate bills on the calendar whether they are on the Calendar of Unanimous Consent or not?

Mr. GARNER. It will.

The SPEAKER. The gentleman from Texas asks unanimous consent that a period of time not to exceed 20 minutes shall be devoted to the calling of bridge bills by unanimous consent, those having passed the Senate having preference?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he can advise me what will be before the House at the end of the 20 minutes?

Mr. GARNER. I have not the information, but I understand there will be sufficient business in the way of conference reports and other matters on the Speaker's table that must be considered.

Mr. HUMPHREYS of Mississippi. If that is true, I want to say that there are some other measures that are not of a private but of a public nature that this House ought to pass on. If this is the only 20 minutes that we are to have to consider bills outside of conference reports——

Mr. MANN. This is not the only time that will be devoted to that purpose.

Mr. HUMPHREYS of Mississippi. The gentleman from Texas said that after the 20 minutes the balance of the time would be taken up in conference reports. If that is true it will exclude all other matters.

Mr. MANN. If it was true, it would not make any difference, because the gentleman could not get up anything else within the 20 minutes.

Mr. GARNER. The gentleman from Mississippi will not gain any time by objecting to this.

Mr. HUMPHREYS of Mississippi. The gentleman from Mississippi has not been able to get much time anyway.

Mr. MANN. The gentleman from Mississippi gets everything out of the House that he wants.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

BRIDGE ACROSS MISSOURI RIVER AT WELDON SPRINGS LANDING, MO.

The SPEAKER laid before the House the bill (S. 8443) to extend the time for the construction of a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MINNEAPOLIS.

The SPEAKER laid before the House the bill (S. 8377) to authorize the Northern Pacific Railway Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.

The Clerk read the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER, BELTRAMI COUNTY, MINN.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8536) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota, which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8539) to authorize the St. Louis Belt & Illinois Eastern Traction Co. to construct a bridge across the Mississippi near the mouth of the Missouri River.

The Clerk read the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that a similar House bill be laid on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

BRIDGE ACROSS MISSOURI RIVER AT WELDON SPRINGS, MO.

Mr. HAMLIN. Mr. Speaker, I call up the bill (S. 8538) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs, in the State of Missouri, which I send to the desk and ask to have read.

The Clerk read the bill.

The SPEAKER. The clerks at the desk inform the Chair that they have not the engrossed copies of the bill (S. 8539) to authorize the St. Louis Belt & Eastern Traction Co. to construct a bridge across the Mississippi River, nor of the bill (S. 8538), which the gentleman calls up, to construct a bridge across the Missouri River at Weldon Springs. The gentleman will have to obtain the engrossed copies, which the Chair supposes are in the Committee on Interstate and Foreign Commerce. Those bills have never been reported by that committee.

Mr. BARTHOLDT. Mr. Speaker, I would call the attention of the Chair to the fact that the bill just read (S. 8538) was passed by the Senate on February 19.

The SPEAKER. That is true, but the engrossed copies of those bills are not at the desk, and they should be here. They must be in the hands of the committee. The gentleman can later take the matter up under suspension of the rules. Without objection, the proceedings of the House by which the bill (S. 8539) to authorize the St. Louis Belt & Illinois Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River was passed will be vacated.

There was no objection, and it was so ordered.

BRIDGE ACROSS HUDSON RIVER, N. Y.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4978, an act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890, which I send to the desk and ask to have read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. HAMILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. Are we proceeding under unanimous consent?

The SPEAKER. We are.

Mr. MANN. Mr. Speaker, I object.

Mr. GOLDFOGLE. Mr. Speaker, may I not call this bill up under suspension of the rules?

The SPEAKER. Not at this time.

BRIDGE ACROSS SABINE RIVER AT ORANGE, TEX.

Mr. DIES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28098) to authorize the construction of a bridge across the Sabine River, at Orange, Tex.

The Clerk read the bill.

The SPEAKER. Is there objection.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 28000, Private Calendar 288.

The SPEAKER. This is not a bridge bill.

BRIDGE ACROSS CADDO LAKE, LA.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28633) to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana."

The bill was read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER NEAR WELDON SPRINGS LANDING.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the further consideration of the bill S. 8538, and that it be now considered.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Interstate and Foreign Commerce from further consideration of the Weldon Springs bill, and that it be now considered.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this the third bridge bill which the gentleman from Missouri has had passed?

The SPEAKER. No; this is one that was passed and yet not passed.

Mr. MANN. Then this is to pass it twice?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8538) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the further consideration of Senate bill 8539.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

An act (S. 8539) to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. HAMLIN. Mr. Speaker, I ask that a similar House bill be laid on the table.

The SPEAKER. Without objection, a House bill of similar import will be laid on the table.

There was no objection.

The SPEAKER. The 20 minutes has expired.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Are there any more bridge bills not acted upon?

The SPEAKER. Has any gentleman a bridge bill?

Mr. LINTHICUM. I have an age-limit bill, if the gentleman will take that instead.

SALE OF BURNT TIMBER.

The SPEAKER laid before the House the following House bill with a Senate amendment:

A bill (H. R. 24266) to authorize the sale of burnt timber on the public domain.

The Senate amendment was read.

Mr. TAYLOR of Colorado. Mr. Speaker, I move to concur in the Senate amendment. It is not my bill, but the chairman of the Committee on the Public Lands is temporarily out of the room.

Mr. MANN. This matter has been before the House several times and was once vetoed by the President.

Mr. TAYLOR of Colorado. We have changed it.

Mr. MANN. I am just going to ask what we are doing now. Evidently we do not know, and the gentleman is unable to inform us.

Mr. TAYLOR of Colorado. I will say this——

Mr. MANN. It is a peculiar situation.

Mr. TAYLOR of Colorado. If the gentleman will listen. We have undertaken to comply with the suggestions of the President of the United States and pass a bill that would meet with his approval. It has passed the Senate, and I now yield to the chairman of the committee [Mr. FERRIS].

Mr. MANN. Now that it has been fixed up to suit the President and the Senate, would it not be proper to let the House know what it is to see whether it suits the House?

Mr. TAYLOR of Colorado. Certainly; that should be done. I yield to Mr. FERRIS for an explanation of the bill.

Mr. FERRIS. Mr. Speaker, the only change the bill makes—I have not it before me as I have only come into the Hall of the House—is a slight Senate amendment which is agreeable to the Secretary of Agriculture. The time the bill passed the House, and at the time the bill was reported, there was a colloquy that took place on the floor between the gentleman from Illinois and those in charge of the bill, and there was some desire on the part of the House to have the jurisdiction remain with the Secretary of Agriculture that he now has, and this amendment only proceeds to leave the jurisdiction and control where it was.

The question was taken, and the amendment was agreed to.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the amendment was agreed to was laid on the table.

LIEUT. COL. CONSTANTINE MARRAST PERKINS.

Mr. WITHERSPOON. Mr. Speaker, I rise to call from the Speaker's table the bill H. R. 9290, and move to suspend the rules and pass the same.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. WITHERSPOON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Mississippi [Mr. WITHERSPOON] asks unanimous consent that a second may be considered as ordered.

Mr. MANN. I object; and I state now that it will require a quorum to consider this bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects and serves notice on the House. Does the gentleman from Mississippi [Mr. WITHERSPOON] withdraw the bill or not?

Mr. WITHERSPOON. I decline to withdraw it.

The SPEAKER. The Chair appoints the gentleman from Mississippi [Mr. WITHERSPOON] and the gentleman from Illinois [Mr. MANN] as tellers. Those in favor of seconding the motion will pass between the tellers and be counted.

Mr. WITHERSPOON and Mr. MANN took their places as tellers.

The question was taken; and the tellers reported—ayes 56, noes 9.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

Mr. WITHERSPOON. Mr. Speaker, I desire to withdraw my motion.

Mr. MANN. Mr. Speaker, I withdraw the point of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the reports of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 28775. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 28499. An act making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ROBERTS of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBERTS of Massachusetts. Will the Speaker state to the House the message of the Senate in regard to the District of Columbia appropriation bill? The messenger spoke so low that we could not hear.

Mr. MANN. They have agreed to the conference report.

The SPEAKER. The Senate agrees to the conference report.

INTERLOCUTORY INJUNCTIONS.

Mr. CLAYTON. Mr. Speaker, I ask to take from the Speaker's table for present consideration and passage the bill S. 8439.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State.

Be it enacted, etc., That section 266 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended by inserting in line 4, after the words "in the enforcement or execution of such statute," the words "or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State."

At the end of section 266, as so amended, add the following:

"*It is further provided*, That if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State to enforce such statute or order, accompanied by a stay in such State court, of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing and notice of 10 days served upon the attorney general of the State that the suit in the State courts is not being prosecuted with diligence and good faith."

So that section 266 as amended shall read as follows:

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an

interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case. It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State, to enforce such statute or order, accompanied by a stay in such State court of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing, and notice of 10 days served upon the attorney general of the State, that the suit in the State courts is not being prosecuted with diligence and good faith."

Mr. CLAYTON. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. MANN. Mr. Speaker, I ask for a second.

Mr. CLAYTON. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I will say frankly to the gentleman that I have not demanded a second for the purpose of opposing the bill, but in order that it may be explained to the House.

Mr. CLAYTON. I perfectly understood that when the gentleman demanded a second.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. CLAYTON. The gentleman's purpose was good and proper, and I thought an explanation of the measure ought to be made to the House.

Mr. Speaker, this bill is what is known as the Crawford bill, which recently passed the Senate. The history of it is this: Senator CRAWFORD introduced it in the Senate, and when it went to the Judiciary Committee there it was amended and reported, I believe, unanimously by that committee and passed the Senate unanimously. It came to this House and met the unanimous approval of the Committee on the Judiciary here. Some of the particular circumstances calling for this legislation are perhaps happily stated by Gov. Byrne, of South Dakota, in his inaugural address in January last, who said in the course of that address:

> It was the boast of the representatives of the railroads that in 13 minutes after the governor had signed at Pierre the act fixing passenger fares at 2 cents per mile the Federal judge at Sioux Falls had signed his sweeping order restraining the attorney general and all State attorneys from attempting to enforce it. Nearly four years have passed since then, but we have not yet been able to learn from the court whether or not the fares fixed are reasonable. It is now nearly six years since the order of the board fixing 2½ cents per mile as the maximum charge for passenger fares was tied up by injunctions, yet in that time the court has not said whether such order is right or wrong.
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> Why should not these matters be tried and settled in our own State courts? Is there a possibility that they would do injustice to any of these corporations? The idea is preposterous. * * * It would seem that no effective regulation of freight and passenger rates within State lines is possible so long as the lower Federal courts are thus permitted to annul and bring to naught all efforts on the part of the people of the State to secure relief.

This law is not a new departure in legislation. It merely seeks to amend the existing law in two particulars. Section 266 of the Judiciary Code is the existing law which this bill seeks to amend.

It seeks to amend, in the first particular, in this way: To put the order of a State railroad commission upon an equality with a statute of a State; in other words, to give the same force and effect to the order of a State railroad commission fixing rates as is accorded under existing law to a State statute.

This judge in South Dakota, having held that the order of a railroad commission, promulgated under the authority of a State statute, was not entitled to be recognized as having the force and effect of a State statute, the first amendment of the section is to give the order of the railroad commission the same standing in court that the statute of a State has.

The second proposition amends this same section by further safeguarding this injunctive process so that it may not be abused. You know now it takes three judges to hear and pass on the application for an injunction. We had that matter before the House heretofore, and we have had it before the Congress repeatedly, and it was finally decided that as to these statutes regulating the rates of railroads—statutes passed by States—the execution should not be enjoined unless three judges sat and heard the application for injunction. That is the existing law. This seeks to amend that further by providing that when an application is contemplated by the railroad to enjoin the execution of a State statute, if proceedings are begun under that State statute to stay it, the State court shall hear and determine the matter involved in the controversy.

That covers such questions as the reasonableness of passenger fares, whether the rate be confiscatory or not, whether it be repugnant to the constitution or not. The State nisi prius court will try it in the first instance, and then, of course, it can be taken to the State appellate court, and then from there brought to the Supreme Court of the United States; whereas we see that under the existing statute out in South Dakota the order of the State commission under the State statute has been suspended by a Federal judge there for six years. He has tied this law up, and boasted that he had done it, with a sweeping injunction issued within 15 minutes after the Legislature of South Dakota had passed a law fixing the passenger rate at 2½ cents a mile.

What we want to do is to give the opportunity for such cases to be heard speedily. It is not the purpose of this amendment of this statute to defeat the ends of justice, but to expedite the administration of public justice.

That is the purpose of it that I have undertaken to show. The reasons for this legislation are perhaps better stated in the report that I had the honor to prepare and present on behalf of the committee to the House, which I shall ask to be printed in the RECORD as a part of my remarks.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Following is the report referred to:

[House Report No. 1584, Sixty-second Congress, third session.]

RESTRICTING THE ISSUANCE OF INTERLOCUTORY INJUNCTIONS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report to accompany S. 8439:

The Committee on the Judiciary, having had under consideration the bill (S. 8439) restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State, reports the same back with the recommendation that the bill do pass.

This legislation is demanded because a few judges have sometimes hastily or improvidently issued interlocutory injunctions suspending the enforcement of a State statute or an order made by a State railroad commission acting under the authority of the statute of a State and have for an unjustifiably long time held up or prevented the operation of a State statute or an order of a State railroad commission.

In January last, Gov. Byrne, of South Dakota, in his inaugural address, said:

"It was the boast of the representatives of the railroads that in 13 minutes after the governor had signed at Pierre the act fixing passenger fares at 2 cents per mile the Federal judge at Sioux Falls had signed his sweeping order restraining the Attorney General and all State attorneys from attempting to enforce it. Nearly four years have passed since then, but we have not yet been able to learn from the court whether or not the fares fixed are reasonable. It is now nearly six years since the order of the board fixing 2½ cents per mile as the maximum charge for passenger fares was tied up by injunctions, yet in that time the court has not said whether such order is right or wrong.

"Why should not these matters be tried and settled in our own State courts? Is there a possibility that they would do injustice to any of these corporations? The idea is preposterous. * * * It would seem that no effective regulation of freight and passenger rates within States lines is possible so long as the lower Federal courts are thus permitted to annul and bring to naught all efforts on the part of the people of the State to secure relief."

The bill (S. 8439) has passed the Senate. It seeks to correct grave abuses by Federal judges in issuing interlocutory injunctions restraining State railroad commissions from executing the orders promulgated by them. The Federal court in the South Dakota district held that the provisions of section 266 of the Judicial Code were not broad enough to include orders promulgated by railroad commissions, State boards, or other tribunals fixing maximum rates under a State statute. Just complaint is made on account of the action of the Federal court in tying the hands of the railroad commissioners and preventing them from enforcing orders against railroads and express companies. Widespread and earnest protest on the part of the people in that State has resulted.

The committee is of the opinion that the statute should be broadened, so as to prevent this kind of interference with State officials who are performing their duties under the provisions of a statute enacted by the legislature of a State.

The section (266) of the Judicial Code, as it will be amended by this bill by the insertion of the matter shown in italics, will read as follows:

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, *or in the enforcement or execution of an order made by an administrative board or commission acting under and pursuant to the statutes of such State*, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and deter-

mination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case. *It is further provided that if before the final hearing of such application a suit shall have been brought in a court of the State having jurisdiction thereof under the laws of such State, to enforce such statute or order, accompanied by a stay in such State court of proceedings under such statute or order pending the determination of such suit by such State court, all proceedings in any court of the United States to restrain the execution of such statute or order shall be stayed pending the final determination of such suit in the courts of the State. Such stay may be vacated upon proof made after hearing, and notice of 10 days served upon the attorney general of the State, that the suit in the State courts is not being prosecuted with diligence and good faith."*

Mr. CLAYTON. Mr. Speaker, I now yield two minutes to the gentleman from South Dakota [Mr. BURKE].

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for two minutes.

Mr. BURKE of South Dakota. Mr. Speaker, there is very little more, if anything, to be said as to why this bill should become a law, in view of the very full explanation of the merits of the measure by the distinguished gentleman from Alabama [Mr. CLAYTON].

As he has stated, probably the case that emphasizes most why this legislation ought to be enacted originated in my State. This bill was introduced by one of our Senators. The report of the committee quotes from the message of our governor to the legislature when it convened in January of this year, showing the condition that prevails with reference to an interlocutory injunction that was issued some four years ago against the order of the State railway commission that had been made two years before and an act of the legislature passed at that time fixing maximum passenger rates on the railways in South Dakota. While the gentleman from Alabama has read what the governor said in his message to the legislature, I want to again read it:

> It was the boast of the representatives of the railroads that in 13 minutes after the governor had signed at Pierre the act fixing passenger fares at 2 cents per mile the Federal judge at Sioux Falls had signed his sweeping order restraining the Attorney General and all State attorneys from attempting to enforce it. Nearly four years have passed since then, but we have not yet been able to learn from the court whether or not the fares fixed are reasonable. It is now nearly six years since the order of the board fixing 2½ cents per mile as the maximum charge for passenger fares was tied up by injunctions, yet in that time the court has not said whether such order is right or wrong.
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> Why should not these matters be tried and settled in our own State courts? Is there a possibility that they would do injustice to any of these corporations? The idea is preposterous. * * * It would seem that no effective regulation of freight and passenger rates within State lines is possible so long as the lower Federal courts are thus permitted to annul and bring to naught all efforts on the part of the people of the State to secure relief.

Owing to the length of time that has elapsed without any final action by the court there is much dissatisfaction on the part of our people, and there is an overwhelming demand for this legislation. The Attorney General and the State officials generally have appealed to me, expressing the earnest hope that before this Congress adjourns this bill or a similar one may be enacted into law, and our legislature passed and sent a memorial to Congress for its enactment. The bill has been unanimously reported by the Committee on the Judiciary, and I hope it will pass.

The SPEAKER. The gentleman from Alabama has used 13 minutes.

Mr. MANN. Mr. Speaker, in the so-called Mann-Elkins law, which was an amendment to the interstate-commerce act, there was carried a proposition inserted in the Senate by the Senator from North Carolina [Mr. OVERMAN] in reference to injunctions in Federal courts against State officials in regard to the enforcing of State laws. That amendment was agreed to in conference and became the law, and was subsequently carried in the codification of the judiciary title as section 266.

It is a peculiar thing, by the way, that the reason given by my distinguished friend from Alabama [Mr. CLAYTON] and by the Judiciary Committee, as the principal reason for passing this bill, is the statement made by the governor of South Dakota; for the entire statement of the governor of South Dakota refers to a situation existing prior to the enactment of the Mann-Elkins law and prior to the insertion of section 206 in any form into the laws of the United States. It is hardly sufficient to say that an abuse which existed six years ago, and which was corrected three years ago, is now a reason for additional legislation.

However, I never have been in favor myself of extending the Federal jurisdiction too far, in the first instance, in regard to matters arising in the States under State laws controlling the powers of State officials. There is in every case a method of getting these questions finally into the Supreme Court of the United States, where the State courts render their decisions, either adverse or favorable to the constitutionality of the State law, and there is no necessity in the main of invoking the jurisdiction of the Federal courts for the first decision in the matter. This bill, however, which I think probably ought to pass, is liable to cause some confusion, it seems to me. As I understand the proposition in the bill, it includes, first, orders issued by State commissions, which we assumed were included in the original law, but which the courts have since held do not apply to orders made by commissions under authority of State laws.

Second, it provides that if you have commenced a suit in a Federal court, to enjoin State officials on the ground of the unconstitutionality of a State law, and have progressed with that suit up to the point of having a hearing, but have not commenced the hearing, if anyone in the State is dissatisfied with the probable decision of the Federal court he can thereupon have a suit filed in the State court, and if the State court enters an order staying the execution of the order of the State officials pending the determination of the State courts, that of itself shall operate as a stay of the proceedings in the Federal court and also operate as a stay of any restraining order issued by the Federal courts.

It also provides that such stay may be vacated upon proof made after hearing and notice of 10 days, served upon the attorney general of the State, that the suit in the State courts is not being prosecuted with diligence and good faith. I take it that, under the terms of this bill, when the suit is filed in the State court the statute itself, without any order of the Federal court, operates as a stay upon all the proceedings in the Federal court and stays the effect of the restraining order of the Federal court.

Mr. CLAYTON. I think the gentleman is right in that construction.

Mr. MANN. Apparently, however, this would let the court officials vacate the stay by order.

Mr. CLAYTON. After notice of 10 days, served upon the attorney general of the State, that the suit in the State court is not being prosecuted with diligence and good faith it could be vacated.

Mr. MANN. While, in my judgment, there is no special necessity for the passage of this bill, because the abuses complained of arose before the present law went into effect, I do not think it can do any special harm to pass it.

Mr. CLAYTON. Mr. Speaker, the gentleman is not exactly correct in that. This statute is not aimed at those abuses, all of which arose before the law was amended; but one of the recent abuses since the law was amended, requiring three judges to act upon an injunction, is this very ruling of the court that the order of a railroad commission does not have the force and effect of a State statute.

Mr. MANN. I quite agree with the gentleman as to that amendment of the law.

Mr. CLAYTON. That is one reason that calls for this amendment to section 266. As a part of the argument in the case, and as showing abuse of injunctive process by some Federal judges, I quoted the remarks of Gov. Byrne, of South Dakota. The State courts are as competent and as honest as the Federal courts, and these State courts can and will do justice by railroads as they do by other corporations and by the people. It would be a slander on the State courts to say that they will not, and it is a reflection on the people to say that in the States they select incompetent or unfair judges. Sometimes they may make mistakes, but, perhaps, they make no more mistakes in selecting judges than Presidents make in the appointment of judges.

Now, further as to this bill: I would have preferred to have the provisions of the bill, which are embraced in the last two sentences of it, made clearer and more certain, but if I had amended the bill it could not have become a law at this session because the session of Congress will end at noon to-morrow. If this bill does not propose perfect legislation, let it pass now and perfect it hereafter. It is an improvement over existing law.

I yield five minutes to the gentleman from Illinois [Mr. STERLING.]

Mr. STERLING. I think, Mr. Speaker, there is nothing further to be said in regard to the bill. I do not care for further time. The gentleman from Alabama, I think, has covered every point.

The SPEAKER. The question is on the motion of the gentleman from Alabama.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

Mr. BURKE of Pennsylvania. Mr. Speaker, in the early part of the year 1912 I had the honor to participate in the proceedings of the meeting called by the President of the United States for the purpose of bringing about and perfecting an organization of the various trades and commercial bodies of the United States.

Nearly 800 of the leading business men of this country participated in that meeting, which was held in the city of Washington. After a year's effort the organization of the Chamber of Commerce of the United States of America became, and now is, one of the most potential commercial organizations in the world.

Its purposes and works are confined to no single locality nor to any special line of business or trade. In the broadest possible sense it is the one and the only body ever organized in this country whose purpose is to promote and encourage generally the commercial welfare of the Republic.

There is no line of legitimate industry, no department of worthy commercial enterprise, that will not in the natural course of events participate in the benefits arising out of the great work of this body.

In the most eventful and prosperous period in our commercial history this body comes into existence to augment the splendid efforts now being successfully made to make this country the most notable, potential, and creditable figure in the arena of international trade.

It never had, and does not now have, the slightest intention to interfere with or intrude upon the functions of the Government in any of the latter's great work of enlarging the volume of our interstate and foreign trade.

It will bring together the commercial geniuses of the country, harmonize conflicting opinions arising out of misunderstandings, create a harmonious spirit and purpose to pull together to improve trade conditions generally and enlarge our markets and activities abroad, to the end that in all the waiting markets of the world the products of American brains, genius, and labor will be found.

No busier place in the country can be found to-day than in the central offices of this organization in the city of Washington, where there is at work one of the most effective executive and secretarial forces in the country. Harry A. Wheeler, the president chosen for a second time, is one of the most able and esteemed gentlemen in the American business world, and the board of directors and incorporators among the leaders in business in various sections of the country.

The bill itself reads as follows:

A bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America.

Be it enacted, etc., That Horace H. Allen, Bernard N. Baker, Frederick Bode, A. M. Cooper, C. G. Craddock, A. C. Dixon, John Joy Edson, John H. Fahey, A. B. Farquhar, Everett G. Griggs, H. J. Hodge, P. J. Kruesi, I. H. Kempner, B. F. Kauffman, Albert J. Logan, William D. Mullen, Elias Michael, Ludwig Nissen, Francis F. Prentiss, Lewis W. Parker, John P. Truesdell, J. N. Teal, W. B. Thompson, August H. Vogel, Harry A. Wheeler, George H. Whitcher, Harry T. Wickes, and E. P. Wells, citizens of the United States, members of a voluntary association known as the Chamber of Commerce of the United States of America, their associates and successors, are hereby constituted a corporation by that name for the purpose of encouraging trade and commercial intercourse among the States, the District of Columbia, the Territories, and insular possessions of the United States of America and with foreign nations; and for these purposes to have, possess, and enjoy the right to establish and maintain headquarters in the District of Columbia; to own only such property, real and personal, for office purposes, as may be necessary to carry on the work of the corporation; and, in general, to do and perform all things necessary to accomplish the purposes of the corporation: *Provided*, That nothing herein contained shall authorize said corporation to engage in business for its own profit.

SEC. 2. That the right to amend, alter, or repeal this act or any part thereof is hereby expressly reserved.

On that bill the Committee on the Judiciary, after a full hearing, made the following unanimous report:

[House Report No. 854, Sixty-second Congress, second session.]

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following report to accompany H. R. 25106:

The Committee on the Judiciary, having had under consideration the bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America, report the same back with the recommendation that the bill do pass.

POWER OF CONGRESS TO ISSUE CHARTER.

Under the Constitution Congress clearly has the power to regulate commerce among the States and with foreign nations, and as an incident thereto it necessarily has the power to encourage, facilitate, and promote that which it has the right to regulate. But commerce in this sense means more than mere buying and selling, more than the mere exchange or interchange of commodities. It includes transportation by land and water and it also includes intercourse. Indeed, intercourse is a very essential part of commerce, whether foreign or domestic.

That Congress, under this constitutional provision, has the power to grant charters to corporations for the purpose of directly engaging in commerce is beyond question. Indeed, it has frequently exercised such power and has given to such corporations valuable franchises, conferring upon them important rights, including the right of eminent domain within the States, and it has even given to corporations organized under State laws powers in addition to those conferred by the State.

As the purpose of the corporation proposed in this bill is to encourage trade and commercial intercourse among the States, the District of Columbia, the Territories, and insular possessions of the United States and with foreign nations, in other words as its purpose is to encourage, stimulate, facilitate, and extend our commercial relations, there can be no question as to the right and the power of Congress to grant the proposed charter.

While all concede the power of the Federal Government to grant charters to corporations for the purpose of making profit, there are many who think it questionable policy to do so. This bill contains a proviso "That nothing herein contained shall authorize said corporation to engage in business for its own profit," so that there can be no objection to it on that ground.

PURPOSE OF CORPORATION.

While we have many commercial bodies in the country, known as chambers of commerce and commercial clubs of one sort or another, they are all purely local in their character, intended only to benefit the particular communities in which they are located. We have no organization of a national or quasi national character, such as it is proposed in this bill to organize. The proposed organization would be Federal in its character, its constituent elements being various commerce bodies throughout the country, so that if the purpose be fully realized, it will be thoroughly national and cosmopolitan.

Its possible usefulness is practically unlimited, both as to our domestic and foreign commercial relations.

In the collection, publication, and distribution of the latest commercial statistics alone, it can do incalculable good.

It can and ought to greatly increase the commercial standing and importance of the United States among foreign nations, by materially extending our foreign trade and by creating a higher standard of business ethics.

As Congressman Burke, of Pennsylvania, well said in support of the bill before this committee—

"The purpose of those seeking this charter is to encourage trade and commercial intercourse among the States, Territories, and insular possessions of the United States and with foreign nations by the collection and transmission of information affecting commerce in general and not transactions incident to a single industry or to a few industries in a single State, or a few States, but with reference to all those commercial matters, communities, and commodities in which the American people have or should have an interest, the ultimate object being to enlarge these fields and increase those activities in which American genius and industry should assume that real leadership for which they are so eminently fitted, and as a consequence of which our Nation will be enriched commercially and strengthened politically throughout the world.

"To this end the Congress may fittingly exercise its power. As the Supreme Court in the North River Bridge case declared, 'Congress, being empowered by the Constitution to regulate commerce among the States and to pass laws necessary or proper for carrying into execution any of the powers specifically conferred, may make use of any legitimate means for this end. * * * Congress therefore may create corporations as appropriate means of executing the powers of government,' (153 U. S., 529.)

"The propriety of granting this charter is found in the fact that virtually all the commercial bodies, boards of trade, chambers of commerce, and kindred organizations throughout the United States have planned its organization and are about participating in its activities. In response to the suggestion of the President of the United States, nearly 800 men, prominent in the commercial life of the various States, assembled in Washington on April 15 and 16 last and organized this body, whose activities are to be world-wide. Business integrity and commercial patriotism will both be enhanced, the volume of trade increased, and the means and manner of conducting our commercial affairs improved.

"The purpose is so far from being local or provincial and so clearly beyond the activities and authority usually conferred or contemplated in District of Columbia or State charters, that it manifestly falls within the larger field with which the Congress may deal and properly confer authority for the carrying out of the great purposes in view."

I hope this House will now pass this bill and thereby write upon its records a very creditable and gratifying chapter in our commercial and legislative history.

I yield such time to the gentleman from Alabama [Mr. CLAYTON] as he desires.

Mr. CLAYTON. Mr. Speaker, I desire to say that we gave a very liberal hearing to people in favor of this bill. We had gentlemen representing chambers of commerce from well near every State in the Union some months ago, and they succeeded in convincing us that this is a good piece of legislation. It does not cost the Government anything; it does not propose to ever cost the Government anything. It has no power to do any business, and it is not a corporation in that sense. We are merely giving name and dignity to this chamber of commerce by letting them have, under this charter, a central organization for transacting the usual business done by chambers of commerce, to wit, of cultivating a friendly and commercial intercourse between the different States of the Union, between the different cities of the country with other cities, and with the people who do not live in the cities, and to cultivate a commercial semisocial relation with the business people of foreign nations. I think, Mr. Speaker, it will tend to promote not only our interstate business, but I think it will tend to promote our foreign business. The business men of America and every chamber of commerce, I believe, in the United States, thinks that not only will this benefit our commerce, but that it will aid materially in extending our foreign commerce and

enlarge our trade relations for the benefit not only of the commercial class itself, but for the benefit of the whole country.

Because, Mr. Speaker, under our Government it is true that whatever benefits one class of our people by extending trade redounds to the good of all. The more foreign trade we have the happier it will be for our people at home.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Military Academy appropriation bill and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Military Academy appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1617).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5; that the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 6, 8, and 9, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all of the matter proposed to be inserted by said amendment down to and including the words "*Provided further*," in line 16 and in lieu thereof insert "$360,000: *Provided*," and after the word "President," at the end of the amendment, insert ": *Provided further*, That any cadet, or cadets, reinstated under the provisions of this act shall be additional to those otherwise authorized by law"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "$10,000" and in lieu thereof insert "$5,000," and after the word "construction," in line 6, insert the words "and completion"; and the Senate agree to the same.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

H. A. DU PONT,
JOS. M. DIXON,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 28699, a bill making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes, make the following statement in writing of the action of the conferees as set out in the accompanying conference report:

Amendment No. 1 provided for an increase of $30,000 in the appropriation for pay of cadets; it also provided for filling vacancies at the Military Academy in a different way from that which now prevails; it also provided for reassembling the court-martial which tried certain cadets and dismissed them from the academy, and the House receded with an amendment restoring the appropriation to the amount fixed by the House, and struck out that part of the amendment providing for filling vacancies at the academy, and amended that part of the amendment restoring certain cadets, by adding the words "*Provided further*, That any cadet or cadets reinstated under the provisions of this act shall be additional to those otherwise authorized by law."

Amendment No. 2 reduces the amount provided by the House, and the House recedes.

Amendment No. 3 inserts the word "detachment," left out inadvertently by the House, and the House recedes.

Amendments Nos. 4 and 5 strike out the pay of two mess sergeants, and the Senate recedes.

Amendment No. 6 increases by $25,000 the appropriation for the completion of the East Academic Building, and the House recedes.

Amendment No. 7 provides $10,000 for the construction of a building for instruction purposes at Fort Leavenworth, Kans., in addition to the amount appropriated for that purpose last year, and the House recedes with an amendment cutting down the appropriation by $5,000 and providing that the sums appropriated shall complete the building.

Amendment No. 8 provides that the President, by and with the consent of the Senate, may appoint William W. Prude to the position of second lieutenant of Infantry in the Army and place him on the retired list, and the House recedes.

Amendment No. 9 authorizes the Secretary of War to permit John C. Scholtz, a citizen of Venezuela, to receive instructions at the United States Military Academy, and the House recedes.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

Mr. SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

CHINESE INDEMNITY.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 137, to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 137.

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000 reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent or shall hereafter spend for printing testimony in the trial of the said claims; and further that there shall be allowed as costs in the suits in which recoveries have been or may hereafter be had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution, within three months from the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. TOWNSEND. Mr. Speaker, this resolution is designed to do merely this: It permits certain missionaries and merchants who have recovered through suits in the Court of Claims damages from the so-called Boxer fund to present to the court bills of cost. In the act giving the court jurisdiction over these claim cases it was not provided that the court could consider bills of cost. These people have suffered grievously. None of them, particularly the larger claimants, has recovered within a very considerable sum the amount of his damage.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. TOWNSEND. In a moment. I desire to make my statement first. This does not take any money out of the Treasury of the United States, but on the contrary, will put some money into the Treasury of the United States, because the United States would be one of the claimants before the court to recover its costs. There are $2,000,000 of that fund reserved, more than ample to meet any claims for costs which the court may allow.

This is a delayed act of justice. A bill providing this same privilege passed the other House of Congress in another session. This bill has been unanimously reported from the Committee on Foreign Affairs. These claimants merely ask Congress to give them permission to go before the Court of Claims and let the Court of Claims determine whether or not they have just cause to ask for costs. I now yield to the gentleman from New York.

Mr. GOLDFOGLE. Mr. Speaker, I think the gentleman has made somewhat clear the information that I desire, but allow me to ask him at this point who is to determine the matter of the costs?

Mr. TOWNSEND. The Court of Claims.

Mr. GOLDFOGLE. Does the resolution so expressly provide?

Mr. TOWNSEND. It expressly provides that. This resolution does not give these claimants any money or standing otherwise than the privilege of going before the Court of Claims and permitting the Court of Claims to adjudicate a thing which it could not before, because it was not so provided in the act of jurisdiction.

Mr. GOLDFOGLE. What is comprehended in the resolution under the name of costs?

Mr. TOWNSEND. I speak particularly of the case that was explained to the Committee on Foreign Affairs by a merchant representing a mercantile house which has been in business for 70 years, which to-day is now the largest shipper of American products to the Far East. That house suffered more largely than any other claimant. They were obliged, in order to present their case to the Court of Claims, to send commissioners to China to gather evidence, of course to employ counsel, all of which charges have been paid in full. They were subjected to many very large costs.

Mr. GOLDFOGLE. Has not that all been taken into consideration in the award of damages?

Mr. TOWNSEND. On the contrary, the award of damages was cut down very materially by the actual costs which they incurred. I will call the attention of the gentleman to the fact that when this Chinese indemnity fund was established the representatives of the Governments concerned laid down this rule for the administration of the funds: Damages shall be assessed as far as possible with a view to putting Governments, societies, companies, and private individuals back in the position in which they would have been if the antiforeign movement of 1906 had not taken place.

Mr. GOLDFOGLE. Will the amount to be awarded as costs come entirely out of this indemnity fund, or may it perhaps fall upon the Treasury?

Mr. TOWNSEND. It will come entirely out of the reserve fund of the indemnity fund, and the United States Government will also undoubtedly collect under this resolution its costs in defending this fund.

Mr. GOLDFOGLE. Does the resolution make that limitation?

Mr. TOWNSEND. Absolutely.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. I would like to ask the gentleman a question. These claimants under resolution seek to recover attorneys' fees and costs of litigation, as I understand it.

Mr. TOWNSEND. The cost, of course, includes the expense of collecting evidence and material they had to submit to the Court of Claims.

Mr. MANN. What they wish is to have paid out of the Chinese indemnity fund all the expenses that they have been put to in the way of attorneys' fees or otherwise in prosecuting their claim. Is not that correct?

Mr. TOWNSEND. Not quite, I will say to the gentleman from Illinois. What their private wishes may be is not defined in the bill, but the bill very carefully defines this point, that they may submit to the court a bill of costs and permit the court to decide what item, if any in that bill, is a just tax upon this fund.

Mr. MANN. Well, this resolution practically asks the court to allow to these claimants out of the fund now in the Treasury, as I understand it, all their expenses incurred in prosecuting their claims, and further than that these claims were once disallowed.

Mr. TOWNSEND. The gentleman knows the costs were disallowed, because the act giving the court jurisdiction did not permit the court to allow them.

Mr. MANN. These claims were once disallowed.

Mr. TOWNSEND. Well, I am not aware that is the fact. The gentleman, of course, is an authority upon most things, but that is not as I understand it.

Mr. MANN. The gentleman just stated they were disallowed.

Mr. TOWNSEND. I stated that the court would not take into consideration the bills for the costs incurred because the act giving jurisdiction did not permit them to do so.

Mr. MANN. I am not speaking about the cost but the claims themselves.

Mr. TOWNSEND. It only permits those who have recovered to ask these costs.

Mr. MANN. These claims themselves, in the main, as I understand it, were once disallowed.

Mr. TOWNSEND. By the Court of Claims?

Mr. MANN. In determining what claims should be paid growing out of the Boxer insurrection out of the idemnity fund furnished by China there were a number of claims presented, and most of those claims which are involved here are disallowed.

Mr. TOWNSEND. Oh, those claims which were disallowed can not appear before the court.

Mr. MANN. Subsequently, owing to other legislation, they were allowed. Having received a second turn of the wheel, receiving an allowance, they now find that the Chinese indemnity fund is not entirely exhausted and now want to get out of that fund all of their expenses in having their claims allowed on a second trial. Does not the gentleman think that goes a little beyond the limit?

Mr. TOWNSEND. The gentleman does not think so. The gentleman thinks that the distinguished and experienced gentleman from Illinois is very apt, possibly aided by a temperament and disposition to do so, to make satirical remarks calculated to abash a younger Member, but the facts are these——

Mr. MANN. I disavow any such idea or thought or possibility. I am asking a simple question.

Mr. TOWNSEND. The situation has this explanation to a layman's mind. I refer particularly to a case of a witness who appeared before our committee. They had a very large business in the Far East, exclusively in American products. They had introduced and sold into the Far East very many million dollars' worth of southern-made cotton cloth. During the Boxer troubles their shipments were held up, their collections were made impossible, their insurance and interest went on, and the transshipments of their goods was made impossible, and they suffered grievously. This firm of American merchants, who for years had been striving successfully to introduce American goods into the Far East, went before the Court of Claims and recovered not all the damages that they suffered but a part of them, and even that part was not a net recovery, because, of course, they employed expensive lawyers, and they had to employ expensive means for gathering their evidence. They had to go to many ports and interior cities of China to procure this evidence, and the allowance made to them by the court was not a net allowance, because they had to deduct from that the cost imposed upon them by an antiforeign riot in China. The Government secured from China a fund to reimburse the Government, corporations, firms, and individuals. This gentleman who appeared before us represented, as I say, an old and distinguished American merchant firm, the kind of firm that all Americans should be proud of. They are out hundreds of thousands of dollars because of this interruption to their business. They ask Congress simply this: May they go to the Court of Claims and submit to the views of those judges the justice of this claim——

Mr. MANN. May I ask the gentleman how much money did they recover on account of the loss of profit?

Mr. TOWNSEND. I can not tell the gentleman the items that constituted their claims. I know that in addition to the physical loss they have suffered loss of storage charges, failure to collect insurance and interest, and some physical loss in the way of some shipments that have not been found yet. This loss they suffered by reason of these antiforeign rioters, who, I hope, the gentleman is not trying to protect.

Mr. MANN. Well, I am trying to protect this fund, which I think is somewhat sacred, paid by the Chinese Government, and which we offered to remit to the Chinese Government. Here is a proposition to pay out of that, because we say it does not come out of our Treasury, the attorneys' fees and the cost of litigation, which no one dreams of asking to be paid out of money which does belong to us in the Treasury. I think we ought to be fair enough to treat the new Republic of China as well as we treat ourselves.

Mr. TOWNSEND. This money is already in the Treasury of the United States, a portion of it having been remitted. This balance was held up there, as I understand it, for the purpose of covering additional just claims that might be made against it; and in the opinion of the Committee on Foreign Affairs, unanimously expressed, and in the opinion of the body at the other end of this building, it is only right we should give these gentlemen an opportunity to ask the Court of Claims to discover and determine whether they had a just charge against this fund.

Mr. MANN. If the gentleman will permit me, I think it is not to the credit of the State Department that it has held back in the Treasury of the United States a sum of money at the request and special instance of one firm who seek to obtain that money to pay their lawyers' fees and court expenses.

Mr. TOWNSEND. I can not join the gentleman in his efforts to discredit the State Department.

Mr. MANN. I do not endeavor to discredit the State Department. It so often does that itself it does not require any addition from the outside.

Mr. TOWNSEND. I think this is only an effort to ask Congress to allow some just claims to be submitted for adjudication to the Court of Claims.

I yield one minute to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Does this bill, if it passes, practically direct the Court of Claims, as is frequently done by legislation, to enter judgment?

Mr. TOWNSEND. It does not. It permits, I will say to the gentleman, or merely authorizes, the Court of Claims. There is no direction that these costs shall be paid. It is entirely permissive.

Mr. CANNON. What is the gentleman's motion?

Mr. TOWNSEND. I ask to have this bill pass—permitting these claimants to file their bills and allow the Court to adjudicate.

Mr. CANNON. On what principle?

Mr. TOWNSEND. That they have been subjected to grievous wrong. They did not bring these riots about, I will say to the gentleman——

Mr. CANNON. If the gentleman's people owned a cotton factory, and it was damaged on account of having to stop manufacturing, would that be a legitimate claim for damages?

Mr. TOWNSEND. Certainly not. These were all adjudicated in the original claims. It is not a claim for further damages. It does not permit them again to be opened up. It merely permits those claimants whose cases have been favorably acted upon by the court to submit to the court a question whether or not they should be allowed out of this fund something of the cost which this antiforeign riot in China imposed upon them.

The SPEAKER. Is there objection?

Mr. LINTHICUM. I object.

Mr. MANN. I object, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I desire to present a conference report on the bill H. R. 28775, the sundry civil appropriation bill.

Mr. TOWNSEND. Mr. Speaker, did I not make the motion to suspend the rules?

The SPEAKER. The Chair has announced a half dozen times that conference reports on appropriation bills shall have the right of way.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I desire to present a conference report on the sundry civil appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1022).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 10, 12, 14, 15, 17, 27, 34, 41, 42, 43, 49, 54, 60, 69, 74, 75, 79, 81, 88, 89, 90, 99, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 127.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 18, 24, 26, 29, 30, 31, 35, 36, 37, 38, 39, 44, 45, 46, 48, 51, 52, 53, 61, 73, 76, 77, 78, 82, 85, 87, 91, 92, 98, 104, 105, 106, 107, 111, 113, 114, 115, 116, and 128, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lines 43, 44, and 45 of said amendment strike out the following: "or which may be contained in appropriation acts now pending for said purposes"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$675,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,575,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter commissioned officers and pharmacists, and those employees of the service devoting all their time to field work, shall be entitled to hospital relief when taken sick or injured in line of duty"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agrees to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and motor-propelled vehicles, $75,000, of which sum $35,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Hereafter vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the the matter inserted by said amendment insert the following: "one-half to be immediately available"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$475,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant in charge of office, to be appointed by the Secretary of Commerce, $2,500"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$75,000, one-half to be immediately available"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "purposes" in line 10; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: On page 100 of the bill, in line 7, strike out "$131,060" and insert in lieu thereof the following: "$132,060"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,464,820"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow line 18 on page 21 of the bill; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "of which sum $4,500 shall be available to print and furnish to the States report-form blanks"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In line 2 of said amendment, before the word "Government," insert "the United States, in," and, after said word "Government," insert the words "or private"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 3, 8, 9, 16, 19, 20, 21, 22, 23, 28, 33, 47, 50, 55, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 83, 84, 94, 95, 96, 100, 101, 102, 103, 129, and 130.

JOHN J. FITZGERALD,
SWAGAR SHEELEY,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of said amendments in the accompanying conference report:

On amendments Nos. 1 and 2: Inserts the provision, proposed by the Senate, providing for the reconstruction of the public building at Charlotte, N. C.; and strikes out the provision, proposed by the Senate, appropriating for and increasing the limit of cost of the public building at Honolulu, Hawaii.

On amendment No. 4: Appropriates $675,000, instead of $700,000 as proposed by the Senate and $650,000 as proposed by the House, for repairs and preservation of public buildings.

On amendments Nos. 5, 6, and 7: Appropriates $2,500 for the marine hospital at Baltimore, Md., $1,000 for the marine hospital at Detroit, Mich., and $5,000, instead of $8,000 as proposed by the Senate, for the marine hospital at Wilmington, Del.

On amendment No. 10: Appropriates $150,000, as proposed by the House, instead of $144,000 as proposed by the Senate, for contingent expenses of the Independent Treasury.

On amendment No. 11: Appropriates $2,575,000, instead of $2,600,000 as proposed by the Senate and $2,540,000 as proposed by the House, for operating force for public buildings.

On amendments Nos. 12, 13, 14, 15, and 17, relating to the Public Health Service: Appropriates $547,640, as proposed by the House, for payment of commissioned officers; inserts the provision extending to officers and employees hospital relief when taken sick or injured in line of duty while engaged in field work; appropriates $155,000 as proposed by the House, instead of $164,500 as proposed by the Senate, for the quarantine service; and strikes out the appropriation of $16,000, proposed by the Senate, for securing current information regarding occurrence of epidemics.

On amendment No. 18: Inserts the provision proposed by the Senate, authorizing employment of technical services in connection with the central heating, lighting, and power plant without reference to civil-service laws.

On amendments Nos. 24 and 25, relating to the Interstate Commerce Commission: Appropriates $5,000, as proposed by the Senate, instead of $3,500, as proposed by the House, for the salary of the secretary, and $220,000, instead of $225,000, as proposed by the Senate, and $210,000, as proposed by the House, for locomotive inspection.

On amendment No. 26: Authorizes the payment of $7,245 for transportation of American citizens fleeing from danger in Mexico.

On amendment No. 27: Appropriates $120,000, as proposed by the House, instead of $147,000, as proposed by the Senate, for maintenance of national cemeteries.

On amendment Nos. 29, 30, 31, and 32: Appropriates $125,000, as proposed by the Senate, instead of $100,000, as proposed by the House, for improvement of Yellowstone Park, and $75,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for widening and improving roads in that park.

On amendment No. 34: Appropriates $2,500, as proposed by the House, for plans for Meridian Hill Park, instead of $25,000 for the improvement of the park, as proposed by the Senate.

On amendment No. 35: Makes the appropriation for the Lincoln Memorial immediately available.

On amendment No. 36: Appropriates $7,500, as proposed by the Senate, instead of $5,000, as proposed by the House, for maps for the War Department.

On amendments Nos. 37, 38, and 39: Appropriates $37,500 for a chapel and amusement hall for the Battle Mountain Sanitarium at Hot Springs, S. Dak., as proposed by the Senate.

On amendment No. 40: Inserts the provision with reference to the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers modified so as to prevent the filling of vacancies hereafter occurring in that board.

On amendment No. 41: Strikes out the appropriation of $50,000, proposed by the Senate, for a bridge at Fort Riley, Kans.

On amendments Nos. 42, 43, 44, 45, and 46: Appropriates $21,500, as proposed by the Senate, for fire protection appliances for the Pension Office; strikes out the appropriation of $18,000, proposed by the Senate, for electric light wiring and replacing windows in the Pension Office; appropriates $12,550, as proposed by the House, instead of $25,000, as proposed by the Senate, for special repairs to the Patent Office Building; and makes the appropriations for resurfacing the terraces and painting the central portion of the Capitol immediately available.

On amendment No. 48: Authorizes the use of not exceeding $15,000 of the appropriation for protecting public lands for clerical services for bringing up current work of the General Land Office.

On amendment No. 49: Strikes out the appropriation of $5,000, proposed by the Senate, for protecting national monuments.

On amendments Nos. 51, 52, 53, 54, and 56, relating to the Geological Survey: Appropriates $100,000, as proposed by the Senate, instead of $90,000, as proposed by the House, for investigation of mineral resources of Alaska; appropriates $40,000, as proposed by the House, instead of $45,000, as proposed by the Senate, for researches relating to the geology of the United States; and makes one-half of the appropriations for geologic surveys and topographic surveys of national forests immediately available.

On amendment No. 60: Appropriates $57,000, as proposed by the House, instead of $60,000, as proposed by the Senate, for care of insane of Alaska.

On amendment No. 61: Places the appropriations for education in Alaska under the direction of the Commissioner of Education.

On amendment No. 69: Appropriates $10,000, as proposed by the House, instead of $16,000, as proposed by the Senate, for Mesa Verde Park, Colo.

On amendments Nos. 73 and 74, relating to the Government Hospital for the Insane: Appropriates $30,450, as proposed by the Senate, for provision for criminal insane, and appropriates $25,000 instead of $50,000, as proposed by the Senate, for barns and piggeries.

On amendment No. 75: Strikes out the appropriation of $85,000, proposed by the Senate, for removal of college women's dormitory and reconstruction of a new dormitory at the Columbia Institute for the Deaf.

On amendments Nos. 76 and 77: Appropriates $65,000, as proposed by the Senate, instead of $60,000, as proposed by the House, for maintenance of Howard University.

On amendments Nos. 78 and 79: Makes the appropriation for additional land for the National Training School for Boys immediately available and appropriates $3,000, as proposed by the House, instead of $5,000, as proposed by the Senate, for expenses of witnesses before the Board of General Appraisers.

On amendment No. 80: Appropriates $475,000, instead of $500,000, as proposed by the Senate, and $450,000, as proposed by the House, for detection and prosecution of crimes.

On amendment No. 81: Authorizes the expenditure of not exceeding $10,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for office employees at Washington out of the appropriation for enforcement of antitrust laws.

On amendment No. 82: Fixes the salary of the attorney and marshal of the western district of Arkansas at $4,000 each.

On amendments Nos. 86 and 87: Appropriates for an assistant in charge of office at $2,500 instead of a chief clerk at $2,400 in the Bureau of Fisheries.

On amendments Nos. 88, 89, and 90: Strikes out the appropriation of $2,500, proposed by the Senate, for a fish pathologist.

On amendments Nos. 91 and 92: Appropriates for a naturalist at $3,000 at the fur-seal fisheries, as proposed by the Senate.

On amendment No. 93: Appropriates $75,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for protection and support of fur-seal fisheries and makes one-half of the sum immediately available.

On amendments Nos. 97 and 98: Reappropriates certain unexpended balances for repairs at the immigration station at Galveston, Tex., as proposed by the Senate, and makes a verbal correction in the text of the bill.

On amendment No. 99: Strikes out the appropriation of $10,000, proposed by the Senate, for statistics relating to the turpentine and rosin industry.

On amendments Nos. 104, 105, 106, and 107: Continues available during the fiscal year 1914 the appropriation for removal of the fence around the Botanic Garden, appropriates $2,000 for indexing reports for the Senate, $46,000 for maintenance expenses of the Senate Office Building, and $800 for an edition of the Congressional Directory for the first session of the next Congress.

On amendments Nos. 108 and 109: Appropriates $5,500, as proposed by the Senate, instead of $4,500, as proposed by the House, for salary of the Public Printer.

On amendment No. 110: Appropriates $500 for moving the ball from the customhouse at Portland, Oreg.

On amendments Nos. 111 and 112: Continues available during the fiscal year 1914 the appropriation for printing annals of the Astrophysical Observatory and makes the sum of $4,500 of the appropriation for printing and binding for the Interstate Commerce Commission available for the printing and furnishing to the States report-form blanks.

On amendments Nos. 113, 114, 115, and 116: Increases the pay of a clerk from $1,600 to $1,800 and of a shipping clerk from $1,200 to $1,400 in the office of the Superintendent of Documents.

On amendment No. 117: Authorizes the construction in the United States, in Government or private yards, of two colliers to cost not exceeding $1,000,000 each for the Panama Canal service.

On amendments Nos. 118, 119, 120, 121, 122, 123, 124, 125, 126, and 127: Strikes out all of the appropriations, proposed by the Senate, for the fortification of the Panama Canal.

On amendment No. 128: Suspends for the fiscal year 1914 the law with reference to expenses of attendance of officials or employees of the Government at meetings or conventions.

The committee of conference have been unable to agree upon the following amendments:

No. 3: With reference to the location of the new State Department Building.

Nos. 8 and 9: With reference to the appointment of revenue-cutter cadets.

No. 16: With reference to the establishment of temporary dispensaries for treatment of pellagra and trachoma.

No. 19: For construction of Columbia Hospital for Women.

Nos. 20, 21, 22, and 23: For readjusting the boundaries of the National Zoological Park.

No. 28: For keeper's lodge in Chickamauga and Chattanooga Park.

No. 33: Appropriating $150,000 for Crater Lake National Park.

No. 47: For enlarging the Capitol Grounds.

No. 50: For special surveys in New Mexico.

Nos. 55 and 57: Increasing the appropriation for gauging streams from $150,000 to $300,000.

Nos. 58 and 59: Increasing the appropriation for investigating mining and treatment of ores from $100,000 to $200,000.

No. 62: Appropriating $70,000 for medical relief in Alaska.

No. 63: Appropriating $237,840 for Hot Springs Reservation, Ark.

Nos. 64, 65, 66, 67, 68, 70, 71, and 72: All relating to the improvement of national parks.

Nos. 83 and 84: Legislative provisions with reference to the Lighthouse Establishment.

Nos. 94, 95, and 96: Appropriating $40,000 for repairs of Bureau of Fisheries steamer *Albatross* and establishing fish-cultural stations in Utah and Rhode Island.

Nos. 100, 101, 102, and 103: Appropriating $30,000 for International Congress on School Hygiene, $100,000 for International Joint Commission United States and Great Britain, and $72,000 for claims of persons injured by gun firing across the American border line between the United States and Mexico.

No. 129: Appropriating $1,500,000 for the Panama-Pacific International Exposition.

No. 130: Appropriating $250,000 for the National Conservation Exposition.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I would like to get some information about this conference report before the question is put. There are two matters that I want to inquire about, if the Speaker will permit. One is amendment No. 117, providing for the construction in Government yards of two colliers, not to exceed in cost $1,000,000 each. Does that item stay in the bill?

Mr. FITZGERALD. It does, in a modified form. It provides for their "construction in the United States, in Government or private yards."

Mr. MOORE of Pennsylvania. I do not see "private yards" in the amendment in the copy I have.

Mr. FITZGERALD. The Senate struck out the word "purchase." That would compel their construction in Government yards. The Senate did so on the theory that if that word remained in the bill it would be possible to buy foreign-built ships.

Mr. MOORE of Pennsylvania. I do not intend to delay the gentleman at all. I want only to get the facts, so that we can understand what the situation is. As this bill comes back from conference, it provides for the construction of two colliers, not to exceed in cost $1,000,000 each, and that they are to be built in Government yards. Is that the fact?

Mr. FITZGERALD. No. In Government or in private yards. That Senate amendment has been modified in conference to include private yards.

Mr. MOORE of Pennsylvania. There is one other question. On page 207 there is an amendment relating to the exposition at Nashville—the Nashville Conservation Exposition.

Mr. FITZGERALD. The item is in disagreement.

Mr. MOORE of Pennsylvania. It has not been agreed to?

Mr. FITZGERALD. It has not. Mr. Speaker, I ask for a vote.

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from New York a question. In the bill as it passed the House the provision for two colliers at a million dollars each was stricken out on a point of order. Is that inserted in this?

Mr FITZGERALD. It is, Mr. Speaker.

Mr. CULLOP. Just as it was in the House bill?

Mr. FITZGERALD. In a little different form. It provides for their "construction in the United States, in Government or in private yards," changing it so they must be constructed in the United States. That removes any doubt as to whether a foreign-built ship could be acquired.

Mr. RODDENBERY. There is no purchase clause or optional purchase clause?

Mr. FITZGERALD. No. They will be built by contract. I will read the exact language, so that the gentleman will have it:

Including the construction in the United States, in Government or private yards.

Mr. CULLOP. The distinction, then, between this and the provision that was in the House bill is the one of purchase, is it?

Mr. FITZGERALD. I do not think there is any real difference. The Senate committee reported the provision as it was in the House bill, but the Senate struck out the word "purchase." That would have compelled the construction in Government yards. The policy has always been to hold the private yards and Government yards as a check against each other, so as to regulate prices. The word "purchase" was stricken out in the Senate on the theory that otherwise a foreign-built vessel could be purchased under the original language. To make it clear, the provision was modified so as to provide for the construction of these colliers in the United States, either in Government yards or in private yards. That is the difference.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to further insist upon the disagreement of the House to the Senate amendments which were not included in the report. They are noted in the statement accompanying the conference report, which has been reported.

The SPEAKER. The gentleman from New York moves to further insist on the amendments not included in the conference report and to agree to a further conference.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. What are the items now in disagreement?

Mr. FITZGERALD. Amendment No. 3, providing for the location of a building for the Department of State.

Amendments Nos. 8 and 9, relative to the appointment of cadets in the Revenue-Cutter Service.

Amendment No. 56, making available the epidemic fund for the establishment of dispensaries for certain purposes in connection with the Public Health Service.

Amendments Nos. 20 to 23, inclusive, relating to the addition made for the Zoological Park.

Amendment No. 28, to enlarge Chattanooga and Chickamauga Park.

Amendment No. 33, appropriating $150,000 for the Crater Lake National Park.

Amendment No. 47, enlarging the Capitol Grounds. The Senate substituted $2,323,000 for the $500,000 proposed by the House.

Amendment No. 50, boundary claims in New Mexico. That is an item affecting the General Land Office.

Amendments Nos. 55 and 57, increasing the appropriation $150,000 for the gauging of streams.

Amendments Nos. 58 and 59, relative to the work of the Bureau of Mines, increasing the investigations into metallurgical mining, $100,000.

Amendment No. 62, medical relief in Alaska.

Amendment No. 63, appropriating $237,000 for a sewerage system in Hot Springs, Ark.

Amendment No. 64, the addition of $113,000 for the Glacier National Park.

Amendments Nos. 65, 66, 67, 68, 70, 71, and 72 are all items relating to the Yosemite, Mount Rainier, Crater Lake, Wind Cave, and Platte National Parks.

Amendments Nos. 80 and 83 are two legislative items relative to the Lighthouse Service, which have been included in the bill that passed the House to-day.

Amendments Nos. 95 and 96, two fish hatcheries.

Amendments Nos. 100 and 101, International Congress on School Hygiene.

Amendment No. 102, an international joint commission item of $100,000.

Amendment No. 103, payment to persons injured by Mexicans, $72,000.

Amendment No. 129, the Panama and Pacific Exposition item, $1,500,000.

Amendment No. 130, National Conservation Exposition, $250,000.

Mr. MANN. Mr. Speaker, I assume from the statement that probably the most serious likelihood of a disagreement for any length of time would be on the two exposition items.

Mr. FITZGERALD. I think it is on one exposition. I think we can probably get together on the other.

Mr. MANN. I do not know which one the gentleman refers to. I hope myself that the conferees will get together upon the National Conservation Exposition, and I would be quite satisfied if they could get together on the California exposition item by splitting the difference between the nothing which the House appropriated and the $1,500,000 appropriated by the Senate.

Mr. FITZGERALD. I am unable to speak for the Senate.

Mr. MANN. I had thought of testing the sentiment of the House by offering either a motion to concur with an amendment or instructions, but as the attendance in the House at this moment is not very large possibly that would not be wise.

Mr. FITZGERALD. Mr. Speaker, the main difficulty about the San Francisco exposition item, in my opinion, is the question of amount. If the two Houses could be reconciled as to the amount that should be appropriated for this purpose, undoubtedly the details of the item could be worked out. After my experience, during most of last night in conference, there seems to be so radical a difference of opinion as to what would be an appropriate sum to provide such an exhibit as the United States might properly make at a great exposition that until some common ground is reached I do not believe it is possible to reach an agreement.

Mr. GARDNER of Massachusetts. Does the gentleman mean to say that all the conferees are agreed that there should be an exhibit by the United States Government, paid for by the United States Government, at San Francisco?

Mr. FITZGERALD. I do not think that is entirely correct. Some of the conferees believe it is appropriate that at the San Francisco exposition there should be an exhibit made by the Government of the United States. Some of them do not believe there ought to be, but they might agree to such an item on the theory that in the adjustment of these differences it is necessary to make concessions on the one side and the other provided it would be in such form as to make their agreement possible.

Mr. GARDNER of Massachusetts. Is the gentleman asking unanimous consent to disagree on these amendments?

Mr. FITZGERALD. I have moved to disagree.

Mr. GARDNER of Massachusetts. To all simultaneously?

Mr. FITZGERALD. Yes.

Mr. GARDNER of Massachusetts. I think that requires unanimous consent to disagree to all simultaneously, and I hope, before the vote is taken, the gentleman will yield five minutes to me.

Mr. FITZGERALD. I think the gentleman can obtain a separate vote.

Mr. GARDNER of Massachusetts. I think so, too; but what I wish is five minutes' debate.

Mr. FITZGERALD. I yield to the gentleman five minutes now.

Mr. GARDNER of Massachusetts. Mr. Speaker, this question of an appropriation for San Francisco for a Government exhibit goes far deeper than the surface. The fact is the people in control of the San Francisco exhibition and the Members of Congress from California came to this House and said that they would not ask for any appropriation for any such exhibit; that if they had any Government exhibit they would pay for it themselves.

It is not wise to permit persons representing a great exhibition company to come before Congress, persuade us by their definite pledges to vote to establish an exhibition in San Francisco, and then laugh in their sleeves as they gaily repudiate their promises. "Oh," they say, "these Members of Congress do not dare to exact a fulfillment of our promises; they do not dare to stand up in their boots." Mr. Speaker, we ought to answer something like this: "You said you were not coming back here for anything in the nature of an appropriation; you have broken your faith, but we are going to hold you to your original agreement." I can hear them say: "We always knew those Congressmen were weaklings. They do not dare to come out and face the music; but we can make them crumple up on the first attempt."

Mr. GARNER. Will the gentleman from New York state what is the international commission for which the Senate has asked $100,000?

Mr. FITZGERALD. It is the same commission about which there was a controversy. I now yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, when the gentlemen in charge of the exposition in San Francisco stated that they would not ask for a dollar they meant every word they said. New conditions have arisen since that time, conditions that they did not foresee. What are these new conditions?

Last October, 17 of the European nations held a conference in the city of Berlin and agreed upon an exposition treaty which recites the conditions upon which these nations will exhibit at any international exposition. We could not foresee that such a condition would arise and nobody else could foresee that such a condition would arise.

Mr. ANDERSON. The gentlemen representing New Orleans saw that.

Mr. KAHN. They did not know it and nobody else knew it.

Mr. ANDERSON. They made representations on that basis.

Mr. KAHN. The conference at Berlin was only held in October of last year, and the matter of designating San Francisco as the exposition city to celebrate the completion of the Panama Canal was acted upon in January, 1911. Now, some of the great nations of Europe, such as Germany, Russia, and Austria, are holding back their acceptances to see whether this Government will participate in that exposition or not.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. KAHN. I can not; I have only five minutes. The people of California have raised $20,000,000 for this exposition; that is, the State, the city of San Francisco, the counties, and the personal contributors have raised that amount. No other State has done so much for itself under similar circumstances. The people of San Francisco had had a disaster the like of which the world had not seen, and yet they were willing to pay every dollar of the expense of this exposition. The people of California this very year have been hit by a disaster that cost them from thirty to fifty million dollars in the destruction of an enormous percentage of their citrus-fruit crop, and yet they do not complain, but are willing to pay their share. All that is being asked of our Government is adequate participation, in order that the European Governments will accept the invitation of the Government of the United States. That is all there is to it.

In these matters European countries are apt to gauge their own participation by the extent of the participation of the host government. At Chicago, practically a million and a half dollars was paid for a Government exhibit. At St. Louis, $1,579,000 was given for a Government exhibit. At Portland, Oreg., nearly $500,000 was given for a Government exhibit; and that was a comparatively small exposition, not international in character or in scope.

The other two, Chicago and St. Louis, held great international expositions worthy of the people of the United States, and they cost this Government many millions of dollars in the shape of gifts and loans in addition to Government participation. The people of California do not ask for a gift, they do not ask for any loan. All that has been asked is Government participation, and surely the people of the United States represented in Congress want to see that exposition an honor to the people of the United States. San Francisco is willing to foot the bills as hostess on behalf of the American people. Her citizens simply ask their countrymen to set an example to the large European nations in the way of Government participation. They would not ask that if they had not found out since our Government's invitation was extended that foreign governments expect this Government to participate. It seems to me that where the people of a community and of a State are willing to do so much for themselves, it is not asking too much to have this Government, in order to aid them in making the exposition a success, give them a measure of appropriation for a Government exhibit that will be worthy of the Nation and worthy of the people who have done so much for themselves. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask the gentleman from New York to yield me two minutes.

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I read from what the gentleman from California [Mr. KAHN], said before the Committee on Industrial Arts:

> In behalf of San Francisco, in behalf of our delegation, and in behalf of the people of California, I repeat, without equivocation, and with no mental reservation, that we do not propose at any time to ask for a single cent of money in any way, shape, or manner for this exposition.

Mr. Speaker, when the people from New Orleans protested that ultimately San Francisco would ask for a Government exhibit, these Californians repeated again and again that they would do nothing of the sort. On the strength of that promise I voted with San Francisco. The gentleman from South Carolina [Mr. FINLEY], on the floor of this House said that he voted for San Francisco for the same reason. Mr. Speaker, are we going to let a congress of nations tell us how we should have our expositions run? I do not believe that it is any uncertainty as to a United States Government exhibit which causes foreign nations to hold off on the question of the San Francisco Exposition. I understand that they are holding off because a question with regard to unequal tolls on the Panama Canal has arisen since last winter. What reason is there to think that the fair needs any Government exhibit? Let me read you what the gentleman from California [Mr. KAHN] said about that at the hearing on January 16, 1911:

> There have been Government exhibits at practically every exposition held in this country; it is not a novelty. It is nothing new. It does not add much to the success or failure of an exposition. It is frequently asked for in order to get a big sum of money to help build up an exposition and make a showing. We have $17,500,000, as much as Chicago had to put up her exposition, and we do not need the Government's exhibit to make ours a success.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. KAHN. Mr. Speaker, when I said that I believed absolutely that the exposition company could get along without Government participation I meant every word I uttered. And the gentlemen who represented the exposition company meant every word of it. But the conditions that have arisen since then could not have been foreseen. We find now that the foreign nations are holding off because our own Government has not yet done anything. The gentleman is entirely mistaken about the Panama Canal tolls being responsible for the failure of some of the larger countries of Europe to accept the invitation up to the present time. England is the only country in Europe that has made any protest on that score, and England has given a tentative acceptance of the invitation that this Government has extended; but I was reliably informed by the learned gentleman who is in charge of the Field Museum in Chicago, who is probably the best informed man on international expositions in this country, and who is a constituent of the distinguished minority leader of this House, when he was last in Washington, that it was entirely due to the fact that this Government had not given any intimation as to what it would do that the countries of Europe are holding off.

Mr. CURRY. Mr. Speaker, one of the most important bills now pending is H. R. 22143.

This bill provides for the granting of absolute independence to the inhabitants of the Philippine Islands in a period of about eight years.

I agree with the author in independence of the Philippine Islands, but I disagree as to some of the details.

In the first place, I believe that as long as we remain in the islands and exercise sovereignty over them, for our own protection and for the interest of the Filipino people, as well as our duty to foreign residents, we should continue to exercise absolute control over the islands, as we do now, gradually filling the positions now provided for by law with natives of the islands, so that when the reins of Government are finally placed in the hands of the Filipino people themselves, after they have adopted their constitution and it has received the approval of our Congress, and we turn the Government over to the Filipinos themselves, we would then sever all connections with the islands, except the retention of naval stations, simply confining ourselves, as far as activity in the Philippines is concerned, to the same duties we have in other countries, to wit, protecting the lives and property of American citizens.

I do not agree with some of my colleagues who are advocating independence for the islands in their statement that the affairs of the Philippine Islands have been mismanaged.

I have served under every administration in the Philippines, from Gen. Otis to our present Governor General, W. Cameron Forbes, and I know that each and all of these gentlemen have been actuated by the loftiest motives and have done what they believed to be best for the Filipino people themselves.

I believe that history records no similar instance where an army was compelled to carry on war as we did in the Philippines and in many instances encountered treachery, and then as soon as peace was sufficiently established to make it possible, not only proceeded forthwith to establish local government with Filipino people themselves in charge, but rendered them every possible assistance. Yet all this sort of humanitarian work had already been started by our military authorities long before the Taft Commission came to the islands to continue it.

When Gen. MacArthur was Governor General, an order known as General Order No. 40, was promulgated by the Governor General authorizing the establishment of civil government in municipalities where the commanding officer believed it was feasible, and in many instances soldiers were detailed to teach school.

The officials appointed were always the most prominent among the Filipino people themselves, and, as a rule, they were recommended to the commanding officer by a mass meeting of the property holders.

In the fall of 1900 a civil commission of five members, headed by the Hon. William H. Taft, now President of the United States, was sent to the Philippines to organize a civil government as soon as the military authorities should certify that law and order had been sufficiently established to permit the organization of civil government. Early in 1901 this commission commenced the organization of different provincial governments, and on the 4th day of July, 1901, the executive authority was transferred from the American military Governor General to the first civil governor—William H. Taft—the military governor, through his military subordinates, retaining control over such Provinces as had not yet been sufficiently pacified to organize civil government in them. The work of the Taft Commission, together with the firm policy of the military authorities, soon resulted in either the capture or the surrender of all of the insurgent forces. On the 4th day of July, 1902, when the civil governor was given the title of Governor General and assumed control of civil affairs of the islands, all political prisoners who took the oath of allegiance, including the former president, Aguinaldo, and his associates, were released, those desiring to remain in the Philippine Islands being required to take the oath of allegiance, and those not desiring to remain being allowed to depart to other countries. As a matter of fact, practically all of them took the oath and have since given great aid to the constituted authorities.

I want to compliment, in the highest terms, President Taft for his work as the first civil governor of the Philippines. To him and his two immediate successors in the great office of governor of those islands, Gen. Luke E. Wright and Hon. Henry C. Ide, the Filipino people owe an official debt of gratitude. They have all had constantly in view the welfare of the masses of the Filipino people. Laws were enacted only after consulting and advising with representative Filipinos, and at their earnest request the commission was enlarged and three prominent Filipinos added to it. The old Spanish laws were followed, except where it was necessary to make changes that were beneficial to the people themselves.

In all instances the municipal officials were elected by the people. The first provincial officials were appointed by the Governor General and confirmed by the commission, but in each case the commission followed the advice of the Filipino people

and, where possible, appointed a Filipino governor; and where an American was appointed it was at the request of the Filipino people themselves.

At the present time not only the municipal officials in the various Provinces of the Archipelago, but the governor in each Province, and one of the three members who make up the provincial board of each Province are elected themselves by a popular vote. Qualifications for being a voter are that a man shall be able to read and write either Spanish or English or own $500 worth of property upon which he pays tax. The ballot is absolutely secret. Judges of elections and clerks are appointed as in this country, legal voters are registered, and each qualified voter is handed a ticket by the judges of the election which simply has the names of the positions that the elector may vote for. Private booths are provided, and each voter takes his place in the booth and makes out his ballot. In case he is a taxpayer and not able to write, one clerk is sent to write out his ticket and the other, who is usually of a different political party, is sent to see that it is written out as the voter desires. Practically everyone who has the right to vote exercises it, although the per cent is comparatively small.

The work done under the successive administrations of our American Governor Generals has been remarkable. There has been some complaint of extravagance, and it is possible that it may not have been wholly unjustified, but I am satisfied that in no country in the world has there been a higher degree of honesty and efficiency than has been displayed by the Philippine Commission and their subordinates. Roads have been built, harbors improved, and schools established. To-day there are over a half million Filipino children in school, and to-day English is more generally spoken, especially among the young people, than Spanish ever was.

Great improvements have been made by the board of health, especially in Manila and larger towns, and in favoring, as I do, absolute independence of the islands, I do not do so on the ground that we have been unfair to the Filipino people. I believe that our occupying the islands has been a blessing to them, and I am satisfied when we haul down our flag to set up in its stead the flag of a republic we have cradled, all Americans can be proud of what they have contributed in establishing another republic upon the face of the globe. It may be that the Filipino people will have trouble at first in maintaining a stable government. It may be, and probably will be, that their Government will run on different lines from ours. They belong to another race of people, and a government under which they would be happy and contented might not suit an Anglo-Saxon.

Almost 95 per cent of the Filipino people are in favor of independence of their country, and giving it to them we will make them our friends and allies. Should we refuse to give them their independence, especially in view of the fact that the party that is to assume control of the Government after the 4th of March has repeatedly pledged itself to give them their independence, serious dissatisfaction among the people of the islands would result, and, in my opinion, would compel us to maintain a large Army and go to great expense in holding the people in subjection.

Why should we desire to retain the Philippines? In time of peace they are an expense to us. If we should become involved in war with another country, they would be a weakness to us. They are 7,000 miles from our coast, populated by an alien race, with habits and customs entirely different from ours. Climatic conditions are such that Americans can not live there permanently. Wage conditions are such that the average American citizen would not want to go there. And less than 1,000 Americans would remain there after our withdrawal.

I have just read a speech by the Hon. WILLIAM C. REDFIELD, of New York, in which he includes an article written by Frank H. Clark on the independence of the Philippines. With Mr. Clark's statement in regard to the benefits we have rendered the Philippines I heartily agree, but when he speaks of 99 per cent being incapable of understanding self-government, he is entirely mistaken. The Mololos Congress, called by Aguinaldo and composed of nearly 100 members, the majority of whom were college graduates, formed a constitution almost like our own.

We have given, according to the latest report of the Governor General of the Philippines, a majority of the civil positions in the islands to the Filipino people. The chief justice, several members of the Philippine Commission, and a majority of the judiciary of the islands are Filipinos. So that when anyone states that 90 per cent of the Philippines are ignorant and incapacitated for self-government, he is not familiar with conditions in the Philippines or else he is deliberately telling an untruth.

I sincerely hope that my colleague, the chairman of the Committee on Insular Affairs of the House, who has given a great deal of study to this question of Philippine independence and Filipino capacity for self-government, will be willing to change that portion of his bill which creates the Philippine republic at once and allows the President of the United States to name a provisional president of the Philippines, and also that part of the bill which practically enacts a constitution for the Philippines. I believe that the safeguarding of our interests and the interests of the Filipino people themselves demands that for the eight years intervening before independence is given to the people of the islands governmental affairs there can best be handled by the commission appointed by the President under existing laws. I also believe that Congress ought not to attempt to form a constitution that the Filipino people, and not we, have to live under. I believe that their constitution ought to be submitted to our Congress for approval. I believe that in the bill proposing independence for the Philippines we should require them to put certain things in their constitution, such as a guaranty that the citizens of our country should be treated exactly as the citizens of their country in regard to taxation, and so forth. Yet, as to the tenure of office of the president of the proposed republic, or the cabinet officers they should have, or how often elections should be held, and so forth, should be left entirely to the Filipino people to decide when they hold a constitutional convention, which, I believe, whatever bill we pass should provide for the holding of. In other words, as long as we remain in the Philippines and are responsible to the nations of the world for maintenance of law and order we ought to have the power to do so. Then when we haul down our flag and set the new republic up in business for itself, we can withdraw our Army, except such part of it as may be retained for our naval stations, and thereafter we ought to take no other than a friendly interest in their affairs, exercising, of course, the same rights that we would in any other country to safeguard the lives and property of our subjects.

Now, Mr. Speaker, almost everyone that I have talked with is in favor of giving the Philippines their independence sooner or later. Our distinguished President, who is an able and conscientious man and who has given this matter a great deal of thought, believes that the time has not yet arrived when we should set a definite date. Our distinguished ex-President, Col. Roosevelt, is in favor of giving these people their independence, and when we do retire he believes that we should cease to exercise any control or responsibility over the inhabitants of these islands, but he doubts very much if eight years from now is not too early. Another very distinguished American citizen who has been the standard bearer of his party for three times, who has visited the Philippine Islands, and given this matter a great deal of thought, believes that we should declare our intentions at once and set some definite time when we should turn the islands over to the Filipino people themselves.

Many books have been written on the Philippines, the one that has had the widest circulation being, I believe, Foreman's, written in 1897-98. Mr. Foreman is an Englishman who lived in the Philippines for many years immediately preceding the American occupation.

The only American author who seems to understand the situation is Judge James H. Blount, who recently published a book entitled "The American Occupation of the Philippines, 1898-1912." Judge Blount was an officer of the Volunteer Army from 1899 to 1901, at the same time I was, and served as judge of the court of first instance out there from 1901 to 1905. He favors Philippine independence, but believes that the details should be worked out by the commission that the President sends to the islands, instead of Congress. His book has been commended by many men who have given the Philippines some thought, and especially by Col. Bryan, who has recommended that the Members of Congress read it, and complimented the writer upon his knowledge of the situation.

Now, Mr. Speaker, if you will pardon me, I will refer briefly to my own experience in the Philippines.

I resigned as sheriff of my home county on August 11, 1899, to accept a commission as lieutenant in the Eleventh Volunteer Cavalry, and proceeded that fall to the Philippines, where my regiment was assigned to duty under the late lamented Gen. Lawton. Early in January, 1900, I was appointed provost marshal and provost judge in Cavite Province, and organized civil government in the town of Naic, under general order No. 40, issued by Gen. MacArthur, then Governor General of the Philippines. This was long before the civil commission, headed by President Taft, had arrived in the islands. Later on I was promoted and assigned to command Troop K, Eleventh Cavalry, and in the spring of 1901, when my regiment returned to

the United States, I was detailed by the Governor General, at the request of the Philippine Commission, headed by Judge Taft, as the first American civil governor of the Province of Ambos Camarines. This position I held until civil government was organized in the city of Manila on August 7, 1901, when I was appointed the first chief of police of the city of Manila under civil government, and was given authority by the Civil Commission to draw such rules and regulations as I might deem best for my command. After serving a little over a year as chief of police, I resigned that position with the intention of going into business for myself. My health compelled me to return to the United States in 1903.

Immediately upon my return to the islands I was appointed by the then Governor General, Hon. Luke E. Wright, as governor of the Province of Isabela, in the extreme northern part of the islands. I remained as governor of that Province until law and order was restored, in April, 1905, when I was transferred to the Province of Samar as governor.

Conditions were very bad in Samar. Thousands of misguided people were in the mountains, defying the authority of the Government, and stern measures were necessary in order to restore law and order, but at the expiration of two years conditions were such that I could go from one end of the Province to the other without being accompanied by an escort. Roads, trails, telephone and telegraph lines were established, schoolhouses were built, teachers were employed, and the Province to-day is happy and prosperous.

Upon my leaving Samar in 1907 to become governor of my home State, the assembly of presidentes of Samar, by a unanimous vote, made me an adopted son of the Province, and the Philippine Commission passed a resolution thanking me in the highest terms for the service I had rendered in the islands.

Without being egotistical I can say that I had the confidence of the commission sent there by the President, and I think I had the respect and affection of the Filipinos themselves during my entire residence among them. They always treated me with uniform courtesy and respect, and my personal relations among the people all over the islands, both while I served in the Army and while I was civil governor, were always pleasant and agreeable. They are a generous people, and appreciate in an unusual degree the slightest acts of courtesy and kindness. And although I do not contend for one moment that these people could establish a government that would be stable and have as good laws and be as capably administered as our own, I do believe that as long as an overwhelming majority of their people want their independence the government they would establish would be more satisfactory to them than any government by an alien race.

And as long as the inhabitants themselves want independence, let us give it to them. Certainly, in view of all the circumstances, the distance of the country from our shores, the climatic conditions there, and the character of the people, it is to our interest to set them up for themselves, and let them "pursue happiness in their own way."

As I will not be a Member of the next House, which will act on this bill, I sincerely hope that my colleagues, who are present here to-day, and who will be Members of the next House, will see their way clear to take our flag down in the Philippines as soon as they possibly can, but not by barter or trade, but to give way to the flag of a sister Republic.

If we ever do want to expand, we should expand in a territory contiguous to us, where climatic conditions are practically the same as they are in our country, where a large number of Americans are engaged in business, and where hundreds of millions of dollars of American capital are invested, in a country in which the people have shown, in the last few months, their incapacity for self-government, and where the maintenance of the Monroe doctrine makes it the duty of our country to see that the lives and property, not only of our own subjects, but of the other powers of the world, are protected.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I ask the conferees on the part of the House to retain this item in favor of the National Conservation Exposition in the bill, if the Panama Canal Exposition item is retained. In other words, I ask you to make no discrimination in this matter. The National Conservation Exposition proposition was investigated by a subcommittee from the House Committee on Industrial Arts and Expositions, making a visit to Knoxville to look it over. The full committee adopted their report. This proposition has the unanimous indorsement of the House committee and the unanimous approval of the Senate Committee on Industrial Expositions. We have expended in expositions out of the National Treasury $29,000,000. Of that amount $3,400,000 went south of the Potomac and Ohio Rivers. More than $2,000,000 were spent in exhibits in foreign countries. Over $24,000,000 was expended north of the Potomac and west of the Ohio River.

Mr. SHERLEY. Does the gentleman believe that appropriations ought to be made upon a geographical basis?

Mr. AUSTIN. No; but I think that when the South has a talented and able member [Mr. SHERLEY] on the committee of conference from Kentucky, the sister State of Tennessee, he ought to listen to the appeal for fair treatment for Tennessee and the balance of the South. What does this exposition mean? Mr. Speaker, in order that the House may know in a few concrete words what it is I send to the Clerk's desk a telegram from the mayor of Knoxville, Tenn., to the chairman of the Committee on Appropriations.

The Clerk read as follows:

Hon. JOHN J. FITZGERALD,
House of Representatives, Washington, D. C.:

National Conservation Exposition offers opportunity for Government to demonstrate importance of conserving natural resources of United States and for promoting work of sane development and wise use of resources. Exposition designed to illustrate by example what Government through various departments teaches by precept. To secure cooperation of millions of farmers and landowners in work of making resources perpetual sources of wealth principal object of this affair. Exposition grounds cover 100 acres, 8 large buildings completed, 3 additional buildings planned and under construction. Many States will make displays. Government participation will make it great success for whole country. Will deeply appreciate your influence in securing passage of bill for appropriation which has passed Senate.

S. G. HEISKELL,
Mayor of Knoxville.

Now, I wish to say to the House that the Southern Commercial Congress, with an attendance of over 2,500 representative citizens from all the Southern States, adopted unanimously resolutions indorsing this exposition. The National Conservation Congress, held at Indianapolis, Ind., last summer, with an attendance from 38 States in the Union, passed unanimously a resolution favoring this exposition. The Southern Editorial Association, with representatives from the press from 16 Southern States, in their last annual meeting, by a unanimous vote, also indorsed this exposition. Cooperative boards have been appointed in practically every State in the South; and I ask of the membership of this House if we believe, as the three parties declared in their platforms, in the conservation of national resources, then help us to demonstrate in a practical way the usefulness and the value of it to the people of this country by this small appropriation of $250,000. Mr. Speaker, it would be unfair to longer discriminate against the South in the matter of appropriating money out of the National Treasury for expositions, and I hope no exception will be made in this case. [Applause.]

Mr. HUMPHREY of Washington. Will the gentleman from New York yield me three minutes?

Mr. FITZGERALD. I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I wish just to say a word in regard to the statements made here that Members of the House were deceived by representations by the Members from California or from others who made the statement that there would be no request for a Government appropriation. When the exposition was held at Seattle I made exactly the same statement that I would never ask for an appropriation from the Government, and if any appropriation was proposed I would stand upon the floor and oppose it. I kept that promise, and yet, without my saying a word or seeking an appropriation, Congress did make an appropriation of $600,000 for a Government exhibit. No one then said that that was in violation of the agreement that had been made. The gentleman from Massachusetts was perfectly familiar with the precedent and so was my learned friend from Illinois; and having that before them, if they had the opinion that the statements that were being made by the gentlemen representing the exposition at California meant that no appropriation for a Government exhibit would be sought they should have had that point made perfectly clear. It is hard for me to understand how these two distinguished gentlemen were misled by the statements made, for I had made the same statement repeatedly, and then, without any solicitation on my part, Congress gave the Seattle exposition $600,000.

Mr. MANN. Will the gentleman from New York yield me three minutes?

Mr. FITZGERALD. I yield three minutes to the gentleman.

Mr. MANN. Mr. Speaker, my distinguished friend from Washington says when he was asking for the Seattle exposition he said that he would not only not favor an appropriation for the exposition, but if one were proposed that he would rise on the floor and oppose it, and then says, with naïve innocence which is beyond my comprehension, somebody else proposed $600,000, and that nobody took his statement seriously; that nobody believed what he said to the House would come about, and he did not rise to oppose it, and nobody expressed any won-

der that he had not risen and opposed the proposition which he had said he would have done. My distinguished friend from Washington is apt to deal in hyperbole and is not always careful in the strength of the language which he uses, but we are used to him. We love him, and we do not always take his promises as exactly what he intends to perform. However, as to the Seattle exposition, there were not two rivals contending. Here in this case there were two rivals contending, one asking for $1,000,000 for a Government exhibit and the other declaring that it wanted nothing, and in other respects they were on an equal footing; and because one asked for $1,000,000 for a Government exhibit and the other declared it asked for no money, Congress chose the one that asked for no money. And it seems to me now, when the gentleman comes assuring us that they ought not to be taken seriously in that statement, that we ought not to have given credit to what they said, that we ought not to have any faith in their representations, that we ought not to believe what they tell us, it seems to me they ought to be at least modest enough to take a little less money than they asked for at the time the decision was made. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, we never had a better illustration of the danger of precedents than is shown by this situation. I have had a great many of my friends come to me with the statement that if the conferees agreed to anything for San Francisco they must agree to something for Knoxville, and that has been supplemented with the statement that we should not play favorites and that one part of the country should not be discriminated against. I want to say, incidentally, there is still a third exposition claim before the conferees, and that is the one at Buffalo; so we have the North, the West, and the South in a race as to which can get proportionately the most out of the Public Treasury.

For my part I believe it is the duty of a conferee to reflect the judgment of the House that appoints him, and I, for one, shall try in my action on this bill to reflect that sentiment as I can gather it from a discussion, private talk, or vote. I am a southern man, and yet I would be ashamed of my southern lineage if because I was a Southerner I voted for a proposition in the South that I did not think could stand on its own feet, whether it was in the South or anywhere else. [Applause.] And it was for that reason I asked the gentleman from Tennessee [Mr. AUSTIN] whether he believed in geographical appropriations.

Now, the situation as to Knoxville and San Francisco is very different.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. SHERLEY. In a moment, and then I will yield to the gentleman. Whether we like it or not, the exposition in San Francisco partakes of a national nature as the result of the action of Congress. The Knoxville Exposition is a credit to the city of Knoxville and the State of Tennessee, but by no stretch of imagination can it be brought into the class of an exposition like, for instance, the Chicago Exposition, the St. Louis Exposition, the San Francisco Exposition, or even the Jamestown Exposition, or the New Orleans Exposition of 1885. Therefore, to ask that because its request comes at the time that San Francisco's request comes, it must be treated on all fours with the other, is to ask what, to my mind, is totally illogical. If I am mistaken, I shall be glad to be corrected, but my memory is that the Knoxville Exposition has already been held twice and that this is the third time they are to hold it. Now, that is distinctly to the credit of that city and to that State, and I know of no State toward which I feel more close than I do to the State of Tennessee, coming as I do from a neighboring Commonwealth. But I can not bring myself to the belief—and if I am wrong I want this House to control my action—that it stands on anything like the same plane as to the other expositions.

I agree with every word that was said by the distinguished gentleman from Massachusetts [Mr. GARDNER] touching the promise that was made by the city of San Francisco at the time it won its fight over New Orleans. I believe that city has done itself a very great injury, either in having made the promise in the first instance or having broken it in the second instance. But the question that is now before this House is what your conferees shall do in the situation that confronts them. We had this exposition bill in here with a great many obnoxious features connected with it, aside from the matter of amount. It had connected with it a commission that, to my mind, was indefensible from any standpoint under the sun. Unless I am instructed otherwise, I shall never agree to any such commission as was contemplated in the bill that was brought in here on this floor and debated from time to time.

But the House of Representatives is only half of the lawmaking body. The Senate have proposed as an amendment an appropriation of $1,500,000. I shall be glad to have this House indicate two things: First, whether it believes that the Government, irrespective of what has happened in the past, for the sake of its own dignity, should provide an exhibit; and, second, if it believes in such an exhibit, the extent of it.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Speaker, I yield three minutes additional to the gentleman.

Mr. SHERLEY. I do not believe that it is fair to say that foreign nations will judge this exposition by the size of the appropriation that is made in connection with the Government exhibit. I will tell you why. The exposition at San Francisco is not only the exposition of a United States, but it is an exhibition of the United States. And there are forty-odd contributors, Government contributors, to that exposition. Every State that contributes is making a Government exhibit, and it is not to be determined by the size of the appropriation of Congress as to the interest that the country is taking in the exposition. I have never believed that the policy that has been pursued in regard to expositions in the past has been a wise one, though I am ashamed to confess that I was overpersuaded in one instance and voted for a large appropriation. Nearly every man who has made such a vote because of that mistake has had it urged as a reason for making another. I want this House now, in some way, to instruct me, as its servant, on this conference what its judgment is touching the matter.

The SPEAKER. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Speaker, I yield one minute more to the gentleman.

Mr. CANNON. Mr. Speaker, what is pending before the House?

The SPEAKER. To disagree to the rest of the Senate amendments and agree to a further conference.

Mr. CANNON. That is the motion, is it?

The SPEAKER. Yes, sir.

Mr. AUSTIN. I wanted to ask the gentleman, in speaking about things as a southern man, if New Orleans, being a southern city, did not influence to some extent the gentleman's vote as against San Francisco?

Mr. SHERLEY. It did not; and, in point of fact, I was not here and did not vote.

Mr. AUSTIN. Well, I voted for New Orleans largely because it was in the South.

Mr. SHERLEY. Well, that is the gentleman's right; that was his privilege.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. LINTHICUM. I want to say to the gentleman that, speaking of the various celebrations that are to be held in the next few years, I do not want him to forget that there will be one held in Baltimore City, 40 miles from here, commemorating the Battle of North Point, the bombardment of Fort McHenry, and the birth of the Star Spangled Banner.

Mr. SHERLEY. I hope it will not cost any Government money.

Mr. LINTHICUM. It is going to cost some money, and the gentleman should not forget it.

Mr. MONDELL. Mr. Speaker, will the gentleman from New York yield to me time?

Mr. FITZGERALD. I yield five minutes to the gentleman.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, I was for the exposition to be held at San Francisco because I believed it to be the ideal locality for holding an exposition commemorating the building of the Panama Canal; and further, I voted for San Francisco as against New Orleans because I believed that the city of San Francisco and the State of California were better able financially to carry on a great exposition.

But, Mr. Speaker, I did not understand during that debate that under no circumstances would the Government be asked or desired to make an exhibit. On the contrary, I think every Member of the House realizes that when we have a great international exposition it is inevitable that the Government shall be called upon to make, and it is proper that the Government should make, an exhibit.

I recall during the debate a statement made, if I recollect rightly, by the gentleman from California [Mr. KAHN], with regard to the possibility or the probability of a Government exhibit, that, of course, if before the time arrived, the Govern-

ment saw fit to make an exhibit, that was a matter for Congress to pass upon.

I think it exceedingly fortunate that there is no possibility that we shall be called upon to make up any deficit; that all that we are to be asked to do is to make an exhibit. And surely this great Government can ill afford, in advertising to the world this great exposition, commemorating to the world this great engineering feat, to withhold a reasonable appropriation for an exhibit, when we are calling upon all the world to exhibit.

It is my opinion that if we had decided upon New Orleans instead of San Francisco, the same proper request would at the proper time have been made on behalf of New Orleans, namely, that we have a Government exhibit. I do not believe that the majority of the Members of the House, at the time these two cities were rivals, understood that we by our action precluded, or sought to preclude, or expected to preclude, the possibility, and certainly none of us questioned the propriety of the Government making a proper exhibit when the time for making such an exhibit came.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. FITZGERALD].

The motion was agreed to.

Mr. MANN. Mr. Speaker, I offer a privileged motion.

Mr. GARDNER of Massachusetts. Mr. Speaker, I claim the same right.

The SPEAKER. The gentleman from Illinois seemed to be up first.

Mr. GARDNER of Massachusetts. I suggest to the Chair that I was the first to take issue with this appropriation. At all events, I ask unanimous consent that both instructions be read.

Mr. MANN. I wish the gentleman had been the first, but I am afraid he was not. I have no objection to the gentleman offering a motion.

The SPEAKER. The Clerk will report the motion offered by the gentleman from Illinois.

Mr. MANN. I would like to have my motion reported.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent that both of these motions be pending.

Mr. GARDNER of Massachusetts. No; that they shall be read.

Mr. MANN. I ask that my motion be reported. That is what I desire.

The SPEAKER. That is exactly what the Chair is going to have done. The Clerk will report the motion of the gentleman from Illinois [Mr. MANN], and then will read the motion of the gentleman from Massachusetts [Mr. GARDNER] for information.

The Clerk read as follows:

Resolved, That in the opinion of the House the managers on the part of the House should agree in conference to a proposition involving a Government exhibit at the exposition at San Francisco: *Provided*, That the amount of the appropriation carried in Senate amendment No. 129 shall not exceed $1,000,000, as agreed to in conference.

Mr. GARDNER of Massachusetts. I offer mine as an amendment to those instructions.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] offers an amendment.

Mr. FITZGERALD. I ask to be recognized. I am entitled to the floor in this matter.

The SPEAKER. Unquestionably the gentleman is entitled to the floor.

Mr. FITZGERALD. I supposed that if the gentleman was recognized for an amendment, I would lose the floor.

The SPEAKER. How would the gentleman lose it?

Mr. MANN. The gentleman can take the floor right away.

Mr. FITZGERALD. If a gentleman is recognized to offer an amendment, he gets the floor.

Mr. MANN. I think not necessarily.

Mr. FITZGERALD. I think he is. I am willing to agree by unanimous consent that the gentleman may propose an amendment.

Mr. MANN. That is right.

The SPEAKER. The gentleman from New York shall not lose the floor. The gentleman from New York asks unanimous consent that the gentleman from Massachusetts may offer this as an amendment, and he retain the floor. Is there objection?

There was no objection.

Mr. CANNON. What is the amendment?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That it is the opinion of the House that if the managers on the part of the House agree to an item for the Panama Pacific Exposition, they shall not agree to an appropriation therefor in excess of $750,000, and shall insist that this amount shall be made reimbursable under proper guaranties by the exposition company.

Mr. FITZGERALD. Does the gentleman wish to discuss——

Mr. CANNON. I should like to be recognized. I am a member of this committee. The gentleman's time is about up.

Mr. FITZGERALD. My time is not up on this motion.

The SPEAKER. Does the gentleman desire to make any motion?

Mr. FITZGERALD. I understand I am entitled to be recognized for debate.

The SPEAKER. Of course the gentleman is, if he wants to debate.

Mr. JOHNSON of South Carolina. Mr. Speaker, would it be in order to offer a substitute for the amendment just offered?

The SPEAKER. Except by unanimous consent, the Chair thinks not.

Mr. JOHNSON of South Carolina. I ask unanimous consent to offer a substitute striking out $750,000 and inserting $500,000, and I ask that the House be allowed to vote on all these propositions.

Mr. FITZGERALD. I hope that will be granted, so that the House may express its opinion as to the amount.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to offer an amendment to the amendment, to strike out $750,000 and insert $500,000.

Mr. MANN. Is not that a matter of right, instead of a matter of unanimous consent?

Mr. SHERLEY. He has not the floor. If he had the floor he would have the right.

The SPEAKER. The gentleman asks unanimous consent, and the Chair would rather put it that way than rule on the other. Is there objection?

Mr. AUSTIN. Mr. Speaker, reserving the right to object, I wish to know if I can offer an amendment including the Knoxville Conservation Exposition?

The SPEAKER. Oh, no; that can not be put into this.

Mr. AUSTIN. I withdraw my objection.

Mr. MANN. If the gentleman had the floor he would have the right.

The SPEAKER. Yes; but he has not the floor. Three propositions are pending; not to exceed $1,000,000, not to exceed $750,000, and not to exceed $500,000.

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. Is the amendment of the gentleman from Massachusetts as amended by the gentleman from South Carolina a substitute for the amendment offered by the gentleman from Illinois?

The SPEAKER. It is not a substitute. The gentleman from Illinois offers a motion which he is privileged to offer. Then the gentleman from Massachusetts offers an amendment to that, and then the gentleman from South Carolina offers an amendment to that.

Mr. FOSTER. It occurs to me that the amendment offered by the gentleman from Illinois and the amendment offered by the gentleman from Massachusetts are somewhat conflicting. That is the reason I asked about the parliamentary status.

The SPEAKER. The Chair thinks, if the gentleman wants a technical construction——

Mr. FOSTER. Mr. Speaker, I would like to know whether it was the understanding that we are asked to vote on the amendment of the gentleman from Massachusetts as a substitute for the amendment offered by the gentleman from Illinois?

Mr. MANN. If the Speaker will permit, the resolution of instructions which I offered consists of two parts—one the declaration in favor of the Government exhibit at San Francisco and the other a proviso that the amount appropriated shall not exceed $1,000,000. I think the gentleman from Massachusetts in offering his amendment intended to offer it in lieu of the proviso.

Mr. GARDNER of Massachusetts. No; to the whole instruction.

Mr. MANN. May I ask further if the gentleman from South Carolina in offering his amendment offers it as an amendment to my resolution, which does not provide the reimbursement, or to the amendment offered by the gentleman from Massachusetts, which does provide for reimbursement by the exposition company.

Mr. SHERLEY. Mr. Speaker, I would like to ask unanimous consent of the House to have these propositions voted on in this way, and then we will understand it: First, whether the House desires to agree to a proposition that the Government shall make an exhibit; second, whether the amount shall be $1,000,000, $750,000, or $500,000. Let the questions come in that way and then we can determine it.

Mr. SISSON. I would like to ask the gentleman from Kentucky whether the Members will get a chance to vote whether we shall give them anything or not.

The SPEAKER. That is a proposition, No. 1. In a technical sense, the proposition of the gentleman from Massachusetts is a substitute for the proposition of the gentleman from Illinois, and the proposition of the gentleman from South Carolina is an amendment.

Mr. SHERLEY. Mr. Speaker, I again ask, as a simple matter, to arrive at a plain purpose, that the motion first be put as to whether the conferees shall agree to the Government making an exhibit at all. If that be voted affirmatively, the question shall then come whether it shall be for $1,000,000. If that is not agreed to, then the question shall be whether it shall not exceed $750,000; and if that be not agreed to, then the question shall come on whether it shall be $500,000.

The SPEAKER. That is a simplification of the whole matter.

Mr. AUSTIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. I want to know where we are going to get in. [Laughter.]

The SPEAKER. The question is on the first part of the motion of the gentleman from Illinois.

Mr. MANN. I again ask, Mr. Speaker, to have it reported.

Mr. GARDNER of Massachusetts. Is not my amendment as a substitute to be first voted on?

The SPEAKER. Yes; but the gentleman from Kentucky asked unanimous consent——

Mr. GARDNER of Massachusetts. I know, but the Chair did not put the question.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. COX. I object.

The SPEAKER. Then the question is upon the amendment offered by the gentleman from South Carolina to the substitute of the gentleman from Massachusetts, which means an appropriation of $500,000.

Mr. CANNON. Does the gentleman from New York desire a vote? I will ask to be recognized if the gentleman from New York does not.

Mr. FITZGERALD. I have only been waiting to find out where I am.

Mr. CANNON. The Chair was about to put the question.

The SPEAKER. No one seemed disposed to take the floor.

Mr. COX. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Chair will put the question again. Is there objection to the proposition of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. MANN. Mr. Speaker, I ask to have my proposition again reported.

The resolution of Mr. MANN was again read.

Mr. CANNON. Mr. Speaker, to-morrow at noon this Congress will cease to exist. The deficiency bill is not yet agreed to; the District bill, I am told, awaits consideration on a conference report, and there are other bills. The committee of conference on this bill adjourned this morning at about 4 o'clock after an all-night session. If we are to have action at all on this bill we can not have any very lengthy discussion. In my five minutes I want to say that I am not interested in what the gentleman from California [Mr. KAHN] said, nor in what my colleague from Illinois [Mr. MANN] says about what the gentleman from California said, or what the gentleman from Massachusetts says showing that the gentleman from California is not consistent. The gentleman from California might die and all of us might cross over, and still the city of San Francisco would stand, still the fact would remain that they have raised $20,000,000, and still the fact would remain that the nations of the world had been invited to come, and some of the principal commercial nations have said that they will not come unless the United States makes an exhibit and takes a part in this exposition. People make big promises. The gentleman from Washington [Mr. HUMPHREY] did. Gentlemen generally, when a contest pends touching an exposition, do. Gentlemen made it years ago when New Orleans had that exposition which cost the Treasury largely over $3,000,000 in the end. Buffalo, ditto. We ought to be careful when we enter upon expositions, but having put our hand to the plow and being committed in the face of the world, and having sent out invitations to the world, it ceases to be a squabble between Representatives as to the location and authorization of expositions. I want to congratulate some of the gentlemen on the other side with whom I have talked who favored New Orleans, who stand ready to protect the national honor, and it becomes a question of national honor, and not a mere question of the reputation for consistency of some Representative. I believe that this appropriation ought to be made for a million dollars. The Senate amendment is for $1,500,000, and as a conferee, if I should be appointed, I shall voice the judgment of the House, but I want it to be an intelligent, well-thought-out judgment.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, during this contest between the city of New Orleans and the city of San Francisco, not only in the hearings before the Exposition Committee, but on the floor of the House, the plighted honor of the State of California was given to this House that it would not ask the House for one cent for a Government exhibit. In consideration of that contract which they entered into with this House they secured enough votes to have this exposition sent to San Francisco. I know personally of a number of gentlemen who are opposed to expositions who voted for San Francisco upon the promise that it would not cost the Government one penny. I am perfectly willing for these people—and they have that right now—to extend invitations to the nations of the world, and I am willing that the War Department, the Agricultural Department, the Smithsonian Institution, and all of the other departments of the Government shall lend these people all that the Government of the United States has to exhibit, but I am unwilling that this Congress should break its contract with San Francisco; I am unwilling that the people of San Francisco shall betray that plighted troth of their Representatives upon this floor that they would never ask for one penny. When the controversy was up before that committee Gov. Saunders, of the State of Louisiana, stated that they would ask Congress to appropriate $1,000,000, and in answer to that those gentlemen representing the State of California, among them Gov. Bell and the distinguished gentleman from California [Mr. KAHN], stated that the State of California would not ask for a cent. Then the gentleman from California [Mr. KAHN] came before the House and in the discussion at that time stated that California had pledged her faith that she would not ask for one penny, and that California kept her faith, that she did not make promises without keeping them. I am willing that the Government of the United States shall lend such aid as it pleases in giving to these people exactly what they ask for at the time they enter into a contract, but I am unwilling that this House shall repudiate its end of the contract, and I am unwilling that California should be permitted to repudiate her end of the contract by coming to the House now and asking for a cent. When these gentlemen were anxious to get the vote they were willing to pledge the Congress that there would not be a penny taken out of the Treasury. It is not good faith; it is in the worst of faith for those good people to come here now and ask for a cent, because the people of New Orleans stated to the House that if the exhibit was given to them they would want Congress to appropriate a sum of money to make an exhibit. They were fair in making that proposition, and the Representatives of the State of Louisiana stated that they wanted a million dollars. In answer to that California told us she did not want a penny.

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, every Member on this floor is presumed to be the direct representative of about 200,000 people. It seems to me that if there is any place on earth where men ought to be expected to make good on their statements, it is among the Members on this floor. San Francisco or the State of California can not speak to the people of this country except through her Representatives here. They did speak when they wanted San Francisco selected as the place for holding this exposition, and they told us and the country at that time that if they were given this exposition not one penny would be requested for a Government exhibit. But now they forget this promise and come back and want us to appropriate $1,000,000 to make this exhibit. Buffalo, N. Y., is now trying to work the same kind of a game. Seattle worked the same game a few years ago and got away with it. I think this conduct indefensible. I shall vote for no Government exhibit for the simple reason that this exposition was located at San Francisco with the distinct and positive understanding that not one penny would be asked for this exhibit. If we were to do otherwise, if we are to ignore these assurances made by the accredited agents and Representatives of the localities in which these expositions are held, then all confidence in the future will be destroyed in gentlemen's word, and the public will justly loose confidence in the entire membership of this House.

Mr. FITZGERALD. Mr. Speaker, I move the previous question.

The question was taken, and the motion was agreed to.

The SPEAKER. The first vote is on the proposition of the gentleman from Illinois down to the proviso; that is, whether

the conferees shall be instructed to vote in favor of any appropriation.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. SISSON) there were—ayes 62, noes 52.

Mr. SISSON. Mr. Speaker, I ask for tellers.

The SPEAKER. Tellers are demanded. Those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Thirty-six gentlemen have risen—not a sufficient number.

Mr. SISSON. Mr. Speaker I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of order there is no quorum present. Evidently there is no quorum here, and the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 119, nays 90, answered "present" 5, not voting 167, as follows:

YEAS—119.

Akin, N. Y.	Farr	Lafean	Rees
Alexander	Fitzgerald	Lafferty	Rodenberg
Anderson	Focht	Langham	Rothermel
Ashbrook	Fordney	Lee, Pa.	Russell
Austin	Fornes	Lenroot	Sabath
Bartholdt	Foss	Linthicum	Scott
Bates	Fowler	Longworth	Sharp
Blackmon	French	McCall	Sherley
Bradley	Goldfogle	McDermott	Siemp
Browning	Graham	McKinley	Sloan
Burke, Pa.	Greene, Mass.	McLaughlin	Smith, J. M. C.
Burke, Wis.	Gregg, Pa.	McMorran	Sparkman
Butler	Hamill	Madden	Speer
Cannon	Hamilton, W. Va.	Mann	Stanley
Carlin	Hardwick	Merritt	Stephens, Cal.
Cary	Harrison, N. Y.	Mondell	Sterling
Conry	Hart	Moore, Pa.	Stevens, Minn.
Copley	Hartman	Morgan, La.	Sweet
Crago	Hawley	Morgan, Okla.	Taggart
Cullop	Hayden	Murray	Towner
Dalzell	Hayes	Needham	Underhill
Davis, Minn.	Heflin	Parran	Underwood
Dent	Howell	Payne	Vare
Dodds	Humphrey, Wash.	Pepper	Volstead
Donohoe	Jacoway	Plumley	Warburton
Draper	Kahn	Pou	Watkins
Dupré	Kendall	Pray	Wilder
Dwight	Kennedy	Raker	Willis
Dyer	Kent	Ransdell, La.	Young, Mich.
Esch	Knowland	Redfield	

NAYS—90.

Adamson	Dixon, Ind.	Henry, Tex.	Post
Allen	Doughton	Hensley	Rainey
Bartlett	Edwards	Holland	Roddenbery
Bathrick	Fergusson	Howard	Rouse
Beall, Tex.	Ferris	Hull	Rubey
Bell, Ga.	Floyd, Ark.	Humphreys, Miss.	Rucker, Mo.
Boehne	Foster	Johnson, Ky.	Saunders
Buchanan	Francis	Johnson, S. C.	Shackleford
Bulkley	Gardner, Mass.	Kinkead, N. J.	Sherwood
Burgess	Garner	Kitchin	Sims
Burleson	Garrett	Lamb	Sisson
Burnett	Gill	Lewis	Smith, Tex.
Byrns, Tenn.	Gillett	McCoy	Steenerson
Callaway	Goodwin, Ark.	Macon	Stephens, Miss.
Carter	Gray	Maguire, Nebr.	Stephens, Nebr.
Claypool	Green, Iowa	Mays	Stephens, Tex.
Cline	Gregg, Tex.	Moore, Tex.	Taylor, Ark.
Cox	Hamlin	Morrison	Tribble
Daugherty	Hammond	Moss, Ind.	Wilson, Pa.
Denver	Hardy	Neeley	Witherspoon
Dickinson	Haugen	Oldfield	Young, Tex.
Dies	Hay	Padgett	
Difenderfer	Helm	Page	

ANSWERED "PRESENT"—5.

Andrus	McCreary	Tilson	Woods, Iowa
Clark, Fla.			

NOT VOTING—167.

Adair	Covington	Gallagher	Hughes, Ga.
Aiken, S. C.	Cravens	Gardner, N. J.	Hughes, W. Va.
Ainey	Crumpacker	George	Jackson
Ames	Curley	Glass	James
Ansberry	Currier	Godwin, N. C.	Jones
Anthony	Curry	Goeke	Kindred
Ayres	Danforth	Good	Kinkaid, Nebr.
Barchfeld	Davenport	Gould	Konig
Barnhart	Davidson	Greene, Vt.	Konop
Berger	Davis, W. Va.	Griest	Kopp
Booher	De Forest	Gudger	Korbly
Borland	Dickson, Miss.	Guernsey	La Follette
Brantley	Doremus	Hamilton, Mich.	Langley
Broussard	Driscoll, D. A.	Harris	Lawrence
Brown	Driscoll, M. E.	Harrison, Miss.	Lee, Ga.
Burke, S. Dak.	Ellerbe	Heald	Lever
Byrnes, S. C.	Estopinal	Helgesen	Levy
Calder	Evans	Henry, Conn.	Lindbergh
Campbell	Fairchild	Higgins	Lindsay
Candler	Faison	Hill	Littlepage
Cantrill	Fields	Hinds	Littleton
Clayton	Finley	Hobson	Lloyd
Collier	Flood, Va.	Houston	Lobeck
Cooper	Fuller	Howland	Loud
McGillicuddy	Olmsted	Roberts, Mass.	Taylor, Colo.
McGuire, Okla.	O'Shaunessy	Roberts, Nev.	Taylor, Ohio
McKellar	Palmer	Rucker, Colo.	Thayer
McKenzie	Patten, N. Y.	Scully	Thistlewood
McKinney	Patton, Pa.	Sells	Thomas
Maher	Peters	Simmons	Townsend
Martin, Colo.	Pickett	Slayden	Turnbull
Martin, S. Dak.	Porter	Small	Tuttle
Matthews	Powers	Smith, Saml. W.	Vreeland
Miller	Prince	Smith, N. Y.	Webb
Moon, Pa.	Prouty	Stack	Weeks
Moon, Tenn.	Pujo	Stedman	Whitacre
Morse, Wis.	Randell, Tex.	Stone	White
Mott	Rauch	Sulloway	Wilson, Ill.
Murdock	Reilly	Switzer	Wilson, N. Y.
Nelson	Reyburn	Talbott, Md.	Wood, N. J.
Norris	Richardson	Talcott, N. Y.	Young, Kans.
Nye	Riordan	Taylor, Ala.	

So the proposition to instruct the conferees to vote for an appropriation was agreed to.

The Clerk announced the following pairs:

Mr. SLAYDEN with Mr. TILSON, commencing February 3, at 3 p. m., and ending when Mr. SLAYDEN returns.

Until further notice:

Mr. BOOHER with Mr. SULLOWAY.

Mr. RICHARDSON with Mr. THISTLEWOOD.

Mr. GLASS with Mr. MCCREARY.

Mr. ADAIR with Mr. BARCHFELD.

Mr. AIKEN of South Carolina with Mr. BURKE of South Dakota.

Mr. ANSBERRY with Mr. CALDER.

Mr. AYRES with Mr. CAMPBELL.

Mr. BARNHART with Mr. AINEY.

Mr. BORLAND with Mr. AMES.

Mr. BROUSSARD with Mr. COOPER.

Mr. BROWN with Mr. ANTHONY.

Mr. BYRNES of South Carolina with Mr. CRUMPACKER.

Mr. CANDLER with Mr. DANFORTH.

Mr. CANTRILL with Mr. DAVIDSON.

Mr. CLAYTON with Mr. DE FOREST.

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.

Mr. CURLEY with Mr. FULLER.

Mr. FINLEY with Mr. CURRIER.

Mr. DAVENPORT with Mr. GARDNER of New Jersey.

Mr. DAVIS of West Virginia with Mr. GOOD.

Mr. DOREMUS with Mr. GREENE of Vermont.

Mr. DANIEL A. DRISCOLL with Mr. GRIEST.

Mr. ESTOPINAL with Mr. GUERNSEY.

Mr. FAISON with Mr. HAMILTON of Michigan.

Mr. FIELDS with Mr. LANGLEY.

Mr. FLOOD of Virginia with Mr. HARRIS.

Mr. GALLAGHER with Mr. HEALD.

Mr. GEORGE with Mr. HENRY of Connecticut.

Mr. GODWIN of North Carolina with Mr. HELGESEN.

Mr. GOEKE with Mr. HIGGINS.

Mr. GUDGER with Mr. HINDS.

Mr. HARRISON of Mississippi with Mr. HOWLAND.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. HUGHES of Georgia with Mr. JACKSON.

Mr. JAMES with Mr. MARTIN of South Dakota.

Mr. JONES with Mr. HUGHES of West Virginia.

Mr. KONIG with Mr. LA FOLLETTE.

Mr. KONOP with Mr. KINKAID of Nebraska.

Mr. KORBLY with Mr. KOPP.

Mr. LEE of Georgia with Mr. LAWRENCE.

Mr. LEVER with Mr. LOUD.

Mr. LEVY with Mr. MCGUIRE of Oklahoma.

Mr. LITTLEPAGE with Mr. MATTHEWS.

Mr. LITTLETON with Mr. MILLER.

Mr. LLOYD with Mr. MOTT.

Mr. LOBECK with Mr. MURDOCK.

Mr. MCGILLICUDDY with Mr. J. M. C. SMITH.

Mr. MCKELLAR with Mr. NORRIS.

Mr. MOON of Tennessee with Mr. NYE.

Mr. O'SHAUNESSY with Mr. PATTON of Pennsylvania.

Mr. PATTEN of New York with Mr. OLMSTED.

Mr. PETERS with Mr. ROBERTS of Massachusetts.

Mr. PUJO with Mr. PICKETT.

Mr. RANDELL of Texas with Mr. PORTER.

Mr. RAUCH with Mr. PRINCE.

Mr. REILLY with Mr. POWERS.

Mr. RUCKER of Colorado with Mr. REYBURN.

Mr. SMALL with Mr. PROUTY.

Mr. SMITH of New York with Mr. ROBERTS of Massachusetts.

Mr. STONE with Mr. SELLS.

Mr. TALCOTT of New York with Mr. SIMMONS.

Mr. TALBOTT of Maryland with Mr. SAMUEL W. SMITH.

Mr. TAYLOR of Alabama with Mr. SWITZER.

Mr. TAYLOR of Colorado with Mr. VREELAND.
Mr. TOWNSEND with Mr. TAYLOR of Ohio.
Mr. TUTTLE with Mr. WOOD of New Jersey.
Mr. WEBB with Mr. WEEKS.
Mr. WHITACRE with Mr. MCKENZIE.
Mr. WHITE with Mr. MCKINNEY.
Mr. WILSON of New York with Mr. YOUNG of Kansas.
For the session:
Mr. RIORDAN with Mr. ANDRUS.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. CLARK of Florida with Mr. CURRY.
Mr. PALMER with Mr. HILL.

Mr. MCCREARY. Mr. Speaker, I voted "no," and I find I am paired. I desire to withdraw that vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MCCREARY was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee [Mr. AUSTIN] rise?

Mr. AUSTIN. I desire to ask unanimous consent of the House to be allowed to instruct the conferees on amendment No. 130.

Mr. FITZGERALD. Mr. Speaker, I object. We have matters here not disposed of and that are pending.

Mr. AUSTIN. To what matters has the gentleman reference?

Mr. FITZGERALD. These other matters here.

The SPEAKER. The first vote to be taken is on the proposition of the gentleman from Illinois [Mr. MANN] that the amount shall not exceed $1,000,000.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SHERLEY. Division, Mr. Speaker.

The House divided; and there were—ayes 52, noes 59.

Mr. MANN. I ask for tellers.

Tellers were ordered.

Mr. FITZGERALD and Mr. MANN took their places as tellers.

The SPEAKER. The question now is on the resolution of the gentleman from Illinois for an appropriation not to exceed $1,000,000.

The House again divided; and there were—ayes 68, noes 79.

So the resolution was rejected.

The SPEAKER. The question is on the resolution of the gentleman from Massachusetts [Mr. GARDNER] of $750,000.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. As stated by the Chair, is the question on the $750,000 alone or $750,000 to be reimbursed to the Government?

The SPEAKER. The proposition made by the gentleman from Kentucky [Mr. SHERLEY] was a straight proposition to vote on the three different sums. That is all the Chair has to do with it. The question is limiting the appropriation so as not to exceed $750,000.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 59, noes 67.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 105, answered "present" 5, not voting 174, as follows:

YEAS—98.

Ainey	Driscoll, M. E.	Kendall	Pray
Alexander	Dupré	Kennedy	Raker
Anderson	Dwight	Kent	Rodenberg
Austin	Dyer	Kinkaid, Nebr.	Sabath
Bartholdt	Esch	Knowland	Scott
Bates	Farr	Lafean	Scully
Bathrick	Fordney	Lafferty	Sloan
Browning	Fornes	Lenroot	Smith, J. M. C.
Burke, Pa.	Foss	Linthicum	Speer
Burke, S. Dak.	French	McCall	Steenerson
Burke, Wis.	Gardner, N. J.	McDermott	Stephens, Cal.
Butler	Goldfogle	McLaughlin	Sterling
Calder	Greene, Mass.	McMorran	Stevens, Minn.
Cannon	Griest	Madden	Talbott, Md.
Cary	Hamill	Mann	Towner
Conry	Hamilton, W. Va.	Merritt	Townsend
Cooper	Harrison, N. Y.	Mondell	Vare
Copley	Hart	Moore, Pa.	Volstead
Crago	Hawley	Morgan, La.	Warburton
Cullop	Hayden	Morgan, Okla.	Watkins
Curry	Hayes	Murray	Wilder
Dalzell	Heflin	Needham	Willis
Davis, Minn.	Henry, Conn.	Payne	Young, Mich.
Dodds	Humphrey, Wash.	Plumley	
Draper	Kahn	Post	

NAYS—105.

Adamson	Edwards	Humphreys, Miss.	Rouse
Aiken, S. C.	Fergusson	Jacoway	Rubey
Allen	Floyd, Ark.	James	Russell
Barnhart	Foster	Johnson, S. C.	Saunders
Bartlett	Fowler	Korbly	Shackleford
Beall, Tex.	Francis	Lamb	Sharp
Bell, Ga.	Gardner, Mass.	Lee, Pa.	Sherley
Buchanan	Garner	Lever	Sherwood
Bulkley	Gillett	Lewis	Sisson
Burgess	Goeke	McCoy	Smith, Tex.
Burleson	Goodwin, Ark.	Macon	Sparkman
Burnett	Graham	Maguire, Nebr.	Stedman
Byrns, Tenn.	Gray	Mays	Stephens, Miss.
Callaway	Green, Iowa	Moore, Tex.	Stephens, Nebr.
Candler	Gregg, Pa.	Morrison	Stephens, Tex.
Carter	Gregg, Tex.	Moss, Ind.	Sweet
Claypool	Hamlin	Neeley	Talcott, N. Y.
Cline	Hardwick	Oldfield	Taylor, Ark.
Cox	Hardy	Padgett	Tribble
Daugherty	Hay	Page	Underhill
Dent	Helm	Palmer	Underwood
Denver	Henry, Tex.	Patten, N. Y.	Wilson, N. Y.
Dickinson	Hensley	Prouty	Witherspoon
Dies	Holland	Rainey	Young, Tex.
Difenderfer	Houston	Rauch	
Donohoe	Howard	Redfield	
Doughton	Hull	Roddenbery	

ANSWERED "PRESENT"—5.

Booher	McCreary	Tilson	Woods, Iowa
Clark, Fla.			

NOT VOTING—174.

Adair	Finley	Lawrence	Rees
Akin, N. Y.	Fitzgerald	Lee, Ga.	Reilly
Ames	Flood, Va.	Levy	Reyburn
Andrus	Focht	Lindbergh	Richardson
Ansberry	Fuller	Lindsay	Riordan
Anthony	Gallagher	Littlepage	Roberts, Mass.
Ashbrook	Garrett	Littleton	Roberts, Nev.
Ayres	George	Lloyd	Rothermel
Barchfeld	Gill	Lobeck	Rucker, Colo.
Berger	Glass	Longworth	Rucker, Mo.
Blackmon	Godwin, N. C.	Loud	Sells
Boehne	Good	McGillicuddy	Simmons
Borland	Gould	McGuire, Okla.	Sims
Bradley	Greene, Vt.	McKellar	Slayden
Brantley	Gudger	McKenzie	Slemp
Broussard	Guernsey	McKinley	Small
Brown	Hamilton, Mich.	McKinney	Smith, Saml. W.
Byrnes, S. C.	Hammond	Maher	Smith, N. Y.
Campbell	Harris	Martin, Colo.	Stack
Cantrill	Harrison, Miss.	Martin, S. Dak.	Stanley
Carlin	Hartman	Matthews	Stone
Clayton	Haugen	Miller	Sulloway
Collier	Heald	Moon, Pa.	Switzer
Covington	Helgesen	Moon, Tenn.	Taggart
Cravens	Higgins	Morse, Wis.	Taylor, Ala.
Crumpacker	Hill	Mott	Taylor, Colo.
Curley	Hinds	Murdock	Taylor, Ohio
Currier	Hobson	Nelson	Thayer
Danforth	Howell	Norris	Thistlewood
Davenport	Howland	Nye	Thomas
Davidson	Hughes, Ga.	Olmsted	Turnbull
Davis, W. Va.	Hughes, W. Va.	O'Shaunessy	Tuttle
De Forest	Jackson	Parran	Vreeland
Dickson, Miss.	Johnson, Ky.	Patton, Pa.	Webb
Dixon, Ind.	Jones	Pepper	Weeks
Doremus	Kindred	Peters	Whitacre
Driscoll, D. A.	Kinkead, N. J.	Pickett	White
Ellerbe	Kitchin	Porter	Wilson, Ill.
Estopinal	Konig	Pou	Wilson, Pa.
Evans	Konop	Powers	Wood, N. J.
Fairchild	Kopp	Prince	Young, Kans.
Faison	La Follette	Pujo	
Ferris	Langham	Randell, Tex.	
Fields	Langley	Ransdell, La.	

So the proposition to instruct for not to exceed $750,000 was rejected.

The Clerk announced the following additional pairs:

Until further notice:
Mr. ANSBERRY with Mr. BRADLEY.
Mr. ASHBROOK with Mr. DANFORTH.
Mr. BLACKMON with Mr. FOCHT.
Mr. BOEHNE with Mr. HIGGINS.
Mr. CARLIN with Mr. HARTMAN.
Mr. DAVENPORT with Mr. HAUGEN.
Mr. DIXON of Indiana with Mr. HOWELL.
Mr. DANIEL A. DRISCOLL with Mr. MARTIN of South Dakota.
Mr. FERRIS with Mr. KOPP.
Mr. FITZGERALD with Mr. MOON of Pennsylvania.
Mr. GARRETT with Mr. LANGHAM.
Mr. KINKEAD of New Jersey with Mr. LOUD.
Mr. SMALL with Mr. MCKINLEY.
Mr. PEPPER with Mr. OLMSTED.
Mr. POU with Mr. SAMUEL W. SMITH.
Mr. RANSDELL of Louisiana with Mr. LONGWORTH.
Mr. RUCKER of Missouri with Mr. TAYLOR of Ohio.
Mr. SIMS with Mr. REES.
Mr. STANLEY with Mr. YOUNG of Kansas.
Mr. THOMAS with Mr. SLEMP.

The result of the vote was announced as above recorded.

The SPEAKER. The $750,000 proposition is lost. The question is on the $500,000 proposition, offered by the gentleman from South Carolina [Mr. JOHNSON].

The proposition was agreed to; and the Speaker announced as the conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. CANNON.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to offer the following resolution in reference to this bill.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to offer a resolution.

Mr. FITZGERALD. What is it?

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That the conferees on the part of the House be instructed to yield on Senate amendment No. 130: *Provided*, That not exceeding the sum of $200,000 is appropriated.

Mr. FITZGERALD. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects. The objection is sustained.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 26680. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, and further insisted upon its amendments disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SUTHERLAND, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 28613. An act to construe the name of E. T. Bourger as the same appears in the report of Hawkins-Taylor commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I call up the conference report on the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and ask unanimous consent that the accompanying statement be read in lieu of the conference report. (H. Rept. 1621.)

The SPEAKER. The gentleman from Texas [Mr. BURLESON] calls up the conference report on the District of Columbia appropriation bill and asks unanimous consent that the accompanying statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether the provisions agreed to, especially in reference to the public utilities commission and the excise board, are set out in the statement?

Mr. BURLESON. They are not set out in the statement.

Mr. MANN. How long would it take to have them read, if the report should be read?

Mr. BURLESON. I believe it would take between two and three hours, if not longer.

Mr. MANN. Assuming—which, I think, is a violent assumption—that some Members of the House may be familiar with the long and, I was going to say, long-winded amendment of the Senate as to the public utilities commission, I shall not insist upon reading the report, although I think it is extremely bad form to pass such long measures without having them read in the House.

Mr. BURLESON. I will state to the gentleman that it is printed this morning in the RECORD in detail.

Mr. MANN. Yes; and I will venture to say that there is not a Member who has read it or who has had the time to read it. It is in fine print. Whoever may have looked at it has skipped it, but has not read it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read the statement at length.

[For text of the conference report, see Senate proceedings of March 2, 1913.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. BURLESON, a motion to reconsider the last vote was laid on the table.

OMNIBUS PUBLIC BUILDING BILL.

Mr. BURNETT. Mr. Speaker, I move to take from the Speaker's table the public buildings bill (H. R. 28766), and that the House further insist on its disagreement to all the Senate amendments.

Mr. MANN. Is there not a conference report?

Mr. BURNETT. There was a partial report, and there were only four items which were in disagreement between the conferees.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. Did not the Senate reject the conference report?

Mr. BURNETT. Yes; it did.

Mr. FITZGERALD. If the Senate has disagreed to the conference report, there is no conference report, and all the amendments are in disagreement.

The SPEAKER. If the Senate has rejected the conference report, it is as dead as the men who lived before the flood.

Mr. FITZGERALD. Then the motion is to further insist.

The SPEAKER. The gentleman from Alabama moves that the House further insist on its disagreement to the Senate amendments to the public building bill, and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The clerk will read the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1626).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference, have been unable to agree.

J. T. JOHNSON,
A. S. BURLESON,
F. H. GILLETT,
Managers on the part of the House.

F. E. WARREN,
GEO. PEABODY WETMORE,
LEE S. OVERMAN,
Managers on the part of the Senate.

Mr. JOHNSON of South Carolina. Mr. Speaker, the legislative bill passed the House the first week of the session. The committee submitted a partial report, which was agreed to. Subsequently there was a complete agreement between the conferees of the two Houses, but the conference report was rejected by the Senate.

The reason for the Senate's rejection of the conference report was because in providing for the assay offices no provision was made for the mint at Carson, Nev., after July 1, 1913. Provision was made to continue other assay offices until December 31, 1913. The only matter presented to the Senate was the discrimination against Carson, Nev., and then a general statement of the utility of the assay offices to the mining country.

Thereupon the conferees assembled again, and the House conferees were told that unless they agreed to provide for all the assay offices until July 1, 1914, the Senate would not talk conference or agree to a report.

I want the House to understand the situation. These assay offices perform no governmental function. More than once the

President has recommended that they be abolished. The Secretary of the Treasury has urged the Committee on Appropriations to abolish them, or to refrain from appropriating for them. There may have been a time when these assay offices were important. When it took the people in the mining country weeks and perhaps months to communicate with the great commercial centers, these assay offices were established in various sections throughout the West. They can now easily get their bullion to the market, and the only purpose the assay offices now serve is to furnish a local market, so that the people who produce bullion can sell it at the assay offices, and the bullion is transported to the commercial centers at the expense of the Government and not at the expense of the man who owns it.

In addition to that there is a small amount of patronage involved in keeping up these offices. I hold in my hand the report of the Secretary of the Treasury for the last fiscal year. The assay office at Carson City, Nev., earned $3,717.93; the expense of operating it was $15,284.67.

The assay office at Boise earned $3,617.46 and the cost of operating it was $14,541.14.

The assay office at Helena earned $4,000 and was operated at an expense of $18,358.

The assay office at Charlotte, N. C., earned $854 and was operated at an expense of $2,986.

The assay office at Deadwood earned $10,900 and was operated at an expense of $14,000.

The assay office at Seattle earned $10,000 and was operated at an expense of $44,000, in round numbers.

The assay office at Salt Lake City earned $2,249 and cost $14,793.

Mr. SHERWOOD. What was the aggregate loss?

Mr. JOHNSON of South Carolina. The aggregate earnings were $42,180 and the aggregate expenditures were $144,673.

In addition to that, the expense of transporting the gold from the Treasury to the assay offices to pay for the gold bullion was borne out of another appropriation, and does not appear in the figures which I have read. Furthermore, the expense of transporting the bullion from the assay office to the mint is borne out of another appropriation, which does not appear in the figures I have given.

In addition to that we must appropriate in the sundry civil bill for the upkeep and maintenance of buildings in which these operations are carried on. According to the message of the President on the budget which was read in the House last week, the cost of operating these useless assay offices is a fraction over $300,000 a year.

Mr. MONDELL. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MONDELL. Is the chairman of the committee sure he is entirely correct that the item of express from the assay offices to the mint is not in the statement which he has read? My information is that it is. While it is not in this bill, in making up the statement of the cost of the assay offices, that expense is included. I know it is in the Deadwood item, but I am not so sure of the others.

Mr. JOHNSON of South Carolina. In response to the suggestion of the gentleman from Wyoming, I will say that the appropriation for transportation of bullion is in this bill, but is not included in these tables. At any rate, my information from the Assistant Secretary of the Treasury is that this table does not include that item, because I asked him the question, and I asked him to furnish me the figures, which he neglected later to do.

Mr. MONDELL. I know the gentleman from South Carolina wants to be accurate, but I made inquiries in regard to the Deadwood item, and my information is—I may be mistaken—that in the case of the Deadwood office the item of express is in the statement the gentleman has read.

Mr. JOHNSON of South Carolina. I would say that so far as the Deadwood assay office is concerned, if the other assay offices made a showing that would even compare with Deadwood, I would not feel that it was necessary to defeat this bill rather than to provide for them. Deadwood earned $10,917, while the expenses were $14,000.

Mr. MONDELL. My recollection is that in the case of the Deadwood office the item of express is almost exactly $4,000, so if that were taken out it would leave the Deadwood office just about paying its expenses.

Mr. JOHNSON of South Carolina. Yes; if the gentleman is correct about the transportation of bullion. I would not advocate abolishing the assay offices even though they might cost $300,000 and earn only $100,000 if they were necessary in the administration of governmental affairs. But I stand here to say that they perform no governmental function. They are a convenience to people who are engaged in mining. They serve to cause the Government to pay the express instead of the owner paying it. You might as well ask that the Government should establish markets in all parts of the country to buy the farmer's wheat or cotton, or whatever he produces, and pay the charges on it to the great centers where it must be used. Now it has been stated elsewhere that we were undertaking to deal a severe blow to the mining industry; that you might as well discontinue the experimental stations established in the interest of agriculture. The illustration is not apt. The experiment stations are established in order to encourage farmers to do intensive and progressive farming. There is nothing in an assay office that encourages anybody in the mining business, that teaches anybody how to mine, but the assay office is simply a market, and nothing more and nothing less. If you say you want the stamp of the Government as to the worth or fineness of your metal, I call attention to the fact that every mint is an assay office. They can send their bullion to the mint, and there it will be tested and paid for just like it is now, but the difference will be that there will not be any patronage to it, and the Government will not pay the charges between the mines and the mint.

Mr. Speaker, I would not be willing in ordinary circumstances, where a mere matter of a hundred thousand or two or three hundred thousand dollars is involved, to defeat or let die a great appropriation bill. If it would cause an extra session of Congress, I should hesitate long, but the extraordinary session has already been announced. Congress will meet the 1st of April. This bill does not provide for money to be expended until July 1 next. I think it is more important now, when the administration is being changed, that we should abolish these worthless institutions than it is that we should hasten this bill. The Republican Party is going out. I want these offices destroyed before my party gets in. In other words, so far as I am concerned, I think that this patronage ought to be abolished.

Mr. MANN. Mr. Speaker, before the gentleman takes his seat, do I understand that the gentleman moves to further insist on a disagreement?

Mr. JOHNSON of South Carolina. Yes; that will be my motion.

Mr. MANN. Of course, any gentleman may move to concur in any of these amendments and thus bring the matter before the House.

Mr. JOHNSON of South Carolina. I want the instructions of the House.

Mr. MANN. Does the gentleman know whether any of the gentlemen who are interested in the amendments propose to concur, so as to bring those amendments directly before the House on a motion to concur?

Mr. JOHNSON of South Carolina. I do not think I would have any power to keep gentlemen from making that motion.

Mr. MANN. I ask the gentleman if he knows of any such motion about to be made? If some one intends to make any such motion it might be best to make it before the discussion ends.

Mr. JOHNSON of South Carolina. I know of nobody who is going to make the motion.

Mr. MANN. I say this for the purpose of directing the attention of those gentlemen who favor the amendment to the opportunity they have now to present their case before the House. Personally I am in favor of sustaining the position of the gentleman from South Carolina.

Mr. MONDELL. Mr. Speaker, excepting the intimation of the gentleman from Illinois——

Mr. JOHNSON of South Carolina. How much time does the gentleman desire?

Mr. MONDELL. I do not care for any time. I simply would like to have a separate vote on the Deadwood item.

Mr. HILL. Mr. Speaker, I will ask the gentleman from South Carolina to yield me five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, 12 or 15 years ago, when I was a member of the Committee on Coinage, Weights, and Measures, that committee thoroughly investigated this question. My recollection is that it was very nearly unanimous, if not unanimous, in favor of a change of policy. A year or two ago the Committee on Expenditures in the Treasury Department, if I recollect right, investigated that question, and that committee, Republicans and Democrats, were unanimously in favor of the abolition of these offices. So, three committees, after investigating that subject, say that these offices ought to be all abolished, Deadwood and the rest; that they serve no useful purpose to this Government, and I congratulate the Democratic Party on the courage that they show now in coming forward and moving for the abolition of these positions. [Applause.]

Gentlemen, if you do not do it now you never will do it. When you get these places filled you will be in the same position that the Republican Party has been in for the last 18 years or more. This reform must come now, as many of these reforms in governmental management must come, at the end of an administration, and when there is going to be a political change. I congratulate the chairman of this committee on the courage that he has shown, and I hope that every Member on this side of the House who looks for good and efficient management of the affairs of this Government will vote to concur with him in the request that he has made that they be abolished. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, I do not believe I can add anything to the clear, distinct, open, and manly statement made by the gentleman from South Carolina [Mr. JOHNSON], but I can not remain in my seat without raising my voice to uphold him in the great struggle he has made last year and this year to get rid of these absolutely useless barnacles, these parasites that are upon the body politic of this country. The gentleman from Connecticut [Mr. HILL] well stated, a year ago last July the committee of which I am chairman and of which he is a member thoroughly went into this question and I believe I voice practically the sentiment of every Member on that committee that it was absolutely unanimous for the abolition of these useless luxuries run and operated at public expense for private enterprise.

Mr. LOBECK. Did not the Director of the Mint recommend it also?

Mr. COX. The Director of the Mint recommended it, the Secretary of the Treasury recommended it, and preceding Secretaries of the Treasury recommended it, and recently the President of the United States recommended it. Now, that we are confronted with the question of standing for that for which we have stood on the floor of this House for many years, to wit, economy, here is the time to show the stuff of which we are made. Rather than see the gentleman fail in the campaign that he has made on this question I would see this bill fail. Talk about your class legislation, it is bottomed upon class legislation from start to finish. No sound reason can be offered, no sensible logic can be advanced by any man, why the Government of the United States shall come to the rescue of the great mine owners of this country and take away a commodity at the assay office, bear the cost of transportation from the assay offices to the mints of the United States, when, as well said, every mint is an assay office. I was of the opinion at one time that possibly the assay office in New York City should be maintained, but I have complete about-faced on that proposition. It is a useless cost upon the people of the country and, my Democratic friends, as Mr. HILL, of Connecticut, has well told us, if we ever are to get rid of this useless expenditure of the people's money now is our time and here is our opportunity. When Members upon the other side of the House stand almost as a unit upon this proposition I appeal to the Democrats upon this side of the House to stand under and beneath the chairman of the committee in charge of this bill and let the bill fail rather than be compelled to yield to the reestablishment of these things. [Applause.]

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the gentlemen who have preceded me have clearly pointed out the issue in this case. There is no question whatever that these assay offices are of no benefit to the Government. They are of no benefit to the people at large. The only purpose of maintaining them is to pay a subsidy to private persons for the shipment of their commodities to the mint. There is no reason now why they should continue to be established. They cost the Government several hundred thousand dollars. The chairman of the committee is clearly right in his efforts to strike them out of the bill, and, in my opinion, this House should show by its vote here now that they intend to uphold the House conferees upon this question. [Applause.] [Cries of "Vote!"]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield a half minute to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks on the seamen's bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none. The Chair desires to state there is no motion before the House.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the amendments of the Senate and ask for a conference.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to the amendments of the Senate and ask for a conference.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask to have a division on the disagreement.

The House divided; and there were—ayes 120, noes 5.

So the motion of the gentleman from South Carolina was agreed to; and the Speaker appointed as conferees on the part of the House Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT.

MINORITY VIEWS ON CANCELLATION MACHINES AND LEWIS PUBLISHING CO.

Mr. TOWNER. Mr. Speaker, the minority members of the Committee on Expenditures in the Post Office Department ask unanimous consent to file the minority views to the majority report on cancellation machines (H. Rept. 1600, pt. 2) and also on the Lewis Publishing Co. (H. Rept. 1601, pt. 2).

The SPEAKER. The gentleman asks unanimous consent for the committee to file the minority views on cancellation machines and also on the Lewis Publishing Co. Is there objection? [After a pause.] The Chair hears none.

MONETARY LEGISLATION.

Mr. PICKETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of inserting a letter written by ex-Gov. Horace Boies, of Iowa, to the Committee on Banking and Currency relative to monetary legislation. Under the rules of the committee it can not be printed as a part of the hearings.

While we belong to opposite political parties, any expression of views from this distinguished citizen is worthy of careful consideraton.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

HEMET, CAL., *February 1, 1911.*

To the HOUSE COMMITTEE ON BANKING AND CURRENCY,
Washington, D. C.:

I am no financial expert. What I know about monetary affairs is an open book which anyone may read if he so desires. I do know that the Constitution of the United States, which is the supreme law of the Nation, confers upon Congress the power to coin money, and I know that the power so conferred necessarily excludes the same power from any other source in this Government.

I know also that it is now settled by a decision of the Supreme Court of the United States, the court of last resort in this Nation, that Congress may coin this money out of paper, i. e., that it may provide for the issue of Government notes which shall be legal tender, precisely as gold coin is legal tender, in payment of all debts, public or private. Again, I know that no man in this Nation could pay a debt of $10 with all the national-bank notes that were ever issued if his creditor refused to receive them in payment of his claim.

Knowing these facts it has long been a source of wonder to me that in all the discussions of our financial system in Congress and out of it no man of late, so far as I know, has suggested a plan for the issue of Government notes which would be money if issued, to take the place of our national-bank notes, which are not money and can not be made money.

The first source of my surprise is to know how it is that under present conditions in the Nation Congress can feel that it is not a duty of its own to furnish such a currency if it has the ability as well as the power to do so. No man could be found who would deny the obligation to Congress to coin gold and silver sufficient to meet the daily wants of our people. Why, then, let me ask, is it not just as much an imperative duty of that body to coin paper sufficient for their use if the Nation is now in shape to furnish the necessary reserve for a sound currency of that kind? If there is a satisfactory answer to that question, I have never heard it and can not conceive it.

Another source of surprise to me is why Congress should allow private corporations to reap the enormous profit that results from the issue of a paper currency redeemable with gold, instead of providing for the issue of that paper by the Government, redeemable in the same way, and save for the masses of our people the profit that now goes into the pockets of stockholders of our national banks. I am not here to complain about our national banking system. At the time it was adopted, under the circumstances then and for a long time thereafter existing, it was a wise measure for which the people of this Nation should ever be grateful to its authors, as it furnished a market for our Government bonds when there was no other, at home or abroad, and bridged a chasm in the finances of the Nation that could then be crossed in no other way, and best of all, it enabled the Government, bankrupt as it then was from the enormous debt of our Civil War, to regain a sound financial standing among the nations of the earth.

But its mission has been performed; its work is already done, and to continue it longer is not only unnecessary, but it is also unjust to the masses of our people, for the naked truth is that this Government, in the form of its own credit, furnishes the capital upon which national banks transact their business and allows these private corporations to reap the enormous profit therefrom, instead of saving the same, as far as can now be done, for all of our people.

To fairly comprehend this point, one must stop long enough to scrutinize the main provisions of our national-banking act.

The first important step in the organization of a national bank is the purchase of Government bonds equal to the amount of bank notes it is to be authorized to issue. These bonds are interest-bearing securities upon which the bank, precisely as an individual, collects the interest as it falls due—a low rate of interest, it is true, but still a very

large sum in the aggregate to be paid to all of our national banks—and this sum, it must be remembered, is collected in one way or another from the masses of our people.

Then it must be remembered, also, that the money paid for these bonds is the last dollar the bank ever parts with the title to to enable it to issue its own notes and put them in circulation as money, and in the place of its money it holds the title to the bonds it has purchased, precisely as an individual would do.

The next step of the bank is to deposit these bonds with the Government as security for the redemption of its notes when demanded, and in addition to this it is required to keep on deposit in lawful money $1 for every $4 of its own notes it is allowed to issue and put in circulation as money, but this deposit remains its own property just as much after the deposit as before and can not be used for any purpose except to redeem its own notes if demanded.

So, as I have said before, it is easy to see that the bank has not parted with one dollar in money that it has not got a full equivalent for in an interest-bearing security of the Government, and for every dollar of its own money deposited it is authorized to issue and put in circulation $4 of its own notes, upon which it is authorized to collect the rate of interest allowed by the State where the bank is located.

The result is it collects interest on what practically is a loan of money to the Government and then on four times as much of its own notes as it is required to keep on hand for their redemption, or, truthfully speaking, it collects this latter interest not on what it owns, but on what it owes, for the bank note is simply evidence of a debt of the bank, payable on demand, as anyone can see who will take the pains to read one of these notes.

Now, let me ask, what is it that forms the capital upon which the national bank acquires the right to issue and circulate its notes as money? Is it anything more or less than the credit of this Nation, which it acquires through the purchase of the Government bonds and deposits as security for the redemption of its notes? And if a national bank can use $4 of its notes secured by the credit of the Nation for every $1 of reserve it deposits, is there any reason why the Government can not do the same thing for the benefit of all of our people, so that all may share equally in the profit derived from that source?

How can this be done?

Here again I must repeat I am not a financial expert. I am well aware that of my own initiative I could not suggest even the outlines of a plan for such a currency, but here again our own national banking system would, if necessary, furnish an infallible guide, but this is unnecessary, for to a limited extent we have the system already in operation and know how well it served us in the dark days of the Civil War when there was not one dollar of gold within the reach of the Government that could be put behind its paper currency to provide for its redemption.

All that is now necessary is for Congress to extend our system of Treasury notes, safely guarded, until they are sufficient in volume to supply our people with all the paper currency required for the transaction of the business of the Nation.

That part of it is easy enough; simply issue these notes as fast as the Government can supply an adequate reserve of gold—or, I would say, gold and silver bullion—in the Treasury to make it certain that these notes would be redeemed with gold bullion, or the equivalent of gold bullion with silver bullion, at the world's market price whenever demanded.

If one dollar of lawful money and the credit of the Nation is sufficient to guarantee the redemption of four dollars of national bank notes on demand, one dollar's worth of gold bullion or the same worth of silver bullion in the Treasury of the Nation would be sufficient to guarantee the redemption of four dollars of its own Treasury notes.

Our present ability to supply the needed reserve is unquestioned. The Government could buy the gold bullion or the silver bullion, one or both, needed for that purpose from our own citizens, the products of our own mines, with these same notes any day it was required.

The only question there is about the whole transaction is the one that would arise when we try to find a basis fair to the banks and fair to the Government alike by which the Treasury notes could be substituted for national bank notes and the latter be wholly withdrawn from circulation and destroyed.

I can only suggest what seems to me a fair arrangement in that respect, well knowing if I am wrong in any particular any Congress of this Nation will be abundantly able to find a fair way to make the exchange.

Left to me I would say, let Congress provide for the issue of Treasury notes just as fast as a national reserve in gold bullion, or its full equivalent in silver bullion, equal to one dollar in gold for every four dollars of Treasury notes issued could, without disturbance of other business affairs, be accumulated in the Treasury, and direct that as fast as these notes are issued they shall be exchanged for national bank notes with anyone desiring to make the exchange, and also make it mandatory on national banks to make such exchange on demand from Government agents as quickly as can reasonably be done.

When a per capita amount of these Treasury notes sufficient for the wants of the people—this to be fixed by Congress—has been issued and put in circulation forbid further use of bank notes as a medium of exchange.

It is here, as I have suggested above, that the only question of difficulty arises.

It is evident that by the exchange proposed the Government would pay a debt of the banks, and a very large debt at that, as every note they issue is simply the evidence of a debt they owe. That such a payment should not be made without some compensation from the banks is apparent, but what that should be is a question about which fair men may well differ.

The banks now have on deposit $1 in lawful money for every $4 of their own notes outstanding. That deposit should, without question, be turned over to the Government, which would redeem their notes by the exchange. Again, the banks have purchased bonds of the Government, bearing a low rate of interest, to be used as security for the redemption of their notes. In every case where a bank has been organized long enough so that the profits of its business from the issue of its notes ought to be a fair compensation for its purchase of low interest bearing bonds I think the bank ought to be required to keep these bonds until they mature, and in cases, if any, where banks have not been doing business long enough to reap a profit from the issue of their notes sufficient to compensate them for their investment in low interesting bearing bonds these banks should be authorized to exchange them for others bearing the same rates paid by the Government on its first-class bonds.

I would divide these holders into two classes. All banks doing business for a term of 10 years I would say should keep their bonds until they mature; all banks doing business less than 10 years I would have them authorized to exchange their bonds for higher interest bearing bonds.

With all of this done, it would still be true that the stockholders in our national banks would be among the most highly privileged classes of the American people, for they would be relieved of all question of liability for the redemption of notes issued by the bank, and they would retain as their own every dollar of the profit that had resulted from the transaction of the business of the bank from the day of its organization to that of the day of the exchange.

And, on the other hand, the Government would not be without some compensation for all it has bestowed on the banks in addition to the deposits it would receive from the banks, which would exactly equal its own in the Treasury for a reserve for the redemption of its own notes. It should not be forgotten that these bonds enabled the Nation to fund a debt of its own due on demand, which at that time it had no means of paying, and thereby enabled it to regain its standing as a solvent Government among the nations of the world—a compensation of inestimable value to all of our people.

Now it is reasonable to inquire what, if anything, the people of this Nation would gain by such exchange of their paper currency?

In the first place, we would have an absolutely stable paper dollar, always worth its exact face value in what is legal tender, never more, never less—something we can not say of our own coin or that of any other nation, for the value of all coin the instant it crosses the boundary line of the nation creating it becomes bullion only, and its value changes with the market price of the material of which it is made.

In the second place, the Treasury note would be legal tender in the hands of anyone possessing it, and as our population increases and the demand for more paper currency becomes imperative, as it will, the Government instead of private corporations would reap the advantage of the difference between the reserve maintained for the redemption of these notes and the face value of the notes issued, which under our banking system is $4 in their notes for every dollar of reserve maintained.

In the third place, paper currency redeemable with bullion would, so far as our own people are concerned, be practically irredeemable, for no one would withdraw it from the Treasury to hoard or use in the transaction of business, and it would always be on hand to meet any emergency of the Government in case of extreme need, and here it should be said that Congress should in every practicable way provide for the increase of the reserve in the Treasury to the highest limit obtainable without detriment to the business interests of the country, for gold in the treasury of any nation is the very sinew of war and a better protection against foreign aggression of any kind than forts on the land or dreadnoughts on the sea. We have the gold to outdo in this respect any other nation of the earth. Through a financial system of the Government we could preserve it better than in any other way.

There is still another advantage which could be made to accrue direct to the people of this Nation, greater and better than all the rest.

The power to coin money necessarily, I think, implies the power to regulate its use or, in other words, to determine the rate of interest for which it can be loaned if issued by the Government. A uniform rate of interest in all the States of the Union could be made of incalculable benefit to the poorest class of our people and would do more to place capital and labor on a plane of equality of privilege better than can ever be done by legislation in any other way.

So long as each State of the Union can fix its own rate of interest the effort of many to attract needed capital to themselves will compel unreasonable rates throughout the whole Nation. Individuals ought to be able to borrow money on good security just as cheaply as Governments can borrow it throughout the world, with the single exception of an additional charge of a sum sufficient to pay the lender the cost of placing it in small sums and indemnifying him against inevitable loss, which would never exceed 1 per cent above the rate paid by the Government on its bonds. Under such a system 5 per cent at the most would be the highest rate that could be charged anyone in these United States, and the outrageous wrong that is daily practiced upon the poorer classes under our present conditions would be ended once and forever.

It is simply fair to myself in closing this article to say I have been compelled to write it without a recent opportunity to examine our national banking act or any of the amendments thereto, and it is not improbable that I have failed in some respects to accurately state some of its provisions and have omitted others that should have been noticed in a discussion of this kind, but my most sanguine hope is that I have been able to bring to the attention of others one neglected phase of a question of paramount interest to the American people at the present time.

Respectfully submitted.

HORACE BOIES.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914.

The SPEAKER. Is there a statement?

Mr. LAMB. Yes, sir; there is a statement.

The SPEAKER. Does the gentleman desire the statement read in lieu of the report or not?

Mr. LAMB. I want the statement read in lieu of the report.

The SPEAKER. The Chair will ask the gentleman if this is a complete agreement?

Mr. LAMB. A complete agreement.

The SPEAKER. Without objection, the statement will be read.

Mr. LAMB. Mr. Speaker, I ask unanimous consent for the omission of the reading of the tables.

The SPEAKER. The Clerk will read the statement.

Mr. MANN. I do not know how we can tell anything about it by a table of comparisons which is not read. The gentleman asks unanimous consent to dispense with the reading of the tables.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the tables.

Mr. LAMB. They are comparisons. That is all.

Mr. MANN. Reserving the right to object, may I ask the gentleman whether the statement shows by numbers what disposition is made of the various Senate amendments?

Mr. LAMB. No; it does not; but I have that in the full report here.

Mr. MANN. But that does not do us any good.

Mr. LAMB. If you want to have the full report read, all right. I thought you wanted to get along with the work, and that was the reason I suggested it.

Mr. MANN. I wanted to know what amendments were agreed to or disagreed to.

Mr. LAMB. By listening to the statement you will find them right there and the reasons for it.

The SPEAKER. The gentleman from Virginia asks that the part of the statement containing these tables be omitted. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know how much there is in the statement covering these items in the bill?

The SPEAKER. That does not embrace the rest of the statement. Just take the tables out.

Mr. MANN. I did not know but the tables were all that there was to the statement.

Mr. LAMB. Not by a good deal.

Mr. MANN. All right.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. LAMB] to omit the tables?

There was no objection.

The statement was read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1628).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 12, 34, 38, 39, 45, 64, 66, 69, 73, 75, 76, 77, 80, 81, 88, 101, 104, 107, 108, 113, 114, 115, 116, 120, 121, 128, 129, 130, 135, 140, 141, 157, 158, 159, 160, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 181, 182, 189, 190, 193, 194, 200, 205, 208, 211, 213, 215, 216, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 237, 240, 243, 244, 245, 246.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 25, 29, 32, 35, 37, 41½, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, 67, 70, 71, 84, 89, 92, 93, 96, 97, 98, 99, 100, 102, 109, 111, 112, 122, 123, 125, 127, 136, 138, 139, 142, 146, 147, 148, 149, 150, 152, 153, 154, 156, 162, 163, 180, 184, 185, 186, 187, 188, 191, 192, 195, 198, 202, 203, 204, 207, 209, 210, 212, 233, 235, 239, 242, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$303,820"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagrement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of "37 messengers, messenger boys or laborers at $600 each," insert "31 messengers, messenger boys or laborers at $600 each"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$325,860"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$120,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$45,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,356,750"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,707,610"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert in lieu thereof "One," so it will read: "One chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$359,250"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the language proposed by said amendment insert the following: "That of this sum not less than $75,000 shall be set aside for demonstrating the best method of preventing and eradicating hog cholera"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,371,046"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,031,196"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert "One," so it will read: "One physiologist and pathologist, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$427,690"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from the disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$33,380"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$38,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: After "$50,000" insert: "*Provided*, That of this amount $10,000 may be used to investigate the diseases, cultivation, and acclimating of potatoes, and the development of improved and disease-resistant types thereof"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74,

and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,944,305"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,067,995"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Strike out the words "There shall be one" and insert in lieu thereof "One," so that it will read: "One Forester, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Strike out "fourteen," in line 3, and insert the word "thirteen"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,239,560"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$160,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$140,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 37, in lines 8, 9, and 10, strike out the words "That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913," and insert "That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,160,119"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,399,679"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the words "There shall be," so as to make it read: "One chemist, who shall be chief of bureau, $5,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$100,280"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,058,140"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One soil physicist, who shall be chief of bureau, $4,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$53,620"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$280,400"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$334,020"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "One entomologist, who shall be chief of bureau, $4,500"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$60,960"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "$45,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "$45,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$381,250"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$742,210"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: Strike out "There shall be one," so it will read "One biologist, who shall be chief of bureau, $3,500"; and the Senate agreed to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$29,990"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$141,000"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,990"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One editor, who shall be chief of division, $3,250"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,100"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Strike out the word "five" and insert the word "eight"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$166,410"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$184,660"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "One statistician, who shall be chief of bureau, $4,000"; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "one librarian, $2,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One director, $4,500"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,920"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$66,160"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,500"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,613,500"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,901,260"; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: Strike out the words "There shall be," so that it will read: "One director, who shall be a scientist and have charge of all scientific and technical work, $4,000"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$105,000"; and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$232,000"; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$279,400"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$17,376,945"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows:

"To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000," and add the words "of which sum $10,000 shall be immediately available."

And the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: After the comma following the end of the parenthesis insert the words "and any amendments thereto"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the language used in said paragraph substitute the following:

"And hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified."

And the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of $200,000 insert "$75,000," and strike out the words "to be available until the end of the fiscal year 1915"; and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the language in said amendment insert the following:

"That the President of the United States shall appoint a commission composed of not more than seven persons, who shall serve without compensation, to cooperate with the American commission assembled under the auspices of the Southern Commercial Congress to investigate and study in European countries cooperative land-mortgage banks, cooperative rural-credit unions, and similar organizations and institutions devoting their attention to the promotion of agriculture and the betterment of rural conditions; and for the purpose of its investigations the commission shall be authorized to incur and have paid upon the certificate of its chairman such expenses in the city of Washington and elsewhere for the payment of the salaries of employees, clerks, stenographers, assistants, and such other necessary expenses as the commission may deem necessary: *Provided*, That the total expenes incurred for all purposes shall not exceed the sum of $25,000, and the said commission shall submit a report to Congress as early as practicable embodying the results of its investigations and such recommendations as it may see fit to make."

And the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the sum inserted insert "$17,986,945"; and the Senate agree to the same.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

HENRY E. BURNHAM,
F. E. WARREN,
T. P. GORE,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, I thought we would waive the reading of the statement on the assurance of the gentleman from Virginia that the balance of the statement would show something about what has been done with the Senate amendments. We have not had a word yet as to what disposition is made of the amendments.

Mr. LAMB. Mr. Speaker, I would like to ask unanimous consent——

The SPEAKER. In the first place, the gentleman from Virginia [Mr. LAMB] asked to have the statement read in lieu of the report, and that was granted. Then he asked to have the tables left out of the statement in the reading, and that was done. Now, what further is to be done?

Mr. MANN. I do not think there is anything further. We have gotten beyond that. I suppose there is nothing to do except to ascertain from the gentleman himself.

The SPEAKER. The gentleman from Virginia [Mr. LAMB] has an hour.

Mr. MANN. I think the gentleman ought to tell the House what disposition is made, at least, of the various important Senate amendments. We have no knowledge before the House at all, except on a paper which has not been read to the House.

Mr. LAMB. Mr. Speaker——

The SPEAKER. The gentleman from Virginia [Mr. LAMB] has an hour. What does he propose to do with it?

Mr. LAMB. I am going to ask for a vote on this bill after explaining some of it.

Mr. FOWLER. I would like to have five minutes.

Mr. LAMB. Now, Mr. Speaker, if I may have the attention of the House for a few minutes, I will try to show the differences between the Senate and the House and will answer any question on any of these points that may be asked of me. The bill now carries $393,000 more than it carried when it passed the House. The Senate put on $1,000,000, in round numbers, and in conference the House conferees reduced that amount to $393,000. The items going to make up this amount are chiefly as follows:

One new Weather Bureau station carries $15,000. That is all the increase in that bureau.

In the Bureau of Animal Industry for the hog cholera serum demonstration, $35,000 is given. For the administration of the various serum and toxin legislation provided in the bill, the sum of $25,000 is allowed. That is all the increase in the Bureau of Animal Industry.

In the Bureau of Plant Industry additional sums are appropriated as follows: For investigations of the physiology of crop plants, $3,000; for the investigation of the climatization of cotton, corn, and so forth, $5,000; for the investigation of ginning, baling, and testing cotton, $20,000. An amendment was put on in the Senate, and we had a good deal of discussion over it. For dry-land crop production investigation, $5,000 is given. For the investigation of western irrigation agriculture, $2,000 is given, and for additional truck-crop work, $11,000. That is all in this bureau.

For the Forest Service $5,000 is given for additional field supplies and equipment and instruments; additional for wood testing, $20,000. The Senate conferees insisted on having more. I reminded them of the fact that out of reverence for the other side here we had already given ten or fifteen thousand dollars.

In the Bureau of Chemistry an increase of $5,000 was allowed for the collaboration work with the other departments of the Government, and $5,000 to restore the position and salary of the Chief of the Bureau of Chemistry, stricken out on a point of order.

A large number of these amendments, gentlemen, that you will see mentioned in the report are due to the fact that points of order were made against them in the bill, and these amounts went out in the House and had to be restored in the Senate.

Mr. FOWLER. Mr. Speaker, will the gentleman yield for one moment?

Mr. LAMB. Yes; but I thought the gentleman had finished worrying me. [Laughter.]

Mr. FOWLER. I want 5 minutes or 10.

Mr. LAMB. I shall certainly give the gentleman five minutes if he will stop worrying everybody. [Laughter.]

In the Bureau of Entomology, $10,000 is given for the investigation of insects affecting field and forage crops. For the investigation of miscellaneous insects $4,500 is given. Then, the salary of the chief of the bureau, which was striken out by the learned gentleman from Illinois [Mr. FOWLER], is restored. It was restored in the Senate.

Under the Biological Survey, $5,000 is given for the purpose of establishing a winter-game range in Wyoming; $5,000 additional is allowed for the investigation of birds and mammals, and $10,000 is given for the enforcement of the provisions of the act to protect migratory game and insectivorous birds.

You know something about that, gentlemen, because you had a discussion on this floor a few days ago in regard to it, and your action on this floor gave this amendment to the Senate.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. LAMB. Yes; I will yield.

Mr. MONDELL. Do I understand that an appropriation was made in connection with that legislation?

Mr. LAMB. Ten thousand dollars is given. The gentleman from Wyoming heard that $10,000 matter discussed over here.

Mr. COX. I thought the gentleman said $5,000 more?

Mr. LAMB. No.

In the Office of Public Roads, $5,000 additional is given for investigating the best material for road making; $20,000 is provided to enable the Secretary of Agriculture to make an exhibit at the meeting of the International Dry Land Congress in Oklahoma during the coming fiscal year; $75,000 is allowed for fire protection in the forested sheds of navigable streams, and $25,000 is provided for the payment of the expenses of a commission authorized by the act to investigate and study the cooperative land-mortgage banks of certain European countries.

Now, that was one of the amendments put on in the Senate which tied up your conferees for two nights and two days. It provides no pay for these people. They are to go over to Europe to find out the modus operandi of constructing and operating cooperative farmers' banks. I insisted, as I did before my committee, that I could go over to the Library and get this information in two days, but there was nothing that would satisfy the Senate save to have this commission go to Europe and find out how they will do this work.

Mr. MANN. Does the gentleman think it was necessary to satisfy the Senate?

Mr. LAMB. It was necessary in order to have a bill at all at this session of Congress.

Mr. MANN. Oh, do not ever believe that. [Laughter.]

Mr. LAMB. Mr. Speaker, on this question of cooperative banks, in view of what the leader on the other side has said, I just want to say to this House that I do not believe there is a Member here who has been more opposed than I have been to what I have termed "roving commissions." When this matter first came before the Agricultural Committee I insisted that I could go over to the Library and secure this information. The reply was that you could not ascertain the workings of this farmers' cooperative bank as carried on in the various European countries, and that the most practical solution of this question that came up from nearly every State in this Union was to investigate this banking system. I insisted further that these bills belonged to the Committee on Banking and Currency and not to the Agricultural Committee; but they mustered forces from everywhere and insisted in their literature and all through the papers of the country that the Agricultural Committee was not willing to respond to the just demands of the farmers of this country, and I know they made points against me. Yet I was willing to stand out until the Senate, through their conferees, insisted that there was an emphatic and positive demand on the part of the people of this country for an investigation.

A lawyer came into my office a few days before this bill was made up and said to me, "I know they want this; and if you will do me the favor, will you please strike out the word 'cooperative'?"

I said, "My friend, I am no banker, but I know very well that when I strike out the word 'cooperative,' it will defeat the very object that these people have in view." I said to him, as I said to the members of that committee, that I believed we had the information here now, and therefore I was inclined not to pay these commissioners anything, but to appropriate this small amount to pay their expenses over to Europe, in order that they might learn the practical workings of this system of banking. I believed that we had the information. I know full well that commissions from Germany, England, and France have come to this country to investigate the moral, social, and even the religious conditions of this country, going all through it. By way of parenthesis let me say that they went back to their respective countries and reported that the chief reason in their judgment for the moral, intellectual, social, and religious progress of this country was the system of Sunday schools in this country. Every man who has read Detocqueville and other French writers knows that they have told them the story before. We know very well that John Bright, one of the ablest English statesmen, once said in the British Parliament that the progress of America along these lines was due to our wonderful Sunday schools in this country, shaping the morals and developing the character of people all through our happy land. But notwithstanding this, at the last moment, and in order to bring the bill in here at all, the House receded on this proposition.

The Senate at the same time receded on amendments 75, 76, and 77, which proposed to strike out the seed distribution. They held to that longer perhaps than any other proposition, and I do not know what would have been the result so far as I was concerned as one Member except that I happened to be on the floor of the Senate while they were discussing this question. While they were willing to leave out the congressional distribution, they still retained in the bill the $265,000 for the seeds themselves, saying that you must distribute them through the Agricultural Department.

Now, I happen to know something about the Agricultural Department. I have taken a whole month and gone through it and studied it from bottom to top, and I know that, in addition to the clerks you have there now, you would need a hundred more if these seeds were distributed through the Agricultural Department. Therefore your conferees came to the conclusion that it was best, so far as this was concerned, to get the Senate to recede on that proposition. They held it over us to compel us, as they thought, to agree with them on the various amendments of a legislative character put in the back of this bill. They had to recede on most of those propositions; and I want

to say to you, gentlemen of this House, that you have got here one of the best bills that has been passed, I think, since I have been a Member of this Congress. It has taken patience, meekness, and courage to do what we did in this conference committee. If you will excuse the personal equation, Virginia furnished the patience, Iowa the meekness, and South Carolina the courage. [Applause and laughter.]

Mr. MANN. Will the gentleman yield?

Mr. LAMB. Yes.

Mr. MANN. Was the amendment in reference to the manufacture of virus left in the bill by the conference report?

Mr. LAMB. They asked for $100,000.

Mr. MANN. I am not speaking of the amount.

Mr. LAMB. The Senate inserted it and we receded on that, in view of what was stated by the Bureau of Animal Industry and the Secretary of Agriculture.

Mr. MANN. Amendment numbered 37 authorizes the Secretary of Agriculture to sell specimens of scientific and educational value; was that left in?

Mr. LAMB. Yes; the House receded.

Mr. MANN. Amendment 73, for the study of rice culture, an appropriation of $10,000; was that left in?

Mr. LAMB. The Senate receded.

Mr. MANN. Senate amendment 131, appropriating for the Rocky Mountain tick?

Mr. LAMB. That went out; the Senate receded on that.

Mr. MANN. Amendment numbered 141, for a national game preserve in North Dakota?

Mr. LAMB. That went out; the Senate receded, but we had a big fight on it.

Mr. MANN. Does the migratory bird bill remain in just as it was?

Mr. LAMB. Yes.

Mr. MANN. What became of the Senate amendment in reference to a division of markets, Bureau of Statistics?

Mr. LAMB. The Senate receded and agreed to adopt our amendment providing for $50,000 to carry on that work. We did not establish the division.

Mr. MANN. What about the amendment for the painting of Secretary Wilson?

Mr. LAMB. That remains in.

Mr. MANN. And the amendment which changes the sending out of publications from the Printing Office to the Department of Agriculture?

Mr. LAMB. We had a warm contest over that, and sent for the Chief of the Division of Publications and the Public Printer, and after hearing their statements we concluded to let it remain in.

Mr. MANN. It remains over in the Printing Office?

Mr. LAMB. Yes.

Mr. MANN. What about this amendment for a national forest reservation commission directed to investigate the acquiring of land along the watershed of the Potomac River?

Mr. LAMB. That went out.

Mr. AUSTIN. May I ask the gentleman what disposition was made of the Senate amendment looking to an amendment of the original Weeks Act?

Mr. LAMB. They asked for $200,000, and we contended that $50,000 was enough, and finally as a compromise we put it at $75,000.

Mr. AUSTIN. I have reference to the extension of the forest reserve.

Mr. LAMB. The House receded on that.

Mr. MANN. I do not remember what the gentleman said about the hog cholera.

Mr. LAMB. We increased the lump-sum appropriation for the Bureau of Animal Industry, and then provided that $75,000 be devoted to that purpose.

Mr. HAUGEN. The Senate increased the appropriation $34,000, and the House set aside $40,000 for hog cholera. The Senate set aside $100,000, and we compromised on $75,000.

Mr. COX. Will the gentleman yield for a question?

Mr. LAMB. Yes.

Mr. COX. This commission to investigate the land mortgages and credits, and so on, I find it does not fix the number of the men who are to make up the commission.

Mr. HAUGEN. It states that they shall serve without compensation.

Mr. COX. I am reading from the amendment as reported by the Senate.

Mr. HAUGEN. The conferees did not report the Senate amendment, but reported it with an amendment.

Mr. COX. How are these people to get any pay?

Mr. HAUGEN. They serve without pay—only get their expenses.

Mr. COX. Are they required to pay their own way?

Mr. HAUGEN. No; they have $25,000 for expenses, but no salary.

Mr. COX. I want to make an inquiry about amendment 240, to appoint members to investigate something concerning the national agriculture——

Mr. MANN. It is to create a national institute of agriculture.

Mr. LAMB. That goes out.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives No. 1 to the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls with the following amendment:

After line 3, page 1, of said amendment, insert:

"To the city of Berlin, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls."

That the Senate had disagreed to amendments Nos. 2, 3, 7, 30, and 32, and had agreed to the balance of said amendments.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 27090. An act for the relief of Cora Evans.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am not willing to let this occasion go by without expressing the sentiments which I have long entertained in regard to the distinguished gentleman from Virginia, the chairman of the Committee on Agriculture, Mr. LAMB. [Applause.] I think no one who has been a Member of the House ever has been held in more affectionate regard by other Members than has this distinguished gentleman; and while in this House we receive new Members, whoever they may succeed, on equal terms, yet it is with profound regret on the part of the membership of this House that we will be required hereafter to meet without the aid and genial presence of this man, one of the survivors of the Confederacy, a man beloved of us all. [Prolonged applause.]

Mr. LAMB. Mr. Speaker, with almost tears in my eyes, and certainly gratitude in my heart, for what has been said by the distinguished gentleman from Illinois [Mr. MANN], I now yield five minutes to his colleague, the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Speaker, I have but the kindest feelings for every member of this great Agriculture Committee. I represent an agricultural district. I am an agriculturist myself, and I believe as much in the advancement of agriculture as any man on the floor of this House; but, Mr. Speaker, I claim that economic rules which should control in the administration of the Government should apply to the Agriculture appropriation bill as well as to every other appropriation bill before this Congress. I have been criticized by some members of this committee because I have seen fit to make points of order against unauthorized appropriations in this bill.

Mr. Speaker, I find that the law provides for an Assistant Secretary to the Secretary of Agriculture, with a fixed salary at $5,000 a year. The Revised Statutes fixes this salary. The committee reported the bill increasing it to $6,000. I made a point of order against the increase, and the Chairman of the Committee of the Whole House on the state of the Union was forced to sustain the point of order. Some distinguished gentleman on the floor of this House at that time went into a frenzy because the salary was made to harmonize with the law of the land.

The salary of the Chief of the Weather Bureau is fixed by permanent law at $4,500. This bill increased it to $6,000 per annum. When we reached the consideration of that part of the bill I made a point of order against such increase, and the Chair was forced to sustain the point of order. I interposed like points of order against many such increases carried by this bill in violation of the statutes of my country, and the Chairman was compelled to sustain each of them.

Now, the distinguished chairman of this committee [Mr. LAMB], a gentleman for whom I entertain the kindliest feelings, a man whose services have been long and beneficial to his country, has said that many of the amendments made to the bill by the Senate were forced to be made because the salaries of men in this department were cut down by points of order made by me. I want to know by what rule the Senate is governed which compelled it to violate the law of the land? Every Member of

Congress took upon his soul an oath at the beginning of this Congress to support the Constitution and laws of the United States. What rule or custom is more binding upon us than this oath?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LAMB. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. FOWLER. Mr. Speaker, I am not particularly finding fault with the amount that has been appropriated for some of these servants of this department, but I have insisted from the beginning that if the salaries as fixed by law are too low the proper thing to do is to revise the statutes, making increases according to the merits of the labor to be performed. I have persistently insisted that there is such a loose condition prevailing in both Houses of Congress in fixing the salaries of that great army of workers, not only in this department, but in every department of the Government, that it is absolutely necessary that some law fixing these salaries definitely should be passed.

I discover, Mr. Speaker, that many increases have been made in the salaries of men whose duties, I understand, are only nominal. I understand that there are other capable men on inadequate salaries, as, for instance, Mr. Rhodes, who is superintendent of the experiment garden at Arlington, whose salary is very low. He is a man of 18 or 20 years' service. He has charge of experiments with flowers, vegetables, and shrubbery, often producing new varieties so necessary to agriculture and horticulture. He is an expert, and yet that great mind, that industrious, useful servant of the people, has been compelled to labor on a salary of $60 a month during all this time because he is not a college graduate.

The greatest opportunity for political graft prevails in these departments. I am told by older Members and Members who have gone out of this House that all a prominent Member has to do is to go down to one of these departments and tell them that he has a friend whose salary he wants increased, and a recommendation for such an increase by the head of the department is made. The salary is carried in the next appropriation bill without further ado.

Mr. LAMB. Mr. Speaker, my friend is mistaken in that statement.

Mr. FOWLER. Mr. Speaker, I make no statement on the floor of the House that I can not prove if called upon to do so.

Mr. LAMB. Well, if the gentleman is infallible, he is an exception to the rule.

Mr. FOWLER. Mr. Speaker, I refuse to yield; and I say to this House that in the construction of this bill more than 100 new positions were created by the Agricultural Committee of this House, and I discover in glancing over it many more new ones have been added by Senate amendments.

The SPEAKER. The time of the gentleman has expired.

Mr. FOWLER. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LAMB. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am in such hearty accord with the deserved eulogy pronounced by the gentleman from Illinois [Mr. MANN] on the retiring chairman of this committee whom we all love as well as honor [applause] that I regret to inject a note of discord into the very general acceptance of this conference report, but this conference report affords a striking example of the iniquity of carrying general legislation on an appropriation bill. The bill contains legislation, places or attempts to place nearly every feathered creature which flies under Federal control to the exclusion of the authority of the people in the States. In my opinion this legislation more profoundly and fundamentally affects and alters the relationship of the Federal Government with the States of the Union and their citizens than any legislation in our history, and yet it is adopted and becomes a part of the law of the land, at least until repealed or set aside by the courts, without any real consideration in either body of Congress, without opportunity for consideration in this body.

I doubt if one-quarter of the Members of the House have read the legislation. I doubt if one Member in ten has given serious thought to what is proposed, and yet the fact is that in voting for this legislation Members are voting to take from the people who elected them all control over a subject matter affecting them intimately and of great importance. Members are preparing to arm a Federal bureau to bring within the scope of a Federal statute, carrying heavy penalties of fine and imprisonment, an infinite variety of relatively harmless acts which do not necessarily involve moral turpitude and the commission of which can inflict no serious loss or injury on anyone.

The legislation provides for the establishment, for the first time in our history, of Federal police in every part of the Union in numbers no man can now estimate. I can not believe that this astounding and revolutionary extension of Federal authority, this wanton and wicked invasion of the reserved power of the people, this Russianizing of the Republic, will be allowed to remain on the statute books. I pledge now my best efforts for its repeal, and I have abiding faith that many who now vote for this measure without realizing its scope and effect will join in a demand for its repeal if it is not set aside by the courts.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 28699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 24266. An act to authorize the sale of burnt timber on the public domain.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8589. An act relating to supervision of the Lincoln Memorial;

S. 8000. An act providing for publicity in taking evidence under act of July 2, 1890;

S. 6877. An act to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army;

S. 1653. An act to provide American register for the steam yacht *Diana;*

S. 8348. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.;

S. 8377. An act to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.;

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State;

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River, near Weldon Springs Landing, in the State of Missouri;

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River, near the mouth of the Missouri River;

S. 8429. An act to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal.;

S. 8443. An act to extend the time for constructing a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.; and

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now take a recess until 9 o'clock to-night.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House took a recess until 9 o'clock to-night.

EVENING SESSION.

At the expiration of the recess the House resumed its session.

CHARLES S. REED.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] presents a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 798 (H. Rept. 1612).

Resolved, That there shall be paid out of the contingent fund of the House to Charles S. Reed, the sum of $60 for services rendered as a laborer in the Doorkeeper's office during the month of July, 1910.

Mr. LLOYD. Mr. Speaker, the person in this case, who is to receive by reason of this resolution, if it should pass, $60, was

a colored laborer in this Capitol. He was discharged, so far as the record is concerned, on the 30th day of June, 1910. He was not notified of that discharge, and he worked during the month of July. He did not find out that he was discharged until the end of the month.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ALBERT M. CARPENTER.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 265 (H. Rept. 1614).

Resolved, That Albert M. Carpenter, assistant librarian, House of Representatives, be paid $95 out of the contingent fund of the House of Representatives, for 21 days' services, from May 11 to May 31, 1911, inclusive.

Mr. LLOYD. Mr. Speaker, Mr. Carpenter was appointed and sworn in as the assistant librarian upstairs on the 7th day of May, 1911, and the then assistant librarian insisted that we could not displace him. After a day or two an arrangement was made by which he should hold his position until the 1st day of June. The other man, however, who had been sworn in and had begun his work, performed the duties of the office from the 11th day of May until the 1st day of July without compensation.

Mr. MANN. They had a man up there who could perform the duties, anyhow, without him.

Mr. LLOYD. The only reason for this is to provide compensation for the man who rendered the services and did not receive pay.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ALLEN D. ALBERT.

Mr. LLOYD. Mr. Speaker, I also present the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will present the resolution.

The Clerk read as follows:

House resolution 827 (H. Rept. 1613).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to Allen D. Albert, for extra and expert services rendered to the Committee on Invalid Pensions during the third session of the Sixty-second Congress, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

Mr. MANN. Is this the usual amount?

Mr. LLOYD. The usual amount; yes, sir.

Mr. JOHNSON of South Carolina. Does that include one clerk?

Mr. LLOYD. Yes, sir.

Mr. JOHNSON of South Carolina. Are there not two?

Mr. LLOYD. The other was assigned to the Committee on Pensions and will be taken care of in another place. There is an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, after the word "during," strike out the words "the third session of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

JOSEPH M. M'COY.

Mr. LLOYD. I also present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 832 (H. Rept. 1610).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to Joseph M. McCoy, for extra and expert services rendered to the Committee on Pensions during the third session of the Sixty-second Congress, as assistant clerk to said committee by detail from the Bureau of Pensions, pursuant to law.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, in line 2, by striking out the figures "1,200" and inserting the figures "750."

In line 4, strike out the words "the third session of."

Mr. LLOYD. Mr. Speaker, this provides for the same pay that this individual has been receiving in the past.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

DRUSILLA GARDEN.

Mr. LLOYD. I also offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 871 (H. Rept. 1611).

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Drusilla Garden, executrix of A. P. Garden, late a messenger of the House, a sum equal to six months of his salary as such employee and an additional amount, not exceeding $250, for the funeral expenses of said A. P. Garden.

Mr. LLOYD. Mr. Speaker, this is the usual amount in the case of an employee who dies.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

G. D. ELLIS.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 851 (H. Rept. 1616).

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to G. D. Ellis for extra and expert services rendered during the first, second, and third sessions of the Sixty-second Congress in the office of the Clerk of the House of Representatives in briefing petitions and documents, in compiling indexes for Clerk's reports, in compiling Congressional Vest-Pocket Directories, in compiling copies of national party platforms, in compiling House telephone directories and directories of Members, in indexing House Journal, in indexing omnibus claims bill, and in assisting in House enrolling room, as employee detailed from the Government Printing Office.

Mr. LLOYD. Mr. Ellis was detailed from the Government Printing Office to perform the work that is indicated in the resolution. He has prepared the several directories which you have all received, the several vest-pocket directories, the telephone directories, the platform directories, and the official directory of Members here in the House.

At the beginning of the session, as everybody is aware, there were several persons employed in the Clerk's office who are no longer employed, and it happened to be no one's duty to perform this extra and special work which this individual, by reason of his detail, performed. He rendered the service; he did splendid service; he did most of it outside of the usual working hours. The committee thinks it is a proper resolution.

Mr. MANN. But, Mr. Speaker, there were a number of places abolished at the beginning of this Congress, and the statement was then made that there were sufficient employees of the House left to render all the service which was required. Now we find that there was detailed from the Government Printing Office—by what authority I do not know—a man to perform part of the services which gentlemen on that side said would be performed by the regular officials of the House; and in addition to obtaining the detail of the man from the Government Printing Office it is now proposed to pay him in addition to his regular salary in the Government Printing Office a salary here.

I notice that one of the duties performed is that of indexing the House Journal. I remember when the Journal indexer was abolished. It was said that the clerks in the office of the Clerk, or in the office or room of the Journal Clerk, were to perform all that service. I do not know what service this gentleman may have performed; but by what authority was he employed? We were told places were abolished. Now we authorize the detail from the Government Printing Office, and we authorize the employment of this man to perform duties which we were told would be performed by the regular official force of the House.

Mr. LLOYD. Question, Mr. Speaker.

Mr. MANN. I notice they can not answer the questions.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will report the next one.

CLERICAL ASSISTANCE, COMMITTEE ON ENROLLED BILLS.

The Clerk read as follows:

House resolution 869 (H. Rept. 1615).

Resolved, That there shall be paid out of the contingent fund of the House not to exceed $150 for additional clerical assistance to the Committee on Enrolled Bills during the remainder of the present session upon the certificate of the chairman of said committee.

Mr. LLOYD. Mr. Speaker, this is the usual allowance paid at the close of the session on account of the extraordinary service that is necessary to be performed.

Mr. MANN. This is simply for the remainder of the session?

Mr. LLOYD. It is for the remainder of the session from the time this resolution was reported from the committee. Unfortunately I have been giving way to others on the floor for

about three days, and the probabilities are that people have been employed during that time.

Mr. MANN. I would like to hear the resolution reported again.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

Mr. LLOYD. Mr. Speaker, I am not sure whether extra services have been actually rendered or not. For fear that the services have been rendered and that this will not cover them, I would like to amend the resolution by striking out the word "additional," in line 2, and the words "the remainder of," in lines 3 and 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in line 2, the word "additional," and in lines 3 and 4 strike out the words "the remainder of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the passage of the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had still further insisted upon the amendments to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. WETMORE, and Mr. OVERMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 27789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 28632. An act to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La.; and

H. R. 28633. An act to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake in Louisiana."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 28093. An act to amend the general pension act of May 11, 1912.

SEAMEN IN THE AMERICAN MERCHANT MARINE.

The SPEAKER laid before the House the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, with a Senate amendment.

The Senate amendment was read.

Mr. ALEXANDER. Mr. Speaker, this is what is known as the seamen's bill. I move to concur in the Senate amendment.

The SPEAKER. The gentleman from Missouri moves to concur in the Senate amendment.

Mr. MANN. The gentleman from Washington [Mr. HUMPHREY], as I understand, is favorable to the motion of the gentleman from Missouri. When the bill passed the House the gentleman from Washington was in opposition to much of the bill. I understand that now the gentleman from Washington is agreeable to the motion offered by the gentleman from Missouri, to concur in the Senate amendment.

Mr. ALEXANDER. He is.

Mr. MANN. Will the gentleman very briefly indicate to the House what the essential differences are between the Senate amendment and the House bill?

Mr. ALEXANDER. I will say this for the benefit of the Members of the House——

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. ALEXANDER. I will in a moment.

Mr. MOORE of Pennsylvania. I am opposed to the bill. I understand the bill will pass, and although the gentleman from Washington [Mr. HUMPHREY] may have withdrawn his objection, I want to ask now whether some time can be conceded to those who are opposed to the bill.

Mr. Speaker, it is not my purpose to discuss the provisions of the bill at this time.

Mr. ALEXANDER. I told the gentleman from Pennsylvania [Mr. MOORE] that I would yield to him some time. I also told the gentleman from New York [Mr. LEVY] that I would yield to him five minutes.

Mr. Speaker, this bill was introduced early in this Congress and referred to the Committee on the Merchant Marine and Fisheries. It was considered by a subcommittee, of which the gentleman from Texas [Mr. HARDY] was chairman, and the gentleman from Pennsylvania [Mr. WILSON] was a member, with others, and was given laborious consideration for more than two months, and was reported back to the House early in May last.

The purpose of this legislation is to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaties in relation thereto, and to secure greater safety of life and property at sea. Many of the provisions of the bill, if they had been enacted into law and the law had been enforced prior to that awful tragedy, might have mitigated the great disaster that occurred in April last, when the *Titanic* sank at sea.

The bill passed the House about the 5th of August last, and has been considered by the Senate Committee on Commerce from that time at intervals until a few days ago, when it was reported back to the Senate, and passed the Senate night before last—I believe at about 8 o'clock—and was reported to the House on yesterday.

I doubt if any piece of legislation pending in this Congress has received more consideration than this bill has. Extensive hearings were held before the Committee on the Merchant Marine and Fisheries on behalf of the shipowners and on behalf of the seamen.

In the Senate extended hearings were held on behalf of both these interests. The bill was considered by a subcommittee of the Committee on Commerce, of which Senator BURTON, of Ohio, was chairman. All the provisions of the House bill were stricken out and the amendment now pending substituted therefor. The Senate amendment embraces many of the provisions of the House bill without any change whatever. There are, however, some material changes; some of them, I think, improve the bill——

Mr. LEVY. Will the gentleman yield?

Mr. ALEXANDER. Let me explain the bill briefly, and then I will yield to the gentleman. I think some of the changes improve the bill, while in other respects we think the bill is not so good as when it passed the House. But coming into the House at so late an hour in the session, the Committee on the Merchant Marine and Fisheries thought it better to move to concur in the Senate amendment than to send the bill to conference, as the session is near its close and it would be impossible to consider it at length or in detail. In this view we are in accord not only with the members of the Committee on the Merchant Marine and Fisheries but with the members of the subcommittee of the Senate Committee on Commerce, which had the bill under consideration for a great length of time and gave it laborious and able consideration.

Mr. LEVY. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. LEVY. Has not the bill been entirely revised; is not this a new bill?

Mr. ALEXANDER. It is not.

Mr. LEVY. The best portion of it has been revised.

Mr. ALEXANDER. Three-quarters of it, I should say, is in the same language.

Mr. LEVY. I think that the Senate changed the whole aspect of the bill.

Mr. ALEXANDER. Not all all. As I say, the Senate amendment does modify the bill to some extent. Mr. Speaker, I do not care to discuss this bill at length when there is much important business pending. I promised to yield to the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Massachusetts, my esteemed colleague on the committee [Mr. GREENE]. I now yield to the gentleman from Massachusetts [Mr. GREENE] five minutes.

Mr. GREENE of Massachusetts. Mr. Speaker, for a number of years there has been an attempt before the Committee on the Merchant Marine and Fisheries, of which I have been a member during my entire service in this House, to amend the laws in relation to seamen. It has been utterly impossible in the various years that have passed in the consideration of a bill of this character to prepare one that would meet the approval of the seamen and also of the vessel owners. We have devoted a great deal of time to it in years past, and yet after all no agreement has ever been reached until during the last session of this Congress.

I am not so familiar with the amendments that have been put upon it by the Senate as to be able to take it up and explain it in detail, but my colleague, Mr. HUMPHREY of Washington, informs me that he has given considerable attention to the bill, and while it does not in every feature meet his approval and has not met the approval of a number of his constituents, yet he believes the bill has been improved by the action of the Senate and that it is a better bill than it was when it went from the House.

There are many good features in the bill, and these features give better protection to the seamen in every way, and also provide for better care for the passengers than the existing law. It will increase the expense of management. There is no question about that, because it increases the number of seamen that will be employed. It will add to the cost of maintaining the vessels, and I presume that those who use the vessels will have to contribute toward the payment which will be necessary to compensate the owners of vessels for whatever improvements they may be compelled to make. That is something that will not concern me or many Members of the House personally.

I believe in looking over the bill, as briefly as I have had opportunity to do, that it is in the main an improvement over the existing law. It certainly is an improvement in behalf of the seamen themselves.

Many vessel owners have thought it was not necessary to make the many changes called for by this bill. I believe it would be utterly impossible to prepare a bill that would satisfy every vessel owner in all its features and at the same time meet the approval of the seamen. If there is any benefit to come to any body of men, particularly in this bill, it is the benefit which the men will receive who bear the hardships incident to the dangers of service upon the sea. Their burdens will be lightened somewhat by the employment of additional men, and I am not sure but that in some respects it is absolutely necessary to provide the additional equipment for the safety and care of the passengers and the proper maintenance and better protection of the vessel. Considering this bill from the broadest standpoint, I believe this House ought to accept it as it comes to us from the Senate, and therefore I shall vote for the bill. [Applause.]

Mr. ALEXANDER. I yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, no one would do more to aid the seamen than myself. My father followed the sea all his life, and no one appreciates more than I do the valor and hardships of those who go down to the sea in ships. I believe the Democratic Party has always believed in building up our merchant marine. If this bill passes, I believe it will injure to a great extent our merchant marine. The cost of running steamships in some cases is nearly 97 per cent.

I have been unable to go over entirely this proposition which comes in at this late hour, because I could not obtain a copy of the Senate amendment. The bill as it comes from the Senate is almost entirely changed to a new bill. It is very unjust to the merchant marine, to the mercantile interests. The maritime exchanges are all opposed to it. I believe it is very unfair to a great extent to the sailors, although to some extent it gives benefits to the sailors at the expense of the owners.

It would injure to a great extent the merchant marine of the United States. We ought to do more to build up the merchant marine of the United States. As I, in many instances, have stated before, the cost in many cases is very high. Sailors receive $50 a month, and 50 cents an hour overtime when they work more than eight hours a day. This is equal to $90 a month. If we go into this proposition, instead of building up our merchant marine we will virtually aid to harm it.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. LEVY. Yes.

Mr. RAKER. Is it not a fact that all of the seamen on the Pacific coast are in favor of this bill and have been urging it for years?

Mr. LEVY. I never so understood. I have understood that there was only one agent who claimed to represent all our sailors in Washington.

Mr. RAKER. Mr. Furuseth has been here for four years urging this bill on behalf of the seamen of the West.

Mr. LEVY. The shipping interest of the Atlantic and Pacific coasts is opposed to it for the reason that it will injure our commerce. I wish to see our flag float in every port. [Applause.]

Those of us who have traveled into foreign countries know that we seldom see Old Glory floating to the breeze. It is a rare sight, and it is a splendid emotion that every American feels when the Star Spangled Banner meets his eye.

I want to have our flag float on every sea, as it did in other days, and because I believe this bill restricts our opportunities I am opposed to it. [Applause.]

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, while this is not an appropriation bill which comes back from the Senate with a rider that is offensive, it is a bill which originated in the House, which comes back with a substitute which takes the place of the original bill, and gives the House no opportunity to carefully consider the Senate propositions. The Senate substitute, however, as I have hurriedly read it, is an improvement on the original bill, which was highly objectionable to the shipping interests along the Atlantic seaboard. Granted that we all want to see a better condition of living for the sailors, those who go upon the ships, we ought also, and must always, bear in mind that the welfare of the employee upon shipboard depends very largely upon the ability of the shipowner or the shipmaster to transact business; and one of the real objections to this bill is that while it undertakes in a very radical way to care for the welfare of the seamen it shows very little regard for the employer or the owner of the ship. The two are interdependent. The real interest of the man employed upon the ship is in having the master of the ship or the owner of the ship successful in his business, and to a certain extent this bill curbs and discharges the man who engages in the shipping business.

One of the features that has been taken out of the original bill by the Senate substitute is that very drastic paragraph which was found on page 16 of the Alexander or Wilson bill providing that the collector of customs must, upon the affidavit of a single individual—some discharged employee, perhaps, or some dissatisfied seaman, or an agitator of some sort or other—actually hold up a trans-Atlantic steamer until, perchance, the man making the affidavit had been satisfied. As I understand the substitute, that feature has been eliminated.

But there are a series of matters that our friends on the other side may have to consider if this bill passes. The very last paragraph raises a controversy as to international law, for it proposes to withdraw those treaties with foreign nations that have to do with the arrest or imprisonment of sailors, both foreign and domestic.

I will not attempt in five minutes to go into details of this measure. Every line of it is serious to the business interests along every coast of this country; but I do want to say with regard to the great Committee on the Merchant Marine and Fisheries that during the pendency of this Congress it has undertaken many radical steps which will affect for good or ill the navigation interests of the country. This day it made a step forward toward giving American registry to foreign-built ships. If the Democratic Party proposes to give American registry to foreign builders, then there must be an accounting to those who invest their capital in ships and those who draw their wages from the American shipyards. If we are now to override the navigation laws of the country that protect American interests, then of course the responsibility will be upon those who pass this kind of legislation. The chairman of this committee has been very active in taking up and considering these important measures. He may be right, or——

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein memorials from the Philadelphia Maritime Exchange and from the Philadelphia Board of Trade, and an article from the Public Ledger, of Philadelphia, February 19, 1913.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The memorials and article referred to are as follows:

PHILADELPHIA BOARD OF TRADE,
Philadelphia.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial of the Philadelphia Board of Trade respectfully represents:

That an examination of the provisions of H. R. bill No. 23673, known as the "Wilson seamen's bill," proves it to be radical and vicious and if enacted as law will further cripple the American merchant marine in its already unequal competition with foreign tonnage sailing under more liberal laws;

That its provisions virtually serve as an abrogation of the treaties of the United States with 11 nations so far as bearing upon the arrest of deserting sailors;

That instead of relieving the American shipping of many of the disabilities now experienced the bill as drawn will add to the difficulties now existing in profitably operating ships under the American flag;

That the board favors the appointment of a commission charged with the duty of revising the present navigation laws, but deprecates such an attempted revision by means of special legislation as proposed by the measure under consideration;

That the board fully appreciates the necessity of amending the laws governing the American merchant marine, but does not find that the bill under criticism is calculated to encourage the building or owning of ships to be sailed under an American register: Therefore

Your memorialist, the Philadelphia Board of Trade, petitions your honorable bodies to withhold your approval from H. R. bill No. 23673 in its present form.

And your memorialist will ever pray.

[SEAL.] WM. M. COATES,
President Philadelphia Board of Trade.

Attest:

W. R. TUCKER, *Secretary.*

SEAMEN'S LEGISLATION.

THE PHILADELPHIA MARITIME EXCHANGE.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

At a meeting of the board of directors of the Philadelphia Maritime Exchange, held the 23d day of December, 1912, the following preamble and resolution was authorized:

"Whereas on August 3, 1912, during the second session of the Sixty-second Congress, a bill (H. R. 23673) commonly known as the Wilson or seamen's bill passed the House of Representatives and is now being considered by the Senate Committee on Commerce; and

"Whereas the title of this bill, namely, 'An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen,' is misleading, and the effect of its enactment would be to benefit alien seamen rather than to foster the commerce of the United States; and

"Whereas the requirements of the bill having reference to wages and hours of service of seamen are hardly applicable alike to the varied types of vessels—on coal and oil burning steamers, on those engaged in carrying mail, passengers, perishable freight, etc., or on vessels making short runs with Sunday and night stops; and

"Whereas the bill makes it possible for any person to tie up a ship six hours before her scheduled sailing time in order that a muster of the crew shall be had to ascertain whether the master and owner have complied with every provision of the act, and thereby delaying the sailing of the vessel; and

"Whereas the bill requires that many steamers shall carry a greater number of seamen than are absolutely necessary for their operation; and

"Whereas the provisions of the bill will greatly increase the cost of operation, which increased cost must in the ordinary course of business be recovered from the general public in transportation rates: Therefore be it

"Resolved, That the Philadelphia Maritime Exchange respectfully and earnestly protests against the enactment into law of the bill in its present form, but would express the opinion that while the law should require all shipowners to provide fully for the safety of life and property at sea, that safety could probably be better secured by other means than under the arbitrary and unjust provisions of this bill: And be it further

"Resolved, That the Philadelphia Maritime Exchange respectfully petition that consideration be given by the Congress of the United States to the appointment of a commission to revise existing navigation laws and thereby bring about in a more thorough and satisfactory manner the ends desired than by the means of special legislation such as is proposed in the bill under consideration."

THE PHILADELPHIA MARITIME EXCHANGE,
[SEAL.] By J. W. V. HOLTEN, *President.*
Attest:

E. R. SHEARWOOD, *Secretary.*

[From the Public Ledger, Philadelphia, Feb. 19, 1913.]

MORE OPPOSITION TO THE SEAMEN'S BILL—TRADE ORGANIZATIONS, LIKE SHIPPERS, FEAR TRANSFER OF POWER TO LABOR UNIONS—EXCHANGE FRAMES PROTEST.

Boards of trade, chambers of commerce, and similar bodies throughout the country have united with the shipping interests in protesting against many of the clauses in the act now under consideration by the Committee on Commerce of the United States Senate, known as the Wilson seamen's union bill. A great portion of the bill is considered perfectly fair, and its passage would be unopposed by shipping men were it not for several sections which, they declare, would place such an unnecessary burden on the shoulders of shipowners and at the same time require such an increased charge to the public to be served as to practically destroy the commerce of the country.

In short, they assert that the passage of the bill by the Senate in the same form in which it passed the House of Representatives would transfer nearly all authority from the masters of vessels to the labor unions, while leaving the responsibility with the former, which they characterize as manifestly unfair.

The following report was recently made to the board of directors of the Philadelphia Maritime Exchange by its secretary, Edward R. Shearwood, and was immediately referred to the committee on commerce and navigation of that body, with instructions to forward a vigorous protest to Senator BURTON, of Ohio, chairman of the subcommittee of the Senate considering the bill, as well as the general Committee on Commerce, to which the bill is likely to be reported this week.

POINTS OF PROTEST.

It reads as follows:

"The bill as presented will require on many steamers twice the number of seamen necessary and as now required by the United States inspectors. Under its provisions it will be practically impossible for a shipowner to employ any member of his crew who is not a member of a labor union, and by its requirements the labor unions will have power to fix wages periodically at any figure their leaders may demand, irrespective of the value of services rendered.

"It may be assumed that the labor unions in advocating the passage of this bill have been acting more in their own selfish interests than with a desire to secure the safety of passengers at sea, and if the bill becomes a law these unions will be in a position to dictate to shipowners not only regarding wages but as to hours of labor and discipline on board the ship, thus practically taking from the master the control of his vessel and crew, now given him by law, without relieving him of any of his present responsibility, and thereby decreasing the protection of life and property at sea.

"The enactment of the bill in its present form will so greatly increase the expenses of the shipowner that he will be compelled to recoup from shippers and the general public in transportation rates sufficient to meet the increased cost of operating his vessel."

A USELESS PROVISION.

The features of the bill which, it is claimed by the shipping men, would work such disaster are, first, the "watch-and-watch" provision, which requires that on all merchant vessels of the United States "while at sea the sailors shall be divided into at least two and the firemen into at least three watches, which shall be kept on duty alternately for the performance of ordinary work incident to the sailing and management of the vessel."

It is declared that on vessels whose voyages include many ports of call this would require double the number of men to be carried as formerly, without adding anything whatever to the safety of life or property at sea, whereas under ordinary conditions this rule has always been the custom on deep-water ships. But the act gives the master no discretion in the matter.

PREMIUM ON DESERTION.

Second, the provision that every seaman shall be entitled to receive half of his wages due him at every port where a stop shall be made. This, it is said, is putting a premium on "shore sprees" and desertion, particularly as the bill also makes it compulsory that a master shall not sail from any port without a full crew, which must be hired at union wages.

Heretofore it has been understood that the bulk of a seaman's wages should be paid him on the completion of the round voyage for which he has signed, although there is no objection to the advance of a moderate sum during shore leave.

DEFINITION OF "ABLE SEAMAN."

Third, and perhaps this is the clause to which the greatest exception is taken, the provision that no passenger vessel shall be permitted to sail "unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher." The question at once arises, What is an able seaman? and this the bill defines as follows: "No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes."

It is pointed out that men may be far above this age limit and have been at sea for many more years than three and still not be an "able seaman," and, further, that, like the provision regarding watches, this would make it necessary that passenger vessels carry more seamen than are needed for the work of the ship.

The shipping men declare that they have no quarrel with a provision that there shall be among the entire crew of the vessel at least two men competent for lifeboat duty for every lifeboat required by the certificate of inspection, but it is claimed that among the crew of any passenger vessel as at present constituted there will be found more than sufficient men competent for such duty, such as the men in the engineer's and steward's department.

It is also asserted that the definition of "able seaman" is nothing more than saying that a seaman must be a member of a labor union, since all men must be hired from the unions, and must receive a fixed wage, no matter what his personal qualifications may be. It is pointed out that the Federal court of appeals has ruled against the time of service as a conclusive factor in determining the qualifications of pilots, and it is asked why this should not be as true of seamen as of pilots.

It is understood that the bill has been considerably modified in the subcommittee and that, if so reported by the general committee to the Senate, Senator LA FOLLETTE will take charge of it and endeavor to inject still more drastic provisions, perhaps sufficient to prevent its passage during the present session.

This is considered as a favorable situation for the labor unions, in view of the increased number of labor Congressmen embodied in the incoming Congress, which is expected to facilitate the passage of the bill in a form most favorable to the unions.

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I was appointed chairman of this Committee on the Merchant Marine and Fisheries in the Fifty-fourth Congress and continued in that service for two or three Congresses following. That committee took up with great care the examination of the questions between the seamen and the shippers or the masters of vessels. We found then under the laws a bad condition among the sailors; that they were often fed upon poor or half rations when they were at sea, and their rights were not properly respected by the people who employed them. We went into the question with great thoroughness and reported a bill to the House covering all points of difference

between the master and the seamen. That bill was thoroughly discussed in the House, and it finally passed substantially as it came from the committee. We went so far as to prescribe the ration that should be furnished, and a bill of fare that would well keep any American citizen on land or sea was one of the features of that bill. The bill went to the Senate and came back here with some of the good things which we had put there eliminated, but there was much of it left, and it was in a degree satisfactory to all the parties in interest, so satisfactory that it has hardly been amended up to this day, when the present chairman took hold of the matter of the defects which were still left. I commend him and the committee for the diligence with which they have studied this question. This question of interfering with treaties of other nations is a serious question, and one which I understand the Senate has taken into consideration, and they have made amendments to the bill which they believe will relieve that situation. I have not had an opportunity to study those amendments, but I believe that this bill is a right step in advance and will result in a benefit both to masters of vessels and to the seamen.

Mr. Speaker, I was assailed in the last campaign because I voted against the syndicate trust down in Florida which seeks to prey upon the commerce of the seas under the plea that they are necessary to pilot vessels into the harbors. I did try to regulate that. It will some time regulate itself. This question of a free ship as to pilotage is one that the States have taken hold of and gradually they are eliminating it, and they are breaking up the absurd system that where a sailing vessel employs a tug and the tug master is a pilot and knows the channel that still the captain shall employ one of these gentlemen to guide the pilot on the tug who belongs there. I was assailed for this and I had a certificate volunteered to me from the Sailors' Union that no man had made greater advance and done more to relieve the condition of the sailors who sail from the ports of the United States up to that date than I had. [Applause.]

Mr. ALEXANDER. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, whatever may be the differences between the two bills, the one passed by the House and the Senate amendment, there can be no question but that this bill marks a forward step in the progress of humanity and in attaining the object of man, and I hope the Senate amendment will be agreed to. Mr. Speaker, one gentleman who has been most prominent in connection with this bill, both in the committee and on the floor, is a Member of this House, who has been also prominent in other labor legislation which has been enacted by Congress for years, and I hope that we are saluting the next Secretary of Labor. [Applause.]

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the next Secretary of Labor. [Applause.]

The SPEAKER. The Secretary of Labor is recognized for five minutes.

Mr. WILSON of Pennsylvania. Mr. Speaker, the purposes of this bill are threefold. First, to promote the freedom of seamen; second, to secure safety of travel at sea; and, third, to equalize the cost of operation of American vessels with those of foreign vessels in order that we may be in a position to build up a merchant marine without resorting to subsidies. [Applause.] Those general ideas were carried through the bill as it passed the House. They have been retained in the bill as it passed the Senate. There have been some modifications of the bill, some changes in the methods by which it is proposed to reach these ends. Some of those changes in my judgment are improvements; other changes injure the purposes for which the bill has been presented. The principal changes are these: The Senate limits the operations of the bill to vessels of 300 tons or upward. The House bill made no such limitation. There were some features of it where the limitation to 100 tons was included.

It provides that it shall not apply, so far as the three-watch system for firemen and the watch-and-watch system for deck hands are concerned, to those vessels which have a voyage of less than 24 hours from port of starting to port of termination of the voyage, thereby making it possible to work those in the firerooms on short runs for more than eight hours, while the original House bill provided an eight-hour limitation for those in the fireroom.

In my judgment, that is an injury to the bill. The House bill provided that 75 per cent of all of the seamen should be able to understand the language of the officers—any orders that might be given to them. The Senate qualifies that by providing that where a sufficient number of interpreters are provided—and the Senate states that a sufficient number of interpreters is an interpreter for every lifeboat there is upon the vessel—it will not be necessary for the 75 per cent of the crew to understand the officers, that number of interpreters taking the place of the 75 per cent who understand the orders.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. ALEXANDER. Mr. Speaker, I yield to the gentleman five minutes additional.

Mr. WILSON of Pennsylvania. The House bill provided a standard of efficiency of three years' service at sea. The Senate bill retains that standard. The House required 40 per cent of the crew in the first year, and gradually increasing it 5 per cent each year, until 65 per cent of the crew should be men of that rating. The Senate strikes out that requirement of from 40 to 65 per cent, and in lieu thereof it requires that the wheelsmen and lookout men shall be men of this rating, and that there shall be at least two men who shall be practical lifeboat men for every lifeboat—a new term in sea parlance—who shall be of this rating. So that it reaches practically the same result by a different method. It provides two men for each lifeboat who have demonstrated by actual test that they are efficient in handling a boat.

Those are the principal differences in the Senate bill as compared with the House bill. I may add, however, that those men who are on the lookout and at the wheels in the House bill were only divided into watch-and-watch. In the Senate bill they are divided into three watches; or, in other words, in the House bill they might be required to work for 12 hours per day; in the Senate bill they are required to work 8 hours per day. And while there are some features in the changes that have been made by the Senate in this bill with which I do not agree, the general intent and purpose of the original bill is carried out, and it is a great advance upon existing law. And therefore, I hope, Mr. Speaker, that the bill will be agreed to.

Mr. ALEXANDER. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I do not propose to address myself to the bill before us, but to correct a misstatement upon this floor when a Member of this body, in speaking of the docks and piers of various cities along the Atlantic seaboard, made reference to the city of Baltimore, saying:

> I have heard testimony before my committee to the effect that no vessel not controlled or operated by the Pennsylvania Railroad has any place in the city of Baltimore where it could load or unload, because the Pennsylvania Railroad controlled the frontage and dockage, and therefore had possession of the trade and commerce coming from the high seas into that port. (CONGRESSIONAL RECORD, Jan. 27, 1913, p. 2142.)

This statement was made by the gentleman from Indiana [Mr. CULLOP], and I am making these few remarks for the purpose of calling the attention of the House to the fact that the gentleman must have gotten his information from some one who did not know the real conditions, but, as I am not informed as to when he received this information, I can not gather whether it related to the time prior to the great fire in Baltimore in the year 1904—when we had not as many public piers—or circumstances since that time. It is a fact that the city of Baltimore has dock space for all who may apply, and that dock space is subject to the control and is the property of Baltimore city. Baltimore has spent between $6,000,000 and $8,000,000 to prevent just such conditions, and is still spending a large sum of money in the construction of other piers and docks for the accommodation of the trade upon the Chesapeake Bay, its tributaries, and from the ocean. We have Piers 1, 2, and 3, which were leased for a term of years. Pier 4 is reserved for bay boats; Pier 5 is open to all boats, except a small portion at the south end thereof; and Pier 6 is entirely open to all commerce. Moreover, the city is now constructing at the foot of Broadway a combined commercial and recreation pier.

This will be one of the largest piers in the city, and the water there is sufficiently deep to accommodate the largest steamship that plies the ocean. The water at Piers 5 and 6 will accommodate boats drawing not over 27 feet of water, and this will accommodate all bay boats, those plying between southern ports and the city of Baltimore, and most ocean steamships.

There is no monopoly of pier space in Baltimore, and Baltimore does not propose to have any monopoly by railroads or any other corporation of its water front. It has spent and is spending millions to prevent just such conditions, and any and all companies, whether plying upon the waters of our country or coming from abroad, will find ample accommodations without submitting to any monopoly if they will but apply to the proper authorities of our city.

I am not informed as to the condition in other seaboard cities, but I am informed as to those of my city, and I can say to the House and to the people of the country that Baltimore's port is open and ready for the receipt of commerce from every sec-

tion. We are not only building for the present, but we are building for the future; and when the immense trade which we all hope will come from the opening of the Panama Canal, Baltimore's gates will be found wide open to take care of the trade that comes her way.

I am not making these remarks to criticize in any manner those of the gentleman from Indiana, but merely for the purpose of placing Baltimore city and its port facilities in the proper light before the people.

I ask leave to insert in the RECORD, and to follow my remarks, a letter from His Honor James H. Preston, mayor of Baltimore city, dated February 1, 1913, and also an article from the Baltimore News, dated January 27, 1913, by Oscar F. Lackey, Esq., the harbor engineer of Baltimore.

The matter referred to is as follows:

MAYOR'S OFFICE,
Baltimore, Md., February 1, 1913.

Hon. J. CHARLES LINTHICUM,
House of Representatives, Washington, D. C.

MY DEAR MR. LINTHICUM: I beg to call your attention to the statement of Representative CULLOP, of Indiana, in the CONGRESSIONAL RECORD.

I think our terminal facilities, piers, etc., in Baltimore, have been exceptionally well planned and built along progressive lines for the future growth and development of the city and for the future use of the shipping demands of the port. We have spent within the past few years, and are spending, $6,000,000 in our port facilities.

In a recent case before the Interstate Commerce Commission, the dock commissioner of New York testified that New York had no advantage over Baltimore in regard to the excellence of its harbors.

I think attention ought to be called to the fact that there are no port charges at all in Baltimore, as against a one dollar a ton charge in New York, and proportionate amounts in other great cities of the Atlantic seaboard. This total freedom from port charges, together with our enormous dock system already built—and now in course of construction—all ought to be called to the attention of the country in some way.

The terminal facilities in Baltimore are free from railroad companies' control; we have parts of two vacant piers unoccupied; we have overbuilt the city so far as pier space is concerned. This pier space is for rent, and is not under the control of any railroad or other corporation, but they are in every sense municipal piers. In addition to this we are building a tremendous pier at the foot of Broadway, to accommodate the biggest of the ocean liners that can come to Baltimore; we are also dredging for a pier on the south side of the harbor. Mr. CULLOP was not informed on the subject when he intimated that the terminals in Baltimore were controlled by the railroads. We have a great many railroads and good railroad terminals, and would like to have more, but the present terminals are not exclusively for the railroad companies, and can not be used in restraint of trade.

In addition to this, some consideration ought to be given by the Federal Government to the fact that Baltimore maintains two ice boats, and with these boats keeps the Patapsco River and the Chesapeake Bay open to navigation; and particularly last winter it cost a great deal of money to do this—in injury to the boats and in the cost of maintaining the boats through the winter. In addition to the above, Baltimore dredges its own channel within the harbor without any assistance from the Federal Government.

I wrote the Eastern Shore Steamship Development Co. January 31, in reply to a letter received by Harbor Engineer Lackey, as follows:

"Your letter of January 29 to Mr. O. F. Lackey, harbor engineer, has been shown to me, and I beg to say in reply thereto that you have been misinformed as to the facts mentioned in your letter.

"Neither the Pennsylvania, the Baltimore & Ohio Railroads, nor anyone else has any control of the docks of the city of Baltimore except the mayor and city council.

"We have four times as much unoccupied space as you will probably require for your steamship company directly at Pratt Street, the most central location in Baltimore; and to show you that your statement is untrue I will guarantee to obtain for you at the rate paid by other people for the same space any of this unoccupied space that you might require within one month after we have your written application therefor. We have nothing to do with your traffic arrangements with the Pennsylvania or Baltimore & Ohio Railroads, but we can and will assure you that you can get pier space here if you are in earnest, whether they consent or not."

I think the above letter covers the case pretty thoroughly.

Yours, very truly,

JAMES H. PRESTON, *Mayor.*

[From the Baltimore News, Jan. 28, 1913.]

DENIES RAILROADS' MONOPOLY OF PIERS—HARBOR ENGINEER TO REFUTE STATEMENTS MADE IN CONGRESS COMMITTEE—MONEY TO DREDGE HARBOR AT STAKE—TO CUT OFF APPROPRIATION WOULD BE SERIOUS BLOW TO CITY'S COMMERCE.

Aroused by the charge made before the Rivers and Harbors Committee of Congress that the Pennsylvania Railroad dominates the pier space at Baltimore to such an extent that none other than railroad-owned vessels could find here a landing place at which to discharge their cargoes, Harbor Engineer Oscar F. Lackey to-day announced his purpose of laying the real facts before Mayor Preston, with a request that he ask for a meeting of the Maryland Representatives in Congress so that the charges could be formally and officially denied.

Not only did Mr. Lackey brand the assertion as untrue, but he stated that Baltimore had spent between $6,000,000 and $8,000,000 to prevent such a condition. The charge was made at a hearing before the congressional committee which is considering appropriations for widening and deepening the harbor, the claim being made that no advances should be made by the National Government, as corporations had gobbled up the available space, shutting out competition, and that railroads should be made to finance harbor and waterways improvements. Such action on the part of Congress would be regarded as a death blow to the commerce at all Atlantic ports where dredging is absolutely necessary if the big ocean liners are to effect an entrance.

PIER SPACE OPEN.

Mr. Lackey summarized the conditions at the port of Baltimore from a municipal standpoint as follows:

Piers 1, 2, and 3: Leased for 50 years.
Pier 4: Reserved for bay boats.
Pier 5: Open to all boats except a small portion at the south end.
Pier 6: All open.

Moreover, the city is now at work building another pier near the foot of Broadway, referred to as Recreation Pier, but which Mr. Lackey says is a misnomer, as it really should be called Commercial Pier, as it stands on the site of a wharf that bore that name. This pier will also be open.

It happens that the entrance to Piers 5 and 6 is by means of a waterway that can float a steamer drawing no more than 27 feet of water. This is sufficient for all bay vessels and coastwise steamers, and most, if not all, transient ocean steamers can dock at it. The regular ocean liners can not, as they require about 32 feet of water in which to dock. The new commercial pier will afford this facility, so that any and all vessels can pull up beside it. When it has been completed no steamer need turn away from Baltimore for lack of accommodations.

STATEMENT UNFAIR.

"As far as Baltimore is concerned," declared Engineer Lackey, "the statement made before the committee relative to the monopolization of pier space is entirely untrue. The injustice of it must impress the people of the city all the more from the fact that they have spent from $6,000,000 to $8,000,000 to prevent the very condition that is now erroneously alleged to exist. I am preparing a statement of facts for the mayor, which I shall submit to him with a request that he lay them before the State's Representatives in Congress, so that they may be in a position to refute such charges in the future.

"As Piers 1, 2, and 3 were completed they were rented for 50 years. This was a mistake. It may be recalled, however, that the debt for this improvement was contracted at the period of the great fire, when everyone was almost in a panic lest the venture would add further to the burdens of the city and the taxpayers. As a result of this condition the board of estimates, facing this proposition as a new thing, seized upon the long-term rental project as the way out of any possible loss to the people of Baltimore. Now the situation is better understood.

"Notwithstanding this mistake the city has absolutely in its control the bay Pier No. 4 and Piers 5 and 6, except a small portion at one end of Pier 5, which is open to any steamer coming to Baltimore. Unfortunately the depth of water approaching 5 and 6 is not sufficient for ocean liners, but the new pier at Commercial Wharf will provide the necessary depth of water.

SAN FRANCISCO SYSTEM.

"San Francisco has a scheme of rentals that I regard as an admirable one, and it has been found to work well in practice. The plan there is to rent the piers as we do here, giving the renter only the preferential right to the pier space. Hence if the pier is not filled with freight and the dock space occupied by a steamer of the company having the first claim, any other vessel can be docked at the pier. Charges against the company other than the one having the preference are imposed by the city. This money is turned over to the company having the first preference. The whole matter is controlled by a city official.

"However, the criticism is unfair as far as Baltimore is concerned, and I believe it is also unfair as far as it pertains to Boston and Philadelphia, although there may be an element of truth in it as far as New York is concerned. That, however, is the business of those cities. I intend to refute the statement with facts as far as it applies to this port."

Mr. HUMPHREY of Washington. Mr. Speaker, the seamen's bill comes again before the House in the form of a Senate amendment. This amendment is really a substitute for the bill the House passed. For many years legislation of this character has been urged. I have always opposed this legislation in the form of the House bill. In doing so I felt that I was doing a service for my country. I was fighting to keep the American flag on the ocean. I was fighting to keep the commerce on the Pacific from being entirely controlled by Japanese vessels. I was fighting to keep the cities of the Pacific coast of this country from being injured and their commerce destroyed for the benefit of the cities of British Columbia. I believed that the House bill would greatly injure the shipping and the commerce of this country without in the least bettering the condition of the American seaman. I have never opposed any legislation that, in my judgment, would in the least degree benefit the American sailor. There are some provisions in this bill that will benefit him, in regard to the payment of wages, manning, and crew space. There is no part of this bill but what is an improvement of the present law so far as concerns seamen; for this reason I shall not oppose the bill, although I think it is open to most serious objections in some of its provisions.

It provides for the abrogation of many of our commercial treaties. I do not think this should be done without an attempt to get an agreement with other countries. I believe that such action on our part will lead to most serious commercial complications. I can not believe that there is any such emergency as will justify such action on our part. We should take this matter up through diplomatic channels first. But as this legislation has been long urged, and as this is the closing hours of the session, I shall not seek to prevent its passage, trusting that we may succeed in getting other nations to join with us in abolishing punishment by imprisonment for desertion. I have always been in favor of this proposition, and am now, notwithstanding that it will be not for the benefit of the American sailor, but for the benefit of those who have not sufficient regard for this country to become citizens.

The SPEAKER. The question is on agreeing to the Senate amendment.

The amendment was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

CONDEMNED CANNON.

The SPEAKER laid before the House the bill S. 8273, an act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, with Senate amendments.

Senate amendment No. 1 was read, as follows:

Resolved, That the Senate agree to the amendment of the House of Representatives No. 1 to the bill "authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls," with the following amendment: After line 3, page 1, of said amendment, insert:

"To the city of Berlin, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, and a suitable outfit of cannon balls."

The SPEAKER. The question is on agreeing to the Senate amendment.

The amendment was agreed to.

Mr. HAY. Mr. Speaker, I move to recede from the House amendments Nos. 2, 3, 7, 30, and 32 to the Senate bill, and agree to the balance of said amendments.

Mr. MANN. Mr. Speaker, I could not understand what that was.

Mr. HAY. The Senate struck out five items, because it turned out that those items had already been provided for in a bill which was passed at the first session.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves to recede from those amendments. The question is on agreeing to that motion.

The motion was agreed to.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I wish to move a recess for 15 minutes, and ask Members of the House to remain in the Chamber, as some of our friends on the other side of the House desire to do honor to their worthy and distinguished leader. [Applause.]

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to take a recess for 15 minutes.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p. m.) the House stood in recess until 10.50 p. m.

During the recess the following proceedings occurred:

Mr. CANNON. I move that Representative UNDERWOOD preside over this meeting.

Mr. CARLIN. Unless there is objection, it is so ordered.

Mr. CANNON. Without objection, it is agreed to. [Applause.]

There was no objection.

Mr. UNDERWOOD assumed the chair and was greeted with general applause.

The CHAIRMAN. The Committee of the Whole House will come to order.

Mr. CANNON. Mr. Chairman, the closing hours of the Sixty-second Congress are upon us. During the almost continuous session of this Congress we have had many sharp contests, sharp attacks on the part of the majority upon the alleged former record of the gentlemen who represent the minority, and under the leadership of the Republican minority leader we have defended, attacked, and flanked, to the best of our ability, the majority; and I want to say that all of us, according to our convictions and our party alliances, have done our duty in the Congress as we have seen our duty under our responsibility to our constituents. [Applause.] And after 16 years of power by the Republican Party, a constitutional majority having given our Democratic friends full power—President after to-morrow noon, House, Senate [applause]—with that full power comes full responsibility.

Our minority leader has met the approval of the minority, and, in all matters save partisan matters, I believe he has met the approval of the majority. [Applause on the Democratic side.]

Speaking with almost 40 years of service in the National House of Representatives, I think I can say, and truly say, that in all that time, during more than a generation, no man has served in this House, upon either side, who by his industry, by his intelligence, by his courage, all the while upon the firing line, has been as competent a legislator as the minority leader of the House. [Applause.]

The world respects in an opponent fidelity to principle, whether it agrees with the opponent or not. So in this House and in the country there is not only respect for his industry and intelligence, but respect for his courage as well. It takes many different attributes to make an efficient legislator—intelligence to know what to do, discretion as to when to do it, courage to follow his convictions. These attributes are prime factors, especially for a man who is a leader upon the majority or the minority side of the House. Possessing as he does the confidence of the Republican minority we have felt that at this time, at the close of this session, we would ask the majority to unite with us in pausing a sufficient length of time to enable us to testify our appreciation of our minority leader; and it gives me great pleasure, Representative MANN, to hand you a timepiece, a stop watch [laughter and applause]—when you touch the spring—and it is sometimes necessary to stop. It is also a watch that strikes the seconds and the minutes and the hours when you touch a spring, and it is important to touch it when it is time to stop. But this watch, when you touch the spring again, will tell you when to start. [Laughter and applause.]

And in conclusion I give you, in the presence of the majority and the minority this testimonial to your efficiency as a party leader, to your ability as a legislator. And while at times you have received criticism of individuals upon each side of the House, perchance at times as being captious, yet I notice that during this Congress, when you come to the details of legislation, you have been not only a leader of the minority, but have in all matters not partisan given suggestion, upon application, to Members of the majority. [Prolonged applause.]

Mr. MANN. Mr. Chairman, I make no point of order, and I do not reserve the right to object. [Laughter.] I had almost come to believe that few things could be presented to the House for consideration without my at least having a presentiment of what was coming. I am both surprised, pleased, and touched. For many years I have been able to carry a dollar watch, and now during the remainder of my life my proudest personal possession will be this watch which has been so graciously presented to me.

I am not entirely devoid of knowledge of my many shortcomings, and hence I appreciate more than others this kindness on the part of my friends in the House.

Mr. Chairman, I have endeavored to be a faithful leader of the minority and a faithful and industrious Member of the House. I hope that now and in the future I, with others, will be able to place country above party, and the blessings for all above partisan advantage to some. [Applause.]

As I have progressed along in the House there has been no one thing which has come to me more clearly than the knowledge that while we meet on opposite sides of the main aisle, representing different parties and different principles of economy, and, in part, of government, there remains in this House, as elsewhere, as the saving grace of our Republic and our civilization the possibility and the practicability of remaining friends while we fight over principles. [Applause.]

The chairman who presides on this occasion, the leader of the majority [Mr. UNDERWOOD] is a man whom we are all proud of [applause] and for whom we all entertain a warm affection; and the friendships on the two sides of the aisle, heart touching heart and hand clasping hand will retain for the American Republic the power to settle disputes at the ballot and by reason, and never again by force.

I extend my warmest appreciation to the friends who have been so kind to me, hoping that I may be able in a weak way to make up for it to many of them—in some other way than by agreeing to pass their bills. [Laughter.]

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN (Mr. UNDERWOOD, of Alabama). The Chair recognizes the gentleman from Missouri [Mr. CLARK]. [Prolonged applause.]

Mr. CLARK of Missouri. Mr. Chairman, I think the most appropriate gift that was ever conferred upon any man, especially upon our distinguished friend, the Hon. JAMES R. MANN, is a stop watch. [Laughter and applause.] I wish to join in all the nice things that have been said about him. As the last session was closing I stated on the floor of the House that no majority in the history of the American Congress had ever been more ably led than the Democratic majority in this House by the gentleman now presiding [Mr. UNDERWOOD]. [Applause.]

I also stated that no minority in the history of the Government had ever been more splendidly led than the Republican minority in this House by the distinguished gentleman from Illinois [Mr. MANN]. [Applause.] I repeat those statements here to-night, as the Congress is nearing its end.

The gentleman from Illinois [Mr. MANN] is a great puzzle to me. I spend a good deal of time sitting up in the Speaker's chair, when Members are making speeches, in studying the talents, the capacity, the skill, the idiosyncrasies of various Members, and it is a delightful study. "The proper study of mankind is man." I say without any qualification whatever

that Brother MANN is the most industrious, indefatigable human being that I ever clapped my eyes on. [Applause.] How he learns all he knows about these bills is an impenetrable mystery to me, and I do not believe that any being in the universe, except Brother MANN, his secretary, and God Almighty Himself, know. [Laughter and applause.]

I need not say that I have great personal affection for the gentleman from Illinois, and great admiration for him. Everybody knows that.

The Speaker has important functions to perform, the majority leader has, and the minority leader has. In fact, all of us have, if we would attend to them. [Laughter.] But the Speaker, the majority leader, and the minority leader are not the whole show, neither are all the Members put together. There are certain employees of this House who are as indispensable to its proceedings as the Speaker, the majority leader, or the minority leader. And they do not get into the limelight much, as the rest of us do when we try right hard.

Among these employees, invaluable not only to the Speaker but to the membership of the House, is the Speaker's parliamentary clerk. [Applause.] I recently stated in a magazine article that if the Hon. ASHER C. HINDS, who discharged the duties of that place with such distinguished success and ability under three Speakers, had not been elected to Congress I would have unhesitatingly reappointed him to that place, notwithstanding he is a staunch Republican. [Applause.] The truth is, when I got to looking around for a parliamentary clerk, for some Democrat somewhere who had had something to do with the rules of this House, it was extremely difficult to find one.

When I first came to Congress the present parliamentary clerk was parliamentary clerk for his father, one of my distinguished predecessors, the Hon. Charles Frederick Crisp. [Applause.] I had not seen Charlie Crisp for 20 years, but I inquired how he had developed mentally, about his character and about his habits, and I found that he was all right in every regard, and I appointed him to the place, taking him greatly by surprise, and the universal testimony of the Members of this House is that he has discharged the difficult, multifarious, and delicate duties of that position with great success and unfailing courtesy. [Applause.]

The world at large knows him as Judge Charles R. Crisp, but every Member of this body knows him as Charlie Crisp. [Applause.] When Gen. Lee heard that Stonewall Jackson was dead he said, "I have lost my right arm"; and I feel a good deal that way, knowing that Judge Crisp becomes a Congressman to-morrow.

It is a suggestive thing that ASHER C. HINDS graduated from that position into the membership of this House, and Charlie Crisp has done the same thing. [Applause.]

Now, on behalf of the Members, without respect to politics, and in their name, I present to him these magnificent silver articles. [Applause.] May their brightness ever keep us bright in his memory, and may his success in life be as durable and brilliant as the metal of which they are made. [Great applause.]

Mr. CRISP. Mr. Chairman and gentlemen of the House of Representatives, my honored and esteemed friends, it rarely happens that at times one is met with an unlooked-for and unexpected kindness that so completely fills the soul with love and gratitude that he can not find words to express his feelings. That is my condition to-night.

When I accepted the position of parliamentarian under the Speaker I realized that I had been away from Washington a great many years, and I knew my weaknesses. I entered into the discharge of the duties with fear and trembling, but the membership of this House was universally kind to me, and I have often said that some of the very best friends I had in this House were on the Republican side. [Applause.]

I have done my best, gentlemen. [Applause.] I have made mistakes, but they were honest ones, and I was looking forward to the time to come when I could lay down the onerous and exacting duties of the position; but since you have so generously treated me, when I behold this beautiful present, evidencing your friendship and esteem, I shall have nothing but the happiest recollections of my service as parliamentarian during this Congress.

I believe, gentlemen, in a Divine Creator, and that when life's short career here is ended there is a life beyond, and I believe that all loved ones know things that transpire here. [Applause.] I have a beloved mother and an idolized father on the other shore, and that father spent many years in this Hall. I know if it is possible for those in the other world to know what is transpiring here, your generous act has given pleasure in heaven as well as in this world. [Applause.]

I have never had an heirloom, but I have now a beautiful and priceless one, that shall be cherished as long as memory lasts. Gentlemen, I thank you. [Applause.]

AFTER THE RECESS.

The recess having expired, at 10.50 o'clock p. m. the House resumed its session.

The SPEAKER. The Chair wishes to make two announcements. One is that everybody not entitled to the floor must leave the Hall, and the second one is to request Members to remain in their places until we get through with the business of the House to-night. It is necessary to have a quorum here, and the Speaker now recognizes the gentleman from New Jersey [Mr. TOWNSEND].

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the proceedings just had during the recess be printed in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the proceedings had during the recess be printed in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 25781. An act to amend section 77 of an act entitled "An act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911."

CHARLES DUDLEY DALY.

Mr. PETERS. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (S. 7747) for the relief of Charles Dudley Daly, and pass the same.

The SPEAKER. The gentleman from Massachusetts moves to suspend the rules, take from the Speaker's table the bill S. 7747, and pass the same. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles Dudley Daly to the grade of first lieutenant of Field Artillery, United States Army, to take rank on the list of first lieutenants of Field Artillery next after the name of Charles P. Hollingsworth, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

The SPEAKER. Is a second demanded?

Mr. FOSTER. Mr. Speaker, I demand a second.

Mr. PETERS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. PETERS. Mr. Speaker, the bill which I have just moved to take from the Speaker's table is to reinstate in the Army Charles Dudley Daly. A similar bill is on the House Calendar, and which has been favorably reported by the House Committee on Military Affairs after a hearing. The bill which is now before us was reported favorably in the Senate and has passed that body. It is now on the Speaker's table awaiting action by this body. Mr. Daly is a graduate of Harvard College. He entered West Point and graduated with a very excellent position in his class. He then entered the Army, and after serving a short time, because of family and private reasons that were imperative, resigned. He has now been six years out of the Army, and this bill seeks to reinstate him, not in the position which he would have occupied had he not resigned but at the foot of the list of first lieutenants, which involves a loss to him in position of about 1,000 numbers. Mr. Daly, since he left the Army, has made a most creditable record. First in business, and then as fire commissioner of the city of Boston he showed high efficiency and the best attributes of firmness and character. He was educated, as I say, at the Military Academy at West Point, and is excellently qualified to render to our country the best of service as an officer. We need educated graduates of West Point in the Army. Here is one so anxious to return that he accepts a position at the foot of the list of first lieutenants, many years in promotion behind the men with whom he was serving at the time that he resigned. His continued service is deemed for the benefit of the military establishment of the country by all of the men who have heard the evidence before the committees, both of the Senate and the House.

Mr. SAMUEL W. SMITH. When did he graduate?

Mr. PETERS. In 1905. Mr. Speaker, I reserve the balance of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McClintock, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H. R. 25781, an act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

LIEN FOR DELINQUENT TAXES.

Mr. STERLING. Mr. Speaker, I call up the conference report on the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States. I will state that there is no statement of the managers and will ask that the report be read.

The SPEAKER. The gentleman from Illinois calls up a conference report, which the Clerk will read.

The Clerk read the conference report as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows: After the word "situated," at the end of the bill as it was passed by the Senate, add the following proviso: "*Provided further*, That whenever any State, by appropriate legislation, authorizes the filing of such notice in the office of the registrar or recorder of deeds of the counties of that State, or in the State of Louisiana in the parishes thereof, then such lien shall not be valid in that State as against any mortgager, purchaser, or judgment creditor until such notice shall be filed in the office of the registrar or recorder of deeds of the county or counties, or parish or parishes in the State of Louisiana, within which the property subject to the lien is situated."

H. D. CLAYTON,
W. W. RUCKER,
JOHN A. STERLING,
Managers on the part of the House.

FRANK B. BRANDEGEE,
ELIHU ROOT,
T. H. PAYNTER,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I submit a conference report on the naval appropriation bill (H. R. 28812, H. Rept. 1618), together with a statement of the managers, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee submits a conference report on the naval appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would ask the gentleman from Tennessee if this is a complete or a partial report?

Mr. PADGETT. It is a complete report on everything except the battleships and the amendments incident thereto.

The SPEAKER. Is there objection to reading the statement in lieu of the report?

There was no objection.

The Clerk read the conference report and statement at length.

[For conference report, see Senate proceedings of March 3, 1913.]

Mr. PADGETT. Mr. Speaker, I move that the House agree to the conference report, and on that I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOBSON. Mr. Speaker, I move that the House——

The SPEAKER. The gentleman from Tennessee.

Mr. PADGETT. Mr. Speaker, the gentleman is going to move——

Mr. HOBSON. I was prepared to move that the House accept the Senate amendment for two battleships instead of one.

Mr. FOSS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise

Mr. FOSS. Mr. Speaker, I desire to be recognized to make the motion to concur in the Senate amendments which are in disagreement.

Mr. PADGETT. Senate amendment numbered 46?

Mr. HOBSON. Mr. Speaker, that is the motion which I have just made.

The SPEAKER. The practice is, the Chair will state to the gentleman, to recognize the leader on the minority of the committee.

Mr. TALBOTT of Maryland. But, Mr. Speaker, some Members of the committee not of the minority are in favor of two battleships, and I am one.

The SPEAKER. The gentleman can vote for it when the time comes.

Mr. TALBOTT of Maryland. I am going to do so.

Mr. FOSS. Mr. Speaker, I move that the House recede from its disagreement to Senate amendments numbered 46, 47, 48, 49, 55, 56, and 57. These amendments relate to the subject of two battleships, and I move that the House recede from its disagreement to those amendments and concur in the same. Now, Mr. Speaker, I desire to know how much time I have.

Mr. MANN. Mr. Speaker, would not my colleague make a motion to concur in one amendment? It will have to be divided, anyhow, and that will make a test vote.

Mr. FOSS. The amendments I have enumerated relate to two battleships entirely and they should be all voted upon, in my judgment, at once.

Mr. MANN. They will have to be voted upon separately anyhow, because I shall demand a division of the question. Now the test vote is on one or two battleships; the other, whichever it is, follows that.

Mr. FOSS. If the gentleman is going to demand a division, then for the sake of economizing as to time I will make my motion to recede from the disagreement and concur in Senate amendments Nos. 46 and 48.

Mr. GARNER. Amendment No. 46 is enough.

Mr. FOSS. Well, 46.

The SPEAKER. The gentleman from Illinois [Mr. Foss] moves that the House recede from its disagreement to Senate amendment No. 46 and concur therein.

Mr. PADGETT. Mr. Speaker, I desire to reserve my time with this limitation, that I think one hour's debate upon this will be sufficient, and I yield 30 minutes to the gentleman from Illinois [Mr. Foss].

Mr. MANN. Can not we get an agreement to that effect?

Mr. PADGETT. I will say to the gentleman I hardly think we will use that time.

Mr. GARNER. Twenty minutes on a side is enough; everybody understands the question.

Mr. PADGETT. Will the gentleman agree, then, to 10 minutes on a side?

Mr. FOSS. Oh, no. [Cries of "Vote!"] Yield me 30 minutes.

Mr. PADGETT. Mr. Speaker, the House seems ready to vote; let us vote on it.

Mr. FOSS. I think the gentleman ought to yield me 15 minutes anyhow.

Mr. PADGETT. Well, I will yield the gentleman 15 minutes.

RETURN OF A BILL TO THE SENATE.

Mr. MANN. Mr. Speaker, I ask the Speaker to lay the request before the House which has just come from the Senate.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 25781) an act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes.

NAVAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. Foss] is recognized for 15 minutes.

Mr. FOSS. Mr. Speaker, when the House passed this bill it provided for one battleship. The vote upon the question as between one and two battleships was very close. It stood 174 to

156. In other words, by a bare majority of 18 we placed in the bill an authorization for one battleship. Then the bill went over to the Senate and the Senate amended it by increasing the number of battleships to two, and that is the Senate amendment which appears here in the bill and in which the House is asked to concur. I may say to the Members of the House that the vote in the Senate was a very decisive one, being 56 to 16—more than 3 to 1—a majority of 40, and the Senate is very insistent upon the authorization of two battleships. While I do not wish to state that this bill will fail unless we get two battleships, yet I wish to state to the House frankly and in all candor that the Senate is very insistent upon this proposition.

It seems to me, Mr. Speaker, that we ought to continue the policy of building up the Navy as we have done in the past. Until this Congress came into session, for a number of years we authorized two battleships a year, and, reaching back over the number of years during which I have served in this House—about eighteen—we have authorized on the average nearly two battleships a year—31 battleships, if I remember rightly, during the last 16 years. If we concur in this amendment, we will only continue the policy which has been adopted and approved in this country, of two ships a year. To my mind, the authorization of one ship is a backward step in the maintenance of a strong and adequate naval policy for our country. I believe that the American people will approve of the continuance of this policy of two battleships a year. [Applause.]

Our interests on this hemisphere and on the other are great, and it ill becomes our country at this time to go back upon its naval policy. The Democratic Party in its platform declared in favor of an adequate Navy, and yet when this measure was up before the House 46 Members, and all of them on that side of the aisle, voted against any battleships whatever.

Is that in line with the policy in your platform adopted in the last national convention? And upon the vote for only one battleship there were 174 Members—all of them, in fact, except a comparatively few Members from this side—who voted for simply one ship. Now you have an opportunity, backed up by the insistence of the other body, a coordinate body of this Congress, to vote upon this proposition anew, and I trust that we will concur in the Senate amendments.

Now, Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has used five minutes.

Mr. FOSS. I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

The SPEAKER. The gentleman from Nebraska [Mr. SLOAN] is recognized for five minutes.

Mr. SLOAN. Mr. Speaker, at this late hour I should not have trespassed upon the time of this House to favor two battleships if, in the various debates concerning this question, the reason for my vote had been given. The controlling consideration of whether we should have two battleships or one is not dollars and cents. It is a question of whether or not the ruling power of this country, or that which will be the ruling power of this Government to-morrow, shall live up to the responsibility it has assumed. I, in common with perhaps every man on the floor of this House, would be pleased to see the necessity for battleships absolutely removed. The hammers and forges of the world, busy in the construction of battleships, know no sunrise, sunset, or midnight. It is a sound of preparation in every quarter of the globe. It was thought that America would and could take the lead in disarmament. The President of the United States, whose term expires to-morrow, negotiated treaties with the great powers of the earth looking toward this precise end; that is, the removal of the necessity for the construction of battleships. The treaty-ratifying power is at the other end of this Capitol Building, and as that body was constituted during the last year neither party was in control, because it took two-thirds to adopt or ratify a treaty.

Those treaties, which if put into effect by the Senate of the United States would have given the other side of this House an excuse for opposing the construction of battleships, were emasculated and their effectiveness absolutely averted and destroyed, and the other high contracting powers would not agree to the emasculated agreement. These amendments were not made by the votes of those who supported the President of the United States, but by the votes of the side of the House which upon to-morrow will assume control of the affairs of this Government.

Two important amendments were used for the purpose of defeating those treaties. One was known as the Bacon amendment. The amendment is as follows:

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligations of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

For the Bacon amendment 7 Republicans voted and 39 Democrats, while 36 Republicans and no Democrats voted against the Bacon amendment. The committee amendment, which proposed to strike out the third paragraph of article 3, is as follows:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of article 1, it shall be referred to arbitration in accordance with the provision of this treaty—

For this amendment, 36 Democrats and 6 Republicans; against the amendment, 3 Democrats and 37 Republicans. So that from the members of the party which to-morrow will assume the control of the affairs of this Government, when the President of the United States said, "We desire to remove the necessity for the construction of battleships by entering into treaties of peace with the great battleship-making powers of the earth," came the vote that emasculated those treaties and prevented their effective adoption. It came as a challenge to the world—"We are ready to fight." You gave the "defi" to the battleship countries of the world, and you would better not bluff. You would better prepare to make good.

That is the reason why I vote for two battleships, and because we, through your action, gave the "defi." If we have not a substantial navy when that "defi" is accepted, by whatever power on earth sees fit to accept it, then our Navy will be passed, our shores will be reached, and our battles must be fought by our young men, the volunteer soldiery of the United States; and when foreign enemies approach us, however superior we may be, our loss in land battle will be great. If our battles be fought on the sea, it will be largely by the professional warriors; the result will be swift and decisive; while if we fight on land, fighting will be done by our sons drawn from our homes. I want to say, Mr. Speaker, you will find that battleships are cheaper than boys. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. GREGG].

The SPEAKER. The gentleman from Texas [Mr. GREGG] is recognized for five minutes. [Applause.]

Mr. GREGG of Texas. Mr. Speaker, I do not want to discuss the question of one or two battleships. This House had that thoroughly discussed less than a week ago, and if the Members did not have sense enough to understand it then, I do not think we could make them understand it now.

I did not sign this partial report, and I want to tell this House why I did not. If the Senate had adopted some amendments that involved a change or a modification or a qualification of some provision in our bill upon which we had not voted, then I would have been perfectly willing to come back and submit to this House the question as to whether they were willing to accept those changes, modifications, or qualifications. But this proposition was not put to us in that shape. The Senate conferees said to us: "It is true that less than one week ago you voted for one battleship; but go back; go back and ask the House if it really meant what it said. Go back and ask the House whether its Members have got the backbone and the stamina to stand by the solemn declaration made less than one week ago."

I felt that to come back to this House with such a proposition was an insult to you and an insult to your intelligence, and as your agent—because the conferee representing the House is your agent—I was not willing to fling such an insult in your face.

I have been on two conferences on the naval appropriation bill, and——

Mr. TALBOTT of Maryland. Mr. Speaker, will the gentleman yield for one question?

Mr. GREGG of Texas. No, sir; I have but five minutes.

The SPEAKER. The gentleman declines to yield.

Mr. TALBOTT of Maryland. I will state that at the last session of Congress——

Mr. GREGG of Texas. I was coming to that.

The SPEAKER. The gentleman declines to yield.

Mr. GREGG of Texas. I have been on two conferences, representing this House, and I want to say to you that in neither of those conferences have the conferees of the House been in position to treat on equal terms with the Senate conferees. One year ago the House voted to have no battleships. When we went to confer, what did we meet? Why, the Senate conferees told

us that Members of the House had been there and had told them to stand firm; that the House would repudiate its own action. How could we treat on equal terms with Senate conferees under those conditions? And again, this time, after we voted, after nine hours' debate, for one battleship, when we go into conference the Senate conferees tell us, "Oh, the Members of the House have been over here, and they have told us that if we just stand firm the conferees would make a partial report," and that the House would overrule its action of less than a week ago, when it voted for one and against two battleships.

Now, Mr. Speaker, does that speak for the standard of this House? Oh, it seems strange to me that we can never get involved in a question of battleships but that there is treachery in the House to the House itself. [Applause and cries of "Vote!" "Vote!"]

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

The SPEAKER. The gentleman from Alabama [Mr. HOBSON] is recognized for three minutes.

Mr. HOBSON. I understand an effort is going to be made to have this appear as a party question and a party issue. And I desire to make my protest. When the question arose as to the pension bill it was not made a party question. The majority leader did not raise his voice when the pension appropriations leaped up beyond the Republican record by $30,000,000. That bill entailed a greater increase in the yearly appropriations than would be required for two battleships. In the matter of the public buildings bill, the rivers and harbors bill, and other great supply bills that have come up, not one has been made a party question, and against none of them did the majority leader raise his voice. Our party leader says he voted against that. Yes. I ask him now to vote against this bill, but not to raise his voice as the party leader against this proposition for one more battleship.

Mr. Speaker, a one-battleship program will, by 1920, make this country the sixth naval power in the world. Two battleships a year, by 1916, will make America the fourth naval power in the world. If we simply write off 10 per cent for depreciation, which every careful management would do in a manufacturing establishment, two and one-half battleships a year would be required to keep us even.

Two battleships a year does not make up for the tonnage that should be retired every year. We are now compelled to retain in commission old battleships fitted only for the second line because of our lack of *Dreadnoughts*. Here at the end of this Congress, when we have already opened wide the door of the Treasury and appropriated over $1,100,000,000 without protest on the floor of the House by the majority leader, we are told that the naval program must be sacrificed in the interest of economy. In the name of a false economy we are called on to sacrifice the integrity of the Navy, the bulwarks of our national defense, upon which depend our sovereignty over the Panama Canal, the Monroe doctrine, the open-door policy, and all the great foreign policies of the Nation, our peace, while peace is possible, and victory if war must come. [Applause on the floor and in the galleries.]

The SPEAKER. The occupants of the galleries are admonished that they are here by the courtesy of the House. Applauding is strictly forbidden, and if there is any more of it the Chair will have the galleries cleared. [Applause on the floor.]

Mr. FOSS. Mr. Speaker, during all the time in which the party on this side of the House was in power—for 16 years—the naval program was never made a party question. It was never taken into a party caucus, and I appeal to men here upon both sides of this House that national defense is above all parties, and I call upon you, one and all, on this occasion to raise the flag of country higher than the banner of party and to vote for the national defense and the national honor. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD]. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, my colleague [Mr. HOBSON] seeks to create the impression that I desire to make this a party question. I do not. I desire to make it an American question. [Applause.] I do not believe in parsimony. I never contend for cheeseparing; but the membership of this House owe a great responsibility to the American people, to transact their business with honest and efficient economy. [Applause.] The appropriation bills have drifted beyond the ken of man in the last decade. I do not blame individuals. I do not blame committees. We have a system of legislation that is largely responsible for it, and I hope my party in the coming administration will face that fact fairly and honestly and write on the statute books a system by which we can in the future appropriate with economy and efficiency at the same time. [Applause.]

I would not stand here to-night to take your time or ask your consideration if the only question involved was the question of whether you would appropriate for one battleship or two battleships; but the issue goes beyond that. This bill, if agreed to as it now stands, without adding another battleship, carries $140,700,000. My friends on both sides of this House, let me call your attention to the fact that never in the history of the Republican Party has it brought in a naval bill that exceeded $136,000,000. What have been the appropriations for the maintenance of the Navy in the last five years? Five years ago the naval appropriation bill carried $122,000,000; four years ago $136,000,000; three years ago $131,000,000; two years ago $126,000,000; and last year $123,000,000; an average of a little over $127,000,000, or less than $128,000,000 in the last five years is your record. We bring in a bill here to-night, and I do not intend to attempt to escape our responsibility for it. It is our bill. It appropriates $140,000,000, or $12,000,000 more than the average amount of the bills brought into this House by Republican Congresses to support the Navy in the last five years.

Now, it is not a question of battleships, my colleagues. Can any man on the floor of this House say that this House has not made ample appropriations for a Navy—ample appropriations? [Applause.] What difference does it make whether it is a battleship or a torpedo boat? This money is offered for national defense—$12,000,000 more than the average of the last five years.

Now, whether you are for one battleship or whether you are for two, I ask you, with these figures staring you in the face, do you think it is just to your constituents to add another battleship that in the end will add $18,000,000 or $20,000,000 to the appropriations already agreed to here to-night?

Ah, the gentleman from Illinois says he appeals to the American flag, to the American sentiment. My friends, the gentleman from Illinois may appeal to the sentiment of war, but I appeal to the sentiment of peace. [Applause.]

This great country of ours, when we faced a national war in the time of the Spanish War, was appropriating only $30,000,000 for the Navy, and our flag did not come down. [Applause.] I say to the gentleman from Illinois that the great bulwark of defense that protects the American people from foreign invasion, that demands respect of the American citizen on foreign soil, are not the guns of the Army and the Navy, but the great genius, spirit, courage, and manhood of the American citizenship. [Applause.] It is not necessary for you to go into continued extravagance in order that you may protect the flag or the honor of your country. I say to you that a new administration is coming into power. With less than half of the British Navy we are approaching the English expenditure for maintenance. I say to you that with this naval expenditure—I do not charge corruption, because I know corruption does not exist—but I do charge the fact that the men that administer the appropriations we give them are not administering them with economy and efficiency, and I say the time has come for us to halt, to give the new administration an opportunity to examine this system. [Applause.]

I say to you, my colleagues, that whether you were for two battleships or one battleship in the past it is not that issue now. The day has come, the hour has come, when you ought in justice to your constituents and in justice to the American people at this time not to stir one foot beyond $140,000,000 that we give in this bill. [Applause.]

Mr. PADGETT. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is, Will the House recede from its disagreement to Senate amendment 46 and concur in the same.

Mr. FOSS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. An "aye" vote means two battleships and a "no" vote means one. The Clerk will call the roll.

The question was taken, and there were yeas 144; nays 168; answered "present" 3; not voting 66; as follows:

YEAS—144.

Ainey	Carlin	Driscoll, M. E.	Goldfogle
Austin	Clark, Fla.	Dupré	Good
Ayres	Conry	Dwight	Green, Iowa
Barchfeld	Cooper	Dyer	Greene, Mass.
Bates	Copley	Esch	Greene, Vt.
Bradley	Crago	Estopinal	Gregg, Pa.
Brantley	Cravens	Fairchild	Griest
Broussard	Curley	Farr	Guernsey
Browning	Curry	Fergusson	Harrison, N. Y.
Bulkley	Dalzell	Focht	Hart
Burke, S. Dak.	Davidson	Fornes	Hartman
Burke, Wis.	Davis, Minn.	Foss	Hawley
Butler	De Forest	French	Hayes
Calder	Dodds	Gallagher	Henry, Conn.
Campbell	Donohoe	Gardner, Mass.	Higgins
Cannon	Doremus	Gardner, N. J.	Hobson

Holland	Littlepage	Patton, Pa.	Smith, J. M. C.
Howell	Littleton	Payne	Smith, Saml. W.
Howland	Longworth	Peters	Smith, N. Y.
Jackson	Loud	Pickett	Speer
Jones	McDermott	Plumley	Stephens, Cal.
Kahn	McLaughlin	Porter	Sterling
Kendall	McMorran	Pou	Stevens, Minn.
Kennedy	Macon	Pray	Stone
Kindred	Martin, Colo.	Ransdell, La.	Talbott, Md.
Kinkead, N. J.	Merritt	Redfield	Talcott, N. Y.
Knowland	Miller	Rees	Tilson
Konig	Moore, Pa.	Reilly	Towner
Lafean	Morgan, Okla.	Riordan	Tuttle
Lafferty	Mott	Roberts, Mass.	Vare
La Follette	Murdock	Roberts, Nev.	Warburton
Langley	Murray	Rodenberg	Weeks
Lawrence	Needham	Rothermel	Wilson, Ill.
Lee, Pa.	Olmsted	Scott	Wilson, N. Y.
Levy	O'Shaunessy	Simmons	Woods, Iowa
Linthicum	Patten, N. Y.	Sloan	Young, Mich.

NAYS—168.

Adair	Dickinson	Houston	Roddenbery
Adamson	Dies	Howard	Rouse
Aiken, S. C.	Difenderfer	Hughes, Ga.	Rubey
Akin, N. Y.	Dixon, Ind.	Hull	Rucker, Mo.
Alexander	Doughton	Humphreys, Miss.	Russell
Allen	Driscoll, D. A.	Jacoway	Sabath
Anderson	Edwards	Johnson, Ky.	Saunders
Andrus	Ellerbe	Johnson, S. C.	Shackleford
Anthony	Evans	Kent	Sharp
Ashbrook	Faison	Kinkaid, Nebr.	Sherley
Barnhart	Ferris	Kitchin	Sherwood
Bartholdt	Fields	Konop	Sims
Bartlett	Finley	Korbly	Sisson
Bathrick	Fitzgerald	Lamb	Slayden
Beall, Tex.	Flood, Va.	Lee, Ga.	Small
Bell, Ga.	Floyd, Ark.	Lenroot	Smith, Tex.
Berger	Foster	Lever	Sparkman
Blackmon	Fowler	Lewis	Stanley
Boehne	Francis	Lloyd	Stedman
Borland	Garner	Lobeck	Steenerson
Buchanan	Garrett	McCall	Stephens, Miss.
Burgess	Gill	McKenzie	Stephens, Nebr.
Burleson	Glass	Maguire, Nebr.	Stephens, Tex.
Burnett	Godwin, N. C.	Mann	Taggart
Byrnes, S. C.	Goeke	Mondell	Taylor, Ala.
Byrns, Tenn.	Goodwin, Ark.	Morgan, La.	Taylor, Ark.
Callaway	Graham	Moss, Ind.	Taylor, Colo.
Candler	Gray	Neeley	Thomas
Cantrill	Gregg, Tex.	Nelson	Tribble
Carter	Gudger	Nye	Turnbull
Claypool	Hamilton, W. Va.	Oldfield	Underhill
Clayton	Hamlin	Padgett	Underwood
Cline	Hammond	Page	Volstead
Collier	Hardy	Palmer	Watkins
Covington	Harrison, Miss.	Pepper	Webb
Cox	Hay	Post	Whitacre
Cullop	Hayden	Prince	White
Daugherty	Heflin	Prouty	Willis
Davenport	Helgesen	Rainey	Wilson, Pa.
Davis, W. Va.	Helm	Raker	Witherspoon
Dent	Henry, Tex.	Randell, Tex.	Young, Kans.
Denver	Hensley	Rauch	Young, Tex.

ANSWERED "PRESENT"—3.

Booher	Hardwick	Morrison

NOT VOTING—66.

Ames	Harris	McKinley	Rucker, Colo.
Ansberry	Haugen	McKinney	Scully
Brown	Heald	Madden	Sells
Burke, Pa.	Hill	Maher	Slemp
Cary	Hinds	Martin, S. Dak.	Stack
Crumpacker	Hughes, W. Va.	Matthews	Sulloway
Currier	Humphrey, Wash.	Mays	Sweet
Danforth	James	Moon, Pa.	Switzer
Dickson, Miss.	Kopp	Moon, Tenn.	Taylor, Ohio
Draper	Langham	Moore, Tex.	Thayer
Fordney	Lindbergh	Morse, Wis.	Thistlewood
Fuller	Lindsay	Norris	Townsend
George	McCoy	Parran	Vreeland
Gillett	McCreary	Powers	Wilder
Gould	McGillicuddy	Pujo	Wood, N. J.
Hamill	McGuire, Okla.	Reyburn	
Hamilton, Mich.	McKellar	Richardson	

So the motion to recede and concur was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. BOOHER with Mr. SULLOWAY.

Mr. MOORE of Texas with Mr. BURKE of Pennsylvania.

Mr. MOON of Tennessee with Mr. HAMILTON of Michigan.

Mr. PUJO with Mr. MCCREARY.

Mr. SCULLY with Mr. MCKINLEY.

Mr. STACK with Mr. MCKINNEY.

Mr. LINDSAY with Mr. SLEMP.

On this vote:

Mr. HINDS (for two battleships) with Mr. HARDWICK (for one battleship).

Mr. LANGHAM (for two battleships) with Mr. MADDEN (for one battleship).

Mr. WILDER (for two battleships) with Mr. SWEET (for one battleship).

Mr. BOOHER. Mr. Speaker, I voted "nay." I desire to withdraw my vote and vote "present," as I am paired with the gentleman from New Hampshire [Mr. SULLOWAY].

The name of Mr. BOOHER was called and he answered "present."

The result of the vote was announced as above recorded.

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to all the amendments not embraced in the report and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS.

EMPLOYMENT OF EXPERTS, COMMITTEE ON JUDICIARY, SIXTY-THIRD CONGRESS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 73.

Resolved by the House of Representatives (the Senate concurring), That the managers on the part of the two Houses be authorized and directed to insert in H. R. 28,858, an act making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes, the following:

"After March 4, 1913, those members of the Committee on the Judiciary who are Members-elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on the Judiciary, during the first session of that Congress are authorized to expend for experts, accountants, and clerical and other assistants, for the purposes stated in House resolution number 486, out of the contingent fund of the House, a sum not in excess of the balance unexpended under said resolution."

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, numbered 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, and 58, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. LODGE, and Mr. THORNTON as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the sundry civil appropriation bill (H. R. 28775), and ask unanimous consent that the Clerk may read the statement in lieu of the report.

The SPEAKER. The gentleman from New York presents a conference report on the sundry civil appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1627).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 9, 16, 20, 21, 22, 23, 28, 50, 55, 58, 59, 62, 63, 67, 83, 84, 101, and 103.

That the House recede from its disagreement to the amendments of the Senate numbered 19, 47, 68, 70, 71, 94, 95, 96, 100, 102, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,305,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said

amendment insert the following: "*Provided, however*, That the Secretary of the Interior is hereby authorized and empowered to grant a lease for the construction and maintenance of a substantial hotel and buildings in connection therewith in accordance with and under the provisions of the act of June 4, 1906 (34 Stat. L., p. 207), relating to concessions in Yellowstone National Park, and the act of March 2, 1907 (34 Stat. L., p. 1219), amendatory thereof, and any part of section 2 of the act of October 1, 1890, concerning the Yosemite National Park, in conflict herewith is hereby repealed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"To provide for the participtation of the United States in the Panama-Pacific International Exposition.

"There shall be exhibited at the Panama-Pacific International Exposition, to be held at San Francisco in 1915, such articles and materials as illustrate the function and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and the President is authorized to provide for the collection and exhibition of such articles and materials under the direction of a board, which is hereby created, to be known as the Government Exhibit Board, which shall be composed of three members, to be named by the President from persons in the executive departments, who after consultation with the heads of the executive departments and the regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the governor of Porto Rico, the governor of Alaska, the governor of Hawaii, and the United States Geographic Board, shall determine the nature, character, and extent of the exhibits to be made, and shall be charged with the selection, purchase, preparation, safe-keeping, exhibition, and return of such articles and materials as said board may decide shall be exhibited. Before any obligations are incurred of any nature said board shall have arranged the scope of such exhibits so as to provide for the collection, exhibition, and return of such articles and materials at a cost, which, together with all other expenses herein authorized, shall not exceed the amount hereinafter appropriated. The President shall designate one member of said board as chairman, and from persons in the employ of the United States Government may designate a secretary and a disbursing officer for said board, and may also detail such other persons, including officers of the Army and Navy, as he may deem necessary to assist said board. All officers and employees of the Government who may be detailed as aforesaid shall receive no compensation in addition to their regular salaries, but shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, but in no case to exceed $5 per day while necessarily absent from their homes engaged upon the business of the board. Any officer of the Army or Navy so detailed shall receive this allowance in lieu of the transportation and mileage now allowed him by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform, shall not apply to persons detailed to duty in connection with said Panama-Pacific International Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine: *Provided*, That compensation shall not be paid to any such employee at a rate in excess of $3,000 per annum. The disbursing officer shall give bond in the sum of $30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer, from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation herein made for the governmental participation in the exposition, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibition as authorized by the exhibit board.

"Suitable buildings for the housing of all said exhibits shall be provided by the Panama-Pacific International Exposition Co. without expense of any kind to the Government of the United States.

"For the purpose of inaugurating, installing, maintaining, and returning said Government exhibits, together with all other expenses of every kind connected therewith, $500,000. Said sum shall be paid by the Secretary of the Treasury from time to time under such regulations as he may prescribe.

"The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission, which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive, in addition to his original compensation, his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary, at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission.

"Said commission shall be authorized and empowered to act as a board of arbitration to settle and determine any and all disputes arising between the commissioners of foreign Governments and the directors of said Panama-Pacific International Exposition whenever a formal request for such action is made by any foreign commissioner, and said National Exposition Commission shall represent the Government of the United States at said exposition in the reception and care of persons officially representing foreign Governments.

"Said National Exposition Commissioners shall be detailed not earlier than July 1, 1914, and their term of service as said commissioners shall not extend beyond July 1, 1916, and the President may terminate said commission at any time after January 1, 1916."

And the Senate agree to the same.

On amendment numbered 130 the committee of conference have been unable to agree.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
Managers on the part of the House.
F. E. WARREN,
GEORGE C. PERKINS,
B. R. TILLMAN.
Managers on the part of the Senate.

Mr. FITZGERALD. Mr. Speaker, this is a complete report of the conferees on the sundry civil appropriation bill, with the exception of one item. There is still in disagreement the item for the Knoxville Exposition. That involves $250,000. Exclusive of the $250,000, the bill as finally agreed upon appropriates $116,718,386.91. This is $2,804,614 less than as it passed the Senate and $3,554,766.25 greater than as it passed the House. It shows a reduction of $22,072,248.07 under the estimates considered by the Committee on Appropriations in its preparation, and it is a reduction of $1,408,593.05 under like appropriations for the current fiscal year, including in that sum the transfer of $6,087,798.50 from the permanent and other appropriations provided for in this bill. So that, Mr. Speaker, while this bill carried last year $43,000,000 less than the estimates and $33,000,000 less than for the fiscal year 1912, this bill is $1,400,000 less than the current law.

Mr. MANN. Mr. Speaker, I will ask the gentleman from New York just what is the agreement on the San Francisco Exposition?

Mr. FITZGERALD. On the California Exposition matter the conferees provided that there should be appointed a Government exhibit board, consisting of three persons from the executive departments of the Government, who, after conference with the various departments and other independent services, should determine the character, nature, and extent of the exhibits to be made by the Government, and should have charge of them. They are to plan in advance the entire cost and scheme of the exhibit and so arrange it that all of its expenses shall be within the $500,000 appropriated.

Provision is made requiring the exposition company to provide a building or buildings without expense to the United States for the exhibit which is to be made by the United States. A national exposition board is created, to be appointed by the President, consisting of one civilian officer or employee from the State Department, who is to be chairman of the commission,

and two other civilian officers or employees from other executive departments, who are to be a board of arbitration. No employees are to be allowed compensation in excess of the salaries of the positions which they occupy or will occupy when appointed. Members of the national exhibit board are to be allowed actual and necessary traveling expenses and not to exceed $5 per diem in lieu of subsistence when necessarily absent from their homes on the business of the board, and members of the national commission—the arbitration board—are to be allowed no compensation in excess of the compensation of the positions which they hold in the Government, but are to be allowed their actual and necessary traveling expenses of $10 a day in lieu of subsistence.

The commission is not to be appointed earlier than the 1st of July, 1914, and it must expire by the 1st of July, 1916. Fifteen thousand dollars is appropriated to be expended by this commission to cover all of its expenses. The managers on the part of the House in the preparation of this item in cooperation with the Senate managers also had in conference some of the Members of the Senate who are particularly familiar with these matters. I refer especially to Senator ROOT, who as Secretary of State had considerable experience with these expositions, who is chairman of the committee which has jurisdiction of them in the Senate, who served as Secretary of War; he has acquiesced in the provisions incorporated in the bill for this purpose.

Mr. Chairman, one item remains in dispute. The Senate inserted an item appropriating $250,000 for the National Conservation Commission, at Knoxville, Tenn. Despite what anyone may say, it is a purely local exposition. Some persons in the Senate seem to imagine that this House in the closing days of this session would be so carried away with enthusiasm for such a project that if given the opportunity they would agree to this item. Conceding the right of the House to act as it pleases, and having unquestioned confidence in its good judgment and sound patriotism, the managers upon the part of the House agreed to bring this item back to test the sense of the House. I propose at the proper time to move to adhere to the disagreement of the House on this amendment. [Applause.] I have the assurance if the House takes this action it will close this bill.

Mr. AUSTIN. Mr. Speaker, I desire to offer a resolution——

Mr. FITZGERALD. Just a moment; the time has not come yet for the gentleman to do that. Mr. Speaker, the gentleman from Illinois [Mr. CANNON], one of the managers on the part of the House, has not signed the report. Before the vote is taken upon agreeing to the report, after which will come up the matter in which the gentleman from Tennessee is interested, the gentleman from Illinois [Mr. CANNON] desires to be heard on the report. I yield 10 minutes to the gentleman from Illinois, and I hope that will be sufficient.

Mr. CANNON. I should like to have 15 minutes.

Mr. FITZGERALD. Mr. Speaker, the Senate is waiting for the gentleman from Illinois and myself. I hope we will finish to-night. I will give him 10 minutes, and if he really desires the other 5 I will give it to him.

[Mr. CANNON addressed the House. See Appendix.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. KENT rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KENT. I wanted to be recognized.

The SPEAKER. The gentleman can not be recognized now, because the gentleman from Kentucky [Mr. SHERLEY] has the floor.

Mr. SHERLEY. Mr. Speaker, the gentleman from Illinois [Mr. CANNON] says that if he were President of the United States he would not pass this bill because of two amendments placed on the bill in the House and agreed to by the Senate and which were not in conference. When those amendments were proposed in this House I did not vote for them, and I did not then and I do not now approve them. But to say they constitute a reason for vetoing this bill is to lose all sense of proportion in these closing hours of Congress. These amendments do not change the substantive law of the United States one iota. They simply provide that a given fund shall not be used for certain purposes. They do not restrict the use of other funds in the execution of the law, and they do not change the substantive law. And to say that a limitation put upon an expenditure of a fund for a given year is sufficient to veto a great supply bill of this Government is, as I say, to lose all sense of proportion.

The gentleman from Illinois also takes exception to the conference in regard to the Panama Exposition, and it is just possible that as human nature runs his objection to that may have encouraged him in his desire that the bill as a whole be vetoed.

We took the sense of this House touching what should be done as regards the Panama Exposition, and this House voted that there should be an appropriation not in excess of $500,000. Now, what we have done is this: To see to it that that $500,000 shall actually go for a true exhibit and none of it shall be squandered in providing soft berths for anybody in or out of Congress. [Applause.]

We have tied it so that there will be no excuse for a wrong expenditure, and we have provided as a first step that before any expenditure shall be had or liability be incurred there shall be provision made for such a scope of exhibit as could be properly taken care of and installed and returned, with all expenses incident thereto, for the sum of half a million dollars.

We provide for the Panama Exposition Co. to furnish the buildings. Is there inequity in that, when San Francisco came here and said not only that she would furnish the buildings, but that she would pay for the Government exhibit? Is it not fair to make her keep at least half her promise by providing her own buildings while we provide the exhibit?

We provide for the commissioners—no great, elaborate board, but three commissioners to constitute a board of control, and then three commissioners to pass upon the question of awards. These commisioners are to be chosen out of the officials in the departments and are to receive no extra compensation.

I say to you, gentlemen, that when you cut from under exposition bills the soft berths created by them, you will do more to stop the pressure for appropriations for expositions than by any other means.

And I want to say one other word, in answer to the gentleman from Illinois [Mr. CANNON]. He says he is not a prophet nor the son of a prophet, but if he were he would predict that within another Congress this appropriation will have to be added to by another. I want to say in behalf of myself and, as I believe, on behalf of the majority of this House, that if San Francisco comes again, asking, she will be turned away without consideration, as she ought to be turned away. [Applause.]

We have been liberal. Five hundred thousand dollars is enough to make a creditable exhibit, particularly when you cut off the perquisites and when you provide for the exposition company supplying the buildings. And I want this House to understand that in drawing the provisions touching this exhibit, your conferees have tried diligently and honestly to carry out the spirit and the letter of the instructions given them. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield one minute to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, I merely desire the privilege of extending my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. KENT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask that the Clerk report Senate amendment numbered 130. Without reading it, inasmuch as it is quite lengthy, I may say that this is the amendment which provides for the so-called Nashville Exposition. I move that the House adhere to its disagreement to the Senate amendment numbered 130.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House adhere to its disagreement to amendment numbered 130.

Mr. AUSTIN. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman will read loud enough for the Members to hear.

Mr. FITZGERALD. The gentleman should send it to the desk and have it reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

That the House conferees be instructed to yield on Senate amendment numbered 130, provided the amount be reduced from $250,000 to $200,000.

Mr. FITZGERALD. How much time does the gentleman desire?

Mr. AUSTIN. Six minutes.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that that motion is not in order. The gentleman can move to concur in the Senate amendment.

The SPEAKER. That is the quickest way.

Mr. FITZGERALD. But as no conference has been asked, it is not in order to instruct the conferees.

The SPEAKER. The gentleman's motion is out of time. The motion for the gentleman to make is to concur.

Mr. AUSTIN. I move to concur in the Senate amendment with an amendment that the amount shall not exceed $200,000.

The SPEAKER. The gentleman moves to concur with an amendment that the amount shall not exceed $200,000.

Mr. FITZGERALD. How much time does the gentleman desire?

Mr. AUSTIN. Six minutes.

Mr. FITZGERALD. I will give him five.

Mr. AUSTIN. I desire to yield two minutes each to three gentlemen.

Mr. FITZGERALD. Then I will yield the other minute.

Mr. AUSTIN. I yield two minutes to the gentleman from Alabama [Mr. HEFLIN]. [Applause.]

Mr. HEFLIN. Mr. Speaker, this is an unexpected pleasure. I am heartily in favor of making this appropriation for the exposition at Knoxville, Tenn. The committee unanimously reported a bill for this purpose carrying $250,000. The sum of $50,000 will be stricken from that amount. The gentlemen in charge of this sundry civil appropriation bill have given to the San Francisco Exposition $500,000, and that is proper. It may be that they will need more than that. I am in favor of this proposition to hold an exposition at Knoxville to exhibit the products of improved farming and teach how to conserve the soil, and I trust that the gentleman from New York and those associated with him on this conference committee will not oppose this appropriation, for I believe that it will be of great value to the farmers of the South. I am heartily in favor of it, and I think it ought to be carried through. [Applause.]

Mr. AUSTIN. I yield two minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I was one of the subcommittee appointed by the chairman of the Committee on Industrial Arts and Expositions to go to Knoxville and look over this project. In my opinion it should commend itself to the sound judgment of this House. Two years ago Congress entered upon a policy known as the Appalachian conservation policy. When it was adopted by this Congress it had in view a great public purpose. Congress appropriated $11,000,000 to start that project on the part of this Government. Much of that sum has been expended in putting that policy in operation. It expected to derive a benefit from that policy. A part of that money has already been expended in carrying out the policy. It is therefore right and proper that Congress should take advantage of it and undertake to get the best benefits possible out of that project for the benefit of the American people. We ought to make every effort to get the best results possible out of this policy. If not, then the policy should be abandoned.

This exposition commends itself to the judgment of this House. It proposes to instruct the people upon this policy of conservation, so that they may derive benefit therefrom. I trust that this appropriation will be made, and that this exposition will be made a national success. This exposition is located in the heart of the territory included in the Appalachian system, and is the proper place for the education of the people in order that they may acquire all the advantages hoped to be attained from the adoption of the policy.

The territory surrounding Knoxville is rich in natural resources, and it is admirably adapted for the holding this great exposition. It is just recovering from the ravages of the great Civil War, which laid waste its factories and farms, and because of which it has been prevented from developing as its resources required, and now it is attracting attention, and we should stimulate that spirit and realize the value of these great possessions and aid the development of every part of our country for the general good of the public welfare. I hope the amendment of the gentleman from Tennessee [Mr. AUSTIN] will be adopted.

Mr. AUSTIN. I yield two minutes to my colleague from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, as a general proposition I want to say frankly that I do not favor appropriations of this kind. But since the House has agreed to appropriate $500,000 for the exposition at San Francisco, in spite of the fact that the promise was made originally that no appropriation would be asked, I want to appeal to gentlemen upon this side of the Chamber in the spirit of fairness and equity and justice to pass the motion made by the gentleman from Tennessee [Mr. AUSTIN]. [Applause.]

As the gentleman from Indiana [Mr. CULLOP] has stated, a subcommittee of the Committee on Industrial Arts and Expositions made a special trip to Knoxville for the purpose of looking into the advisability of making an appropriation of this kind. And I want to say to the gentleman from Kentucky [Mr. SHERLEY] that that subcommittee found that this was not a local exposition, as the gentleman stated, but an exposition in which a great many States are interested.

In conclusion, I wish to state another fact: The late Senator Robert L. Taylor, of Tennessee, introduced a bill for the purpose of providing an appropriation for the Knoxville Exposition. It was the very last bill that he introduced in the United States Senate, and I know that it was near and dear to his heart, and I hope that the Democrats on this side of the Chamber will join in passing the motion of the gentleman from Tennessee [Mr. AUSTIN]. [Applause.]

Mr. FITZGERALD. Mr. Speaker, if gentlemen will read the amendment which the gentleman from Tennessee asks the House to concur in, they may perhaps be amazed at his temerity. It provides $100,000 for an exhibit and $150,000 for a public building. Whether he wishes the $50,000 cut out of the amount toward the exhibit so that only $50,000 will be available for the exhibit and $150,000 for the building, or whether he desires $50,000 cut off the building and $100,000 left for the exhibit, has not yet been indicated to anyone so far as I have been able to ascertain.

I received a letter from a resident of Knoxville, Tenn., in which he referred to the fact that I had interrogated the gentleman from Tennessee one day when the bill was up in the House, and he insisted that if Congress intended to erect a building at Knoxville for this exposition it at least should not be erected on the land now owned by the electric railway company, upon which the exposition property is now located. This bill provides that somebody or other shall donate a suitable site upon which to erect the buildings. The letter calls attention to the fact that the lease of this property for exposition purposes has only six years to run, and yet these gentlemen have recommended that Congress appropriate $150,000 for a permanent building for local annual expositions at Tennessee.

Mr. AUSTIN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. This matter was brought out in the hearings before the Committee on Industrial Arts and Expositions, and at the suggestion of the gentleman from Indiana [Mr. CULLOP] the manager and president of the traction company agreed to deed to the United States Government the land upon which this building was to be erected.

Mr. FITZGERALD. All right. The gentleman from Tennessee to-day said that if provision be made at the exposition at San Francisco equal treatment should be accorded to Tennessee. The House reduced the amount proposed, not by the Committee on Industrial Arts and Expositions in this House, for that was $2,000,000, but the amount proposed by the Senate, which was $1,500,000, to $500,000, and according to the mathematics of the gentleman from Tennessee equal justice would require, not an appropriation of one-third of the proposition made by the Senate for this exposition, but four-fifths of the appropriation proposed. I have no doubt that that ratio would be much more satisfactory.

Mr. AUSTIN. California said they didn't want any money and Tennessee didn't say so.

Mr. FITZGERALD. Mr. Speaker, I gave the gentleman from Tennessee all the time he requested and he has given it away and he ought not to attempt to intrude on my time. The exposition at San Francisco is on an entirely different plane from that of Knoxville. Congress has authorized the exposition and the President has issued an invitation to foreign nations to participate. Between seventeen and twenty million dollars have been raised by the people to conduct it. Some foreign nations have appropriated as much as $1,000,000 to participate in it. It is a farce, it is ridiculous, it is making a joke out of the proceedings of Congress to attempt to place the two expositions on the same plane.

Mr. Speaker, the House has successfully, and Congress has successfully and effectually, stopped these continual raids on the public Treasury in the interest of these public shows. Unless it intends to open the entire matter it should show its opposition at this time and stop now and for all time such appropriations. I hope the House will adhere to its disagreement and let this bill be enacted speedily into law.

Mr. SHERLEY. Mr. Speaker, I do not desire to take much further time of this House on a matter of this kind. It is rather an extreme proposition that a great supply bill should have to come here with this the only item outstanding. As the gentleman from New York has said, it amounts to an absurdity

to talk about a contribution of this size for an exposition of this sort, an exposition that is local to the immediate territory surrounding the place where it is held.

I have some southern pride, but, as I said earlier in the day, my southern pride prompts me against a raid on the Treasury, even for a southern institution. I hope that the Members on this side of the House will make the vote so pronounced that men over the country at large will understand that they can not get up these little expositions and come to Washington to get an appropriation to make them go financially.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to change my amendment so that it will read:

Not exceeding $100,000 for a building.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to change his amendment so that it will read:

Not exceeding $100,000 for a building.

Mr. AUSTIN. That would leave $200,000 the total amount—$100,000 for an exhibit and $100,000 for a building.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I just wish to say that if this motion of the gentleman from Tennessee be adopted the amendment as it is now in the bill will have all of the offensive features which were cut out of the provision of the San Francisco provision, and they will be enacted into law.

Mr. AUSTIN. I beg the gentleman's pardon. There is no salary in this provision.

Mr. FITZGERALD. There are a number of features that were eliminated from the California proposition that should be eliminated from this one.

Mr. AUSTIN. Mr. Speaker, I give my word and honor that that is not true.

Mr. FITZGERALD. I decline to yield. I do not wish to be discourteous.

The SPEAKER. The gentleman from Tennessee should not interrupt the gentleman from New York without first obtaining his consent.

Mr. AUSTIN. Well, the gentleman ought not to make a misstatement.

Mr. FITZGERALD. And the gentleman must not improperly characterize the statement which I make.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman from New York that the gentleman from Tennessee on the one side ought to be permitted to have such time on his side as the gentleman from New York yields on his side.

Mr. SHERLEY. He has had.

Mr. AUSTIN. Let us have the amendment read.

The SPEAKER. The gentleman from New York has the floor.

Mr. FITZGERALD. And I shall not yield to anybody at present until I have replied to the suggestion of the gentleman from Illinois. I asked the gentleman from Tennessee how much time he desired and he stated. I yielded to him that time, and he made no request for additional time. He should at least permit me to make my own statement in my own time. I have no desire to be unfair to the gentleman from Tennessee, but I should be permitted under the rules of the House to state for the benefit of the House the information which it is entitled to receive. I repeat what I was saying when the gentleman interrupted, that if his motion be adopted the amendment will not only be offensive because of what it proposes to do but because of the many indefensible provisions which are contained in it, somewhat similar to those which were eliminated from the provision for the San Francisco exposition.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. AUSTIN) there were—ayes 71, noes 88.

Mr. AUSTIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-four Members are present—a quorum.

So the motion to recede and concur was rejected.

The SPEAKER. The question now is on the motion of the gentleman from New York that the House adhere to its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. Does the gentleman want a conference?

Mr. FITZGERALD. No.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Alabama [Mr. CLAYTON].

EMPLOYMENT OF EXPERTS, COMMITTEE ON THE JUDICIARY, SIXTY-THIRD CONGRESS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk began the reading of the resolution.

Mr. LAFFERTY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAFFERTY. Has not that resolution just been read?

The SPEAKER. Yes; it can be dispensed with, because it has been read.

Mr. CLAYTON. Mr. Speaker, I have no objection to dispense with its reading. I join in the request of the gentleman. I thought other gentlemen might want the resolution read again.

The SPEAKER. The gentleman from Oregon asks unanimous consent to dispense with the reading of the resolution again. Is there objection——

Mr. MANN. Mr. Speaker, reserving the right to object, I want to ask the gentleman if the purpose of this resolution is to permit the members of his committee who are reelected to the next Congress to pursue inquiries concerning antitrust and similar legislation between now and the assembling of the Sixty-third Congress?

Mr. CLAYTON. I may say, in reply to the gentleman from Illinois, that the purpose of this resolution is to authorize the Members elect to the Sixty-third Congress who are members of the Judiciary Committee to pursue the investigation of the so-called trust question, not only in the vacation, but after the Sixty-third Congress shall have assembled. It is particularly with that view, and the resolution is similar to the provision which has been carried in the deficiency bill in regard to two other committees conducting investigations for similar purposes.

Mr. MANN. My impression was that the deficiency bill did not provide or contemplate that the Ways and Means Committee or the District of Columbia Committee should be paid out of the contingent fund of the next House except so far as this legislation is concerned to meet the next House.

Mr. CLAYTON. My opinion is that the language employed in the pending resolution is similar, or as similar as it can be, to the other cases to which I have referred.

Mr. MANN. Very well; I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

PUBLIC BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I desire to make a report from the conference committee on the bill H. R. 28766, the omnibus public buildings bill. [Applause.]

The SPEAKER. The Chair will inquire if this is a complete report?

Mr. BURNETT. It is a final report, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he will give a reasonable opportunity to discuss it if unanimous consent is given?

Mr. BURNETT. What time does the gentleman desire?

Mr. HARDWICK. A few minutes. I do not know how much, as I do not know what is in the report.

Mr. MANN. I would like to inquire of the gentleman from Alabama if the papers are here? Has the matter been disposed of in the Senate?

Mr. BURNETT. I think so.

Mr. MANN. Who has the original papers?

Mr. BURNETT. We have the original papers; we agreed to the conference.

Mr. MANN. We asked for a conference.

Mr. BURNETT. No; the Senate asked for a further conference, and we agreed to it.

Mr. MANN. Well, that is not the way it was stated a while ago when the matter was up. It was stated we asked for a conference. I understand the conference report was up in the Senate a while ago.

Mr. BURNETT. I understood it was being discussed there, but I do not know anything about that.

The SPEAKER. Is there objection?

Mr. TALBOTT of Maryland. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maryland objects, and the Clerk will read the report.

Mr. BURNETT. All right.

The conference report is as follows:

CONFERENCE REPORT (NO. 1620).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes; further reports that upon four amendments in dispute the Senate recede from its disagreement on Nos. 203, 217, and 218 and that the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following:

"SEC. 25. That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May 17, 1911, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park; and the sum of $1,300,000 is hereby authorized to be expended toward the acquirement of such land. That all lands now belonging to the United States or to the District of Columbia lying within the exterior boundaries of the land to be acquired by this act as shown are made a part of the parkway herein authorized to be acquired. One-half of the cost of the said lands shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia in eight equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments. That should the commission decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stats. L., vol. 26, ch. 837)."

And the Senate agree to the same.

JOHN L. BURNETT,
FRANK CLARK,
J. E. ANDRUS,
Managers on the part of the House.

GEORGE SUTHERLAND,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

During the reading of the conference report the following proceedings occurred:

NAVAL APPROPRIATION BILL.

The SPEAKER. Unless there is objection, the Chair will interrupt this reading to recognize the gentleman from Tennessee [Mr. PADGETT], the chairman of the Committee on Naval Affairs, who comes back with a complete conference report. (H. R. 28812, H. Rept. 1624.)

Mr. TALBOTT of Maryland. Mr. Speaker, I yield just for that purpose and no other.

The SPEAKER. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, I submit a complete conference report, together with a statement, and ask unanimous consent that the reading of both the report and the statement be omitted, for the reason that the Senate recedes altogether, and it is just one battleship. [Applause.]

The SPEAKER. Without objection, the report will be agreed to. [After a pause.] The Chair hears none, and it is so ordered.

OMNIBUS PUBLIC BUILDINGS BILL.

The Clerk concluded the reading of the conference report and statement.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

COAL LANDS IN OKLAHOMA.

Mr. CARTER. Mr. Speaker, I desire to call up the conference report on the bill (S. 3843) granting to coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mining leases, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] calls up the conference report on the bill S. 3843, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Strike out all of section 2 of the bill; and the House agree to the same.

That the Senate agree to the amendment of the House amending the title of the bill.

CHARLES D. CARTER,
CARL HAYDEN,
PHIL. CAMPBELL,
Managers on the part of the House.

MOSES E. CLAPP,
ROBERT J. GAMBLE,
ROBERT L. OWEN,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

CODIFICATION OF THE LAWS.

The SPEAKER laid before the House H. R. 25781, an act to amend section 77 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

The SPEAKER. Has any other gentleman a conference report? If not, the Chair will recognize the gentleman from Massachusetts [Mr. PETERS].

CHARLES DUDLEY DALY.

Mr. PETERS. Mr. Speaker, may I be informed as to how much time I have?

The SPEAKER. Fifteen minutes.

Mr. PETERS. I suggest that others in opposition to the bill should consume some of their time.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] has 20 minutes, if he desires to use it.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. CURLEY].

Mr. CURLEY. Mr. Speaker, the report in connection with the case of the reinstatement in the military service of Mr. Charles Dudley Daly states that his restoration is obviously for the good of the service. I appreciate how distasteful a task is imposed upon me in taking the position that I do in this matter, but I feel, Mr. Speaker, that I would be false to every principle that a man should owe to an institution that stands as high

in the military world and that stands for so many excellent attributes as does our Military Academy at West Point if I should not do so.

West Point is recognized as an academy that ranks foremost among the military academies of the entire world. It is responsible for the production of the best product that is to be found in the world—men who possess principle, character, and manhood. The institution at West Point produced the two greatest soldiers of the last generation—one admired, loved, and venerated by the people of the South and respected by the entire people of this country, Gen. Robert E. Lee; the other, one of the greatest military characters in the great internecine struggle, Gen. Ulysses S. Grant.

I want to call to the attention of the Members of this House that no greater ignominy could be heaped on the character of men turned out by the West Point Military Academy than would be possible by restoring to the ranks Mr. Charles Dudley Daly. It has been pointed out that in private life he has been a success, that for 16 months he was the head of the Boston fire department, but it has not been correctly stated. He was a failure in private life and in business and in public office as fire commissioner of the city of Boston. The mayor of that city compelled him to tender his resignation in order to avoid the destruction of the efficiency of the fire department of the city of Boston. Is this House at this hour going to permit the restoration to the service of a man who lacks principle, who lacks character, and who lacks the greatest attribute of all, a humane spirit.

I want to direct to the attention of this House the case of a young man, a member of the fire department of Boston, who passed the necessary physical and mental requirements to secure an appointment under civil service in the fire department of that city.

There was a fire in 1912, in the month of December, a great conflagration, with the thermometer below zero, and this young man, exposed in the discharge of his duties, assigned by the commander of the department to watch the ruins of the fire, his clothing encased in ice, with the thermometer below zero, contracted pneumonia, which later developed into tuberculosis, and an effort was made to secure a pension that justice be done the man, and Daly responded by discharging the man from the service in violation of the civil-service requirements.

The SPEAKER. The time of the gentleman has expired.

Mr. CURLEY. Mr. Speaker, I ask for three minutes more.

Mr. FOSTER. Mr. Speaker, I yield two minutes more to the gentleman.

The SPEAKER. The gentleman from Massachusetts is recognized for two minutes more.

Mr. CURLEY. An appeal was presented to the legislature in the nature of an enabling act, providing that on the adoption of that act and its acceptance by the council of Boston and approval by the mayor and fire commissioner the young man should be pensioned. The bill passed the legislature, passed the city council, and was approved by the mayor; but the fire commissioner, Mr. Daly, refused to approve of the measure. The young man died within two months, leaving an invalid mother with no support; and the general protest that arose from all sides was sufficiently powerful to compel the mayor of the city, rather than permit the disorganization of the fire service, to request Mr. Daly to tender his resignation.

Mr. Daly has been a failure in private life; he has been a failure in a public capacity; and if he has any of the elements that contribute to success, any of the elements that would be commendable in a man as an officer at West Point, it would not be necessary to conduct the lobby that has gone on for three months here in this city in order that he might be reinstated as an officer to command troops; a man who could not command the respect or confidence of the 700 members of the Boston fire department. What a spectacle! Men are solicited to vote because of their alma mater, because of fair Harvard, to reinstate Charlie Daly as a lieutenant at West Point; a man who was a failure in private life, a man who was a glaring failure in public life! I do not think this House will do any such thing. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN rose.

The SPEAKER. How much time does the gentleman from Illinois [Mr. FOSTER] yield to his colleague?

Mr. FOSTER. I yield five minutes to my colleague from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, this man Daly was graduated from the Military Academy in the class of 1905, under a written pledge that he would serve in the Army for at least four or six years after his graduation. He tendered his resignation on May 11, 1906, within one year after his graduation. Since that time he has been in the banking business as a bond salesman and note broker in New York and Boston and did not succeed. He has been fire commissioner of the city of Boston, in which position he did not make a success. He is stated to be at present New England agent for the Atlantic Vehicle Co. He has changed his occupation four times since he left the Military Academy, and if placed in charge of Field Artillery would probably change his mind two or three times between sighting and firing a gun. [Laughter.] He has no qualifications for a position in the Army, except that he is reputed to have been the best football player that Harvard ever produced. [Applause.] That will not carry here, because, while that will deliver all the Harvard graduates on the floor of the House, they are not in a majority here.

There is no reason for reinstating Mr. Daly, and it will not be done without a quorum of the House present. A man who left the service just after he was graduated, violating a pledge which he had made to serve in the Army, and then went into one business, changed his mind immediately and went into another business, changed his mind almost immediately and went into still another business, and then was tendered at one time a reappointment in the Army, and between the time it was offered him and the time he could accept it changed his mind again and declined to go back into the Army, such a man, with such a mind, has no place in command of troops, because nobody knows what he ever would do. His mind does not operate with continuity.

Mr. PETERS. I yield to my colleague from Massachusetts [Mr. GARDNER] five minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, Charles Dudley Daly is one of the finest men I ever knew, and I know what I am talking about.

Athletics at Harvard University are governed by a committee of nine, composed of three undergraduates, three graduates, and three members of the faculty. For several years I was one of the three graduate members on the committee that governs Harvard athletics. I became very familiar with the personality of leading undergraduates and continued to keep in touch long after I ceased to be a member of the athletic committee. I know what I am talking about when I tell you that Daly was as highly respected by students, by professors, and by all who knew him as any man in Harvard College. I was very sorry to hear my colleague from the city of Boston [Mr. CURLEY] speak in the way he did about Daly. Daly was captain of the Harvard University football eleven, and, as the gentleman from Illinois has said, he was the best football player that Harvard has turned out for many years. But that is not a circumstance to be lightly brushed aside, Mr. Speaker. That is not an eminence that any weakling or vacillator could hope to attain.

Mr. Speaker, Capt. Daly went from Harvard, where he was universally respected, to the Military Academy at West Point, where also he was universally respected by officers and men alike. I do not know anything about these political difficulties in the city of Boston. I do not represent the city of Boston. I can not tell this House the rights and wrongs of Daly's trouble with Mayor Fitzgerald. I have risen merely to testify to his character and to say to my colleague from Boston [Mr. CURLEY] and to the gentleman from Illinois [Mr. MANN] that, in my opinion, they have to-night done Daly a great injustice.

Mr. FOSTER. I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I take this time in order to enter a protest against the treatment accorded the suffragist parade this afternoon by the police authorities of the city of Washington. Before making my protest I wish to say that, in my judgment, this parade, in length, in organization, in harmony, in orderly conduct, and withal in enthusiasm, has not had its parallel in American history.

I wish also to state that the congressional section, counting some score of Senators and Members of Congress, aided by Judge RUCKER, a Confederate veteran, bearing the flag of equal suffrage at its head, did not reflect discredit, to say the least, on the membership of the House and the Senate.

With these preliminaries, Mr. Speaker, I wish to call attention to the fact that yesterday, by a vote of 200 to 50, the House adopted the Senate resolution to give protection to these good women as they marched through the streets of Washington, not only requiring traffic to be stopped, but the resolution ended with this line of instruction to the police commissioner, "and to prevent any interference with the suffrage procession on that day."

The congressional section was probably half down the column, and by the time we reached Sixth or Seventh Street the

crowd was surging in. We were marching arm's length from each other, four abreast. We were crowded into three abreast and then two abreast, and it was with great difficulty—almost personal encounters—that we finally made our way in single file, with the police on both sides laughing with the ruffians. I have been called over the telephone since then and told by a lady that her young daughter was on one of the floats and a ruffian climbed on the float and insulted her daughter.

Mr. MANN. Her daughter ought to have been at home.

Mr. RAKER. She had as much right there as anyone. The gentleman ought to be ashamed of himself to make such a remark.

Mr. HOBSON. The gentleman from Illinois does not mean that he would not give protection to this woman. [Applause.] I wish to add that I requested the War Department for a troop of Cavalry as an escort to the congressional section and the Secretary of War refused my request. If I had time I would go into detail and cite cases, but I sum up by stating what I would embrace in a resolution were we not in the closing hours of this Congress—that the Federal and municipal authorities were grossly and willfully negligent in the performance of their duties in accord with the resolution of Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that I may proceed for three minutes.

Mr. MANN. Whose time does it come out of?

Mr. COOPER. I think somebody ought to have time enough to reply to the statement of the gentleman from Illinois.

The SPEAKER. The Chair has no control over the time. The gentleman from Alabama asks unanimous consent that his time be extended three minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that none of these gentlemen are debating the question before the House.

The SPEAKER. The point of order is well taken.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that I may proceed for three minutes.

The SPEAKER. The gentleman asks unanimous consent to proceed for three minutes. Is there objection?

Mr. SABATH. I object.

Mr. SISSON. I object, unless the gentleman discusses the question before the House.

The SPEAKER. The gentleman from Illinois objects.

Mr. PETERS. Mr. Speaker, I understand that I have 10 minutes left.

The SPEAKER. The gentleman has 10 minutes left.

Mr. PETERS. I yield five minutes to my colleague [Mr. MCCALL].

Mr. McCALL. Mr. Speaker, I do not know anything about the difference between Mr. Daly and the mayor of Boston, but I have just a shrewd suspicion that if Mr. Daly were here to tell his side of the story we would find that he had one, and it would not be the first time that it has happened in politics in Boston that one of the heads of the department has had a ground of his own in any difference with the mayor.

The gentleman from Illinois has unearthed some facts of this case; but I do not think he has followed his usual judgment on those facts. I think a great wrong would be done this young man to refuse to pass this bill. I do not have the pleasure of a personal acquaintance with him as has my colleague who has just spoken; he has spoken, from a personal acquaintance, in the highest terms of Mr. Daly. But my associations have led me to know of Mr. Daly very well in the past, and I believe that every word that was spoken by my colleague concerning him is strictly true.

It has been said that he was the captain of the Harvard football team. I have seen him play in some of the great games. I have seen him play in the Yale game. That is a position that requires not merely skill and good judgment, but he played the games brilliantly and managed his team well. He showed fine leadership in those games, the very quality that a soldier should have. When he went to West Point, if I am correctly informed, he was made the captain of the football team, and he made a very brilliant record upon his team there. He has shown just the qualities for a brilliant soldier, and because he has not succeeded as a note broker, and because he got into difficulty with the mayor of the city of Boston in the politics of that city I do not think are facts that constitute any reason why we should repudiate the report of the committee of the Senate and the committee of the House, both of which reports are in favor of this young man.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. McCALL. Yes.

Mr. FOWLER. I would ask the gentleman from Massachusetts if it is not a fact that the greatest general since the Revolutionary War was a failure in every private enterprise he undertook? I refer to Gen. Grant.

Mr. McCALL. Mr. Speaker, I thank the gentleman for the suggestion. I think if Gen. Grant's case were up to-night, and we were reviewing his business career, we would refuse, if these arguments are valid, to give him a position as lieutenant in the Army. [Applause.] I yield back the balance of my time.

Mr. FOSTER. Mr. Speaker, I yield half a minute to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. COLLIER] half a minute.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the insertion of an account of the proceedings and resolutions of the Harrison County Bar Association on Senator Money of Mississippi.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The resolutions and proceedings referred to are as follows:

[From the Biloxi (Miss.) Daily Herald.]

LATE SENATOR HERNANDO D. MONEY ONE OF THE GREATEST MEN OF HIS DAY—GLOWING TRIBUTE TO LIFE AND CHARACTER OF LATE SENATOR MONEY—MEMBERS OF HARRISON COUNTY BAR AND PROMINENT CITIZENS CHARACTERIZE MISSISSIPPI SENATOR AS ONE OF THE GREATEST MEN OF HIS DAY.

GULFPORT, *October 8.*

In resolutions drawn by a committee of the Harrison County Bar Association and in addresses by members of that association the late Senator Money was eulogized at a meeting at the courthouse in Gulfport last night as one of the greatest, wisest, and best men of the age, an honor to Mississippi, a man who had been of the greatest service to his country, a man of really fine and lovable character, true to his friends and devoted to his family. No one being present, whether a Mississippian and a friend of the dead Senator and his family or whether a stranger, could have been other than deeply impressed with the sincere and spontaneous outpouring of sentiment and kindly feeling for Senator Money. Men who had known him for many, many years told of incidents in his life illustrating his character and worth and touching upon many phases of his really brilliant and many-sided character. Resolutions which were prepared by a committee and were read by former Congressman Eaton J. Bowers, comprised in themselves a gem of beautiful sentiment in beautiful language and are fit to be handed down to posterity through many generations to come.

Of interest was the fact that Senator Money's two sons, George P. Money and Hernan D. Money, and Mrs. George P. Money were present and were conducted to positions of vantage in the auditorium. Feeling as they still do the keen sorrow incident to the death of their father, they could not have been conscious of aught but pride and thankfulness that they had themselves lived to see the day when their father's memory should be so revered and should be paid so many sincere tributes by men themselves distinguished and in the forefront of public life.

Senator W. G. Evans called the meeting to order and asked Judge T. H. Barrett, the present circuit court judge of this district, to preside. Dr. H. H. Sneed offered the opening prayer.

Ex-Congressman Eaton J. Bowers then read the resolutions which are hereto appended, and which, as stated, were prepared by the committee whose names are signed thereto.

Resolutions.

The following brief and modest biography compiled or authorized by Senator Money is taken from the Congressional Directory of the Sixty-first Congress:

Hernando De Soto Money, Democrat, of Mississippi City, was born August 26, 1839, in Holmes County, Miss.; was educated at the University of Mississippi, at Oxford, Miss.; is a lawyer and planter; served in the Confederate Army from the beginning of the war until September 26, 1864, when he was forced to retire from service by defective eyesight; was elected to the House of Representatives in the Forty-fourth, Forty-fifth, Forty-sixth, Forty-seventh, Forty-eighth, Fifty-third, and Fifty-fourth Congresses; in January, 1896, was elected to the Senate for the term beginning March 4, 1899; was appointed to the United States Senate October 8, 1897, to fill a vacancy caused by the death of Hon. J. Z. George on August 14, 1897; in January, 1898, elected by the legislature to fill out the unexpired term ending March 3, 1899. Was renominated by the Democratic Party in primary August 6, 1903, and elected to succeed himself for the term beginning March 4, 1905, and ending March 3, 1911.

Few men have loomed larger across the horizon of Mississippi, or filled a greater or more important part in her affairs and history than Senator Money. Born in Mississippi, educated in her university, nearly 50 years out of a life of 73 were spent directly or indirectly in her service.

At the outbreak of the Civil War he had just reached man's estate, and he threw himself into the cause and defense of his State with all the ardor and fidelity of a true and intense nature. After a service that lasted through practically the entire period of hostilities, he returned to take up the task of the redemption of the State. He spoke, wrote, counseled, and labored constantly and efficiently, and none contributed more than he to the successful outcome of that struggle. The prominent part that he took in the stirring years from 1865 to 1874, together with his splendid equipment and remarkable talents, caused him to be the nominee of the Democratic Party for Congress in 1874, and he was elected in that general upheaval that amounted almost to revolution, and that wrested Mississippi from the alien and spoiler and restored control to her own people.

In Congress he immediately took rank with the first, and soon rose to the head of the important committee on Post Offices and Post Roads. With the thoroughness that characterized him he mastered the whole

postal system of the United States, and was a recognized authority on that subject during all of his public life.

"After having served five terms, he declined reelection and practiced his profession, the law, for eight years in Washington, D. C., still retaining his residence in Mississippi until 1892, when he was again, and at a time when he was not a candidate, nominated and elected to Congress, where he served until he was appointed to the United States Senate in October, 1897, to fill the unexpired term of Senator George. He had before that time and in January, 1896, been elected by the legislature to succeed Senator George, who had announced that he intended to retire at the end of his term, and was again, in 1903, chosen by primary election to succeed himself. At the end of his second term he voluntarily retired, at a time when he was without opposition and when each of the candidates for the succession had announced that they would not oppose him. Practically his whole life from 1861 to 1911, from 21 years of age to 71, nearly 50 years, was spent in the service of the State.

"While he attained very high rank in the House of Representatives, his greatest reputation was achieved in the Senate. In that body he was an authority on finance, the tariff, the foreign relations, and policy of the United States, on agriculture, and the governmental activities in that field, on commerce—indeed it can almost be said of him as to the affairs of the Government, as Bacon said of himself, that he took all knowledge for his province.

"Some one has said: 'Reading makes a full man, conference a ready man, writing an exact man.' Whether Senator MONEY acquired these faculties in that way we know not, but we do know that neither in the fullness and accuracy of his knowledge nor in readiness and facility in its use, had he a superior in the public men of our time and generation. His ripe scholarship was recognized by his colleagues, who availed themselves without stint, of his full and accurate learning. On one occasion in the cloak room of the Senate, one of the ablest and most scholarly Members of that body came to him and said, 'MONEY, I am going to make a speech on ———,' naming the subject, 'and there is one point on which I have not been able to advise myself to my entire satisfaction, and I have determined to take the shortest route to the information and ask you.' Whereupon, for a half hour or more, Senator MONEY discoursed upon the matter mentioned, completely covering it in all its phases.

"He addressed the Senate frequently, but no more so than the approval and interest of his colleagues justified. He followed closely and was interested in all legislation, and spoke when he felt he should, and never without contributing to the solution of the matter at issue. Like most men of extraordinary reading and equipment, many of his best and most forceful speeches were extemporaneous, and one of these, which was perhaps his greatest effort, has been lost. It was a speech made in an executive session of the Senate. During the course of a speech by a southern Senator in opposition to confirmation of a negro appointee to an important office, a question was asked by a northern Senator, which the former either did not hear or, if he heard, overlooked. Senator Money rose and asked leave of the Senator to answer it, which being granted he did so fully and thoroughly. His remarks provoked other questions, and in a few moments he was launched into a remarkable and eloquent discourse upon the situation of the South and her peculiar problems, and for two hours or more he addressed the Senate in what was, by the unanimous voice of the Senators present, one of the greatest speeches ever delivered in that body.

"It was the marvel of all who knew him how, with failing vision that had for years prevented his reading, he not only retained what he had read, but kept abreast with all progress and with everything new. To us a greater marvel was the wonderfully logical mental arrangement of his learning and the quickness and facility with which it responded to the need of every occasion. He was an authority on every matter about which he assumed to speak, and when he had spoken as to any matter of history or fact it was generally conceded that the last word had been said.

"He was thoroughly imbued with the Democratic theory of government, and he understood that theory perfectly and in every detail. He was a reformer where reform was real and substantial, but he deprecated and opposed any deviation from the fixed landmarks of Democracy and of the Constitution. He was an advocate of representative government as designed and expounded by the makers of the Constitution and the founder of his party, and he opposed any departure from their doctrines on that fundamental point. He was a party man, believed in a government by parties, and served his party without deviation or shadow of turning, because he believed that it represented the proper governmental principles and ideals. He was for quite a period Democratic leader in the Senate, and he exacted and expected of his colleagues the same fealty that he himself delighted to yield.

"In his friendships he was strong and steadfast, and there was no limit within the bounds of propriety to his service to his friends. Devoid of egotism, he had no false or strained modesty, and he demanded without hesitation what he deemed the due either of himself or friends.

"His nature was ardent, frank, and open. He had no concealments and he spoke as his mind thought. His ideals were pure and elevated, his sense of honor quick and accurate, and his advocacy of right, as it was given him to see the right, was vigorous and constant. He was singularly independent both in thought and action. He was an original, virile thinker and he acted his thoughts. Being assured that he was right, he feared no consequences. Indeed, he never contemplated the possibility of consequences.

"His devotion to his friends was an index of his love for his family, which almost passed understanding and was the dominant note in his life. They were first and always in his thoughts, as in his love. Perfectly happy with them, he was never content when separated from them, and they vied with him not only in the affection that they bestowed upon him but in the manifestation and expression of it. No clan of people were ever closer and no more beautifully united and affectionate family ever existed. All of his people were of his household, and neither distance nor separation nor circumstance served to alter that fact with him. He exemplified the words of the Scotch poet:

"'The span o' life's nae lang enow,
Nor deep enow the sea,
Nor braid enow this weary warld,
To keep my ain frae me.'

"Happy are we that his last years, the evening of his full well-ordered and well-rounded life, were spent in our midst.

"His life was an inspiration, his friendship an honor as well as a guide and support; intercourse with him a liberal education; and now that he has passed away the bar of this county honors itself in paying this tribute to his memory.

"We shall not soon look upon his like again: Therefore be it

"*Resolved*, That in the death of Hernando De Soto Money the State and Nation have lost a patriotic son and faithful servant, this section a beloved and upright citizen, the bar an honored member, and his family a fond and devoted father.

"*Resolved, second*, That the president of this association be directed to present a copy of these resolutions to the next term of the circuit court of this county, with a request that the same be spread upon the minutes of the court and the secretary directed to forward a copy hereof to the family of Senator Money and furnish copies thereof to the press.

"W. G. EVANS,
"J. H. NEVILLE,
"GEO. S. DODDS,
"T. A. WOOD,
"J. A. LEATHERS,
"E. J. BOWERS."

Before taking his seat, Mr. Bowers added his personal tribute to the memory of his dead friend. In doing so he stated that this friendship had lasted for over 10 years. He related the manner of their meeting in Washington when both were in public life, the one as a United States Senator, the other as a Member of Congress. There was no special reason, he said, why Senator Money should have tendered him his services. He, himself, had no special claim upon Senator Money. Yet the Senator, shortly after Mr. Bowers went to Washington, came to him and in the kindliest manner placed at his disposal his great learning and his valuable influence, which latter extended to both Houses of Congress and into all executive departments. Every courtesy was shown him by Senator Money. "Senator Money," said Mr. Bowers, "was a man who kept the faith, the faith not only of his fathers, but the faith that the people confided to him," and he had now gone to that reward which without doubt awaited him.

Rev. J. L. Finley, from the audience, spoke of his regard for the fine character and personal integrity of Senator Money.

Attorney J. L. Taylor, in adding his tribute, stated that Senator Money had been in public life for 50 years, and during all these years, and in a time when wealth played so important a part in all men's undertakings, and when so many were accused of using their office for selfish gain, not one word had ever been heard reflecting on Senator Money's public or private life. He was a man who was great in a greater sense than could be expressed by the mere greatness of wealth.

Judge James H. Neville, in beautifully chosen language, gave expression to the love and esteem which had grown up between the two men during a friendship of many years, a friendship, said Judge Neville, which began 37 years ago, in 1875, during what was, in his judgment, the most perilous period in the history of Mississippi. During this time when bad and corrupt men were sent here to govern the people of Mississippi, men who were ready to bargain and truckle with the influential men of the State and offer them office and wealth for their influence, Senator Money remained true to his State and his people, even at the risk of persecution and imprisonment; and of all the men who stood true to their convictions and their people, Senator H. D. Money stood out as the brightest of them all. Judge Neville delved into the bygone years, bringing to light incidents of Senator Money's distinguished career.

He referred particularly to Senator Money's wonderful knowledge of postal affairs. He went to Congress determined to master one thing. He was placed on the Committee on Post Offices and Post Roads, then considered of little importance. He absolutely mastered this department of Government, and Judge Neville believed that the great advancement made in this department in later years was due very largely to Senator Money's knowledge and influence. Senator Money became and remained throughout his career a recognized authority on all matters pertaining to the postal department. At one time while on a visit to Mexico, Senator Money was introduced by the President of that Republic to the Mexican Congress as having done more for the postal department of the American Government than any man who ever lived.

Attorney James B. Cable spoke briefly mentioning a tribute paid to Senator Money by a paper in "Yankeeland." The editor of this paper, which was published in New Hampshire, in an article of length called attention in unstinted terms to Senator Money's character and attainments and to his worth to the Nation at large.

Attorney D. M. Graham expressed his high personal regard for Senator Money, and dwelling especially on the late Senator's fine private character, read a part of a deed of certain property to him by his children in which the principal consideration was his love and affection for them, and in which their love for him was also expressed in most beautiful language.

Senator W. G. Evans alluded to Senator Money's career as a Confederate soldier, which had not before been referred to. He said he had for many years been a personal and political friend of Senator Money's. He concluded by saying that "while the remains of Senator Money are wrapped in the bosom of his native State, may the sod rest lightly upon him while the people of the great Commonwealth with one voice, forever say, 'Well done, thou good and faithful servant.'"

After the adoption of the resolutions the meeting was quietly adjourned.

Some 20 or 25 attorneys represented the bar association, while many men of prominence and not a few ladies were seated in the auditorium.

Mr. FOSTER. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. AKIN].

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on ball playing.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PETERS. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. MURRAY].

Mr. MURRAY. Mr. Speaker, if the issue in this contest were between the mayor of the city of Boston and Charles Dudley Daly, I would be against Mr. Daly and with the mayor. If the issue were between Charles Dudley Daly and the gentleman from Massachusetts [Mr. CURLEY], I would be with Mr. CURLEY and against Mr. Daly. But the issue here, as I conceive it, is whether or not Charles Dudley Daly, a former student of the Boston Latin School, a graduate of Harvard College in the

class of 1901, and a graduate of the Military Academy in the class of 1905, should be reinstated as a lieutenant in the Field Artillery of the Army of the United States.

I happened to be in the office of Gen. Wood, the commanding officer of the United States Army, a few weeks ago. I called there to present the commanding officer of one of the regiments of the Massachusetts Volunteer Militia. After I had presented the colonel and the usual courtesies had been passed, Gen. Wood turned to me and said, "MURRAY, what are you going to do in the House of Representatives in regard to the bill to reinstate Daly in the Army?" I said, "General, what do you think about that bill," because, frankly, I was in some doubt about it for the reasons so eloquently set forth by my distinguished and able colleague [Mr. CURLEY]. Gen. Wood said to me, "MURRAY, Daly is a graduate of Harvard and has had the training of that splendid institution. Daly is a graduate of West Point and has had the training of that splendid institution. He has tried to make good in private life, but for one reason or another he has not made good; but he will make good in the Army, as he did make good for a year, and if you do not give him back to us in the Army it is a wasted life that will be his."

The gentleman from Illinois [Mr. MANN] points to the fact that for a time he was a note broker, and that he did not make good. Mr. Speaker, I do not know much about note brokers, but I do know something about the kind of bond salesman that Daly tried to be in Boston. I do know that bond houses there sometimes get young men of large acquaintance, who have the entrée into clubs and societies of one sort and another, and, paying them a small weekly salary, put them on a percentage basis, and according as they bring into the banking houses valuable customers and can get large trades for those banking houses, they are given great or small rewards and emoluments. I hold no brief for Daly, but I say the fact that he did not make good as a bond salesman in Boston, the fact that he did not make good as a note broker in Boston, may be something everlastingly to his credit rather than to his discredit in this situation. [Applause.] Now, I know Daly better than any one of these men, because I not only went to school at Harvard College when he was there but I went to the Boston Latin School when he was there. I have no cordial personal relations with him, because I had political differences with him when he was fire commissioner, just as my distinguished colleague had——

Mr. CURLEY. May I ask the gentleman a question?

Mr. MURRAY. I have not the time. I had differences just as he had, but this is no time for us to fight our political differences in the city of Boston. It requires a two-thirds vote to put this bill through. It is a significant thing that of the three Representatives in Congress who come to you from the city of Boston, two-thirds are in favor of this measure and one-third is against it. Let me express the hope that when the vote is taken the vote of this House as it is now constituted will be two-thirds in favor and one-third against. The gentleman from Illinois [Mr. MANN] says Daly never made good anywhere. Let me tell you in the year when I was a freshman at Cambridge he made good sufficient to be the marshal of his class, a position given to him because his classmates thought he had made good. Let me tell you in the report filed by this committee it is stated that one year he was third in his class at West Point, that another year he was second in his class at West Point, and that another year he was first in his class at West Point. I never went to West Point, and frankly, gentlemen, the reason I never went to West Point is because away back in 1900 Charles D. Daly was appointed to West Point by the then Congressman Fitzgerald, now mayor of Boston, to a place to which I aspired with all the enthusiasm that I ever had in aspiring to anything. [Applause.]

Daly beat me for that place, and frankly I am glad of it, and he not only beat me but he beat a great crowd of fellows who tried to win that appointment from Congressman Fitzgerald, and the reason he beat us was because he passed the very best mental and physical examination of any of that great number who took the test. [Applause.] What should be the test of making good; what should be the test for the purpose of determining this matter of reinstating or refusing to reinstate Daly? I believe the test should consider mental and physical equipment, and on those considerations I rest this case. [Applause.]

The SPEAKER. The question is, Shall the rules be suspended and Senate bill 7747 passed?

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended, and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the Senate had passed, without amendment, the following resolution:

House concurrent resolution 73.

Resolved by the House of Representatives (the Senate concurring), That the managers on the part of the two Houses be authorized and directed to insert in H. R. 28858, an act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, the following:

"After March 4, 1913, those members of the Committee on the Judiciary who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on the Judiciary during the first session of that Congress are authorized to expend for experts, accountants, and clerical and other assistants for the purposes stated in House resolution 486, out of the contingent fund of the House, a sum not in excess of the balance unexpended under said resolution."

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a statement. I understand that the leader on the other side of the House, at this late hour of the night, prefers the balance of the business transacted should be by unanimous consent.

Mr. MANN. Yes.

Mr. UNDERWOOD. If that is the case, I recognize the fact, Mr. Speaker, that at this late hour of the night we must get the balance of these supply bills through by the good nature of the House, and I would suggest that the business, except the supply bills, be transacted by unanimous consent.

Mr. TILSON. May I ask the gentleman a question?

Mr. UNDERWOOD. Yes.

Mr. TILSON. May I have the opportunity to call up the bill concerning which I spoke to the gentleman?

Mr. UNDERWOOD. By unanimous consent. Everybody an call up business——

Mr. HUMPHREYS of Mississippi. May I ask the gentleman, suppose the bill is called up by unanimous consent and it is objected to?

Mr. UNDERWOOD. I take it no gentleman here would want to raise the question of a quorum with three great supply bills out.

Mr. HUMPHREYS of Mississippi. That is what I asked. If a bill is brought up by unanimous consent and objection is made, is it the gentleman's proposition that the proponent of the bill would not have the right to move to suspend the rules and pass it?

Mr. UNDERWOOD. The gentleman from Illinois requested and we have to do business by unanimous consent.

Mr. TILSON. In regard to the bill I spoke to the gentleman——

Mr. UNDERWOOD. I have no objection.

Mr. TILSON. It is a bill of the same kind as the one passed, except it is, in my opinion, a very much better bill.

Mr. UNDERWOOD. We do not want the point of no quorum raised.

Mr. MANN. It is quite apparent we can not pass very many bills under suspension of the rules at this time in the morning.

Whether we can pass any bills by asking for unanimous consent I do not know. We have not been very lucky about it in the last few weeks. It seems to me we might try that. I will make a point of no quorum if any more of these reinstatement bills are called up.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask the gentleman from Illinois a question. I would like to ask him if it is his idea to take up the Unanimous Consent Calendar or any bill by unanimous consent?

Mr. MANN. I should be perfectly willing to stay here and let any gentleman call up any bill by unanimous consent, so far as I am concerned. That is a matter of recognition on the part of the Speaker.

Mr. CLARK of Florida. I want to ask the gentleman from Alabama [Mr. UNDERWOOD] a question.

The SPEAKER. The gentleman will propound his query. [Laughter.]

Mr. CLARK of Florida. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-seven gentlemen are present—a quorum.

Mr. RAKER, Mr. TILSON, and Mr. WARBURTON rose.

The SPEAKER. The Chair recognizes the gentleman from California [Mr. RAKER].

EXCHANGE OF LAND FOR SCHOOL SECTIONS.

Mr. RAKER. Mr. Speaker, I move to suspend the rules and pass the bill S. 5068.

The SPEAKER. The Chair wants to make a short announcement, and that is that he will not agree to recognize anybody to suspend the rules unless the gentleman is willing to withdraw it if it runs to a point where there is going to be a question of no quorum raised.

Mr. RAKER. Mr. Speaker, I am in the position that if the point of no quorum is made I will have to withdraw it. I state that to the Speaker, and I will do it.

The SPEAKER. The Clerk will report the bill.

The Clerk reads as follows:

A bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., 796), and any such exchange, whether heretofore or hereafter approved, shall restore full title in the United States to the base land, without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 U. S. Stat. L., pp. 847–848), until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits: *And provided further*, That the provisions of this act shall not apply to the State of Idaho.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. First, the Clerk will read the amendment at the end of the bill.

The Clerk read as follows:

Strike out, in lines 10, 11, 12, and 13, on page 2, the following: "And in case the same shall be found within the exterior limits or more than one reservation they shall become a part of that reservation which was first established."

And strike out the comma after the word "situate," in line 10, same page.

Second amendment:

In line 15, page 2, strike out the words "as mineral."

Amendment 3:

Line 18, page 2, strike out all of line 18, after the word "cases," and all of lines 19, 20, 21, 22, 23, 24, and lines 1 and 2, on page 3.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a second.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from California is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. RAKER. Mr. Speaker, will the Chair notify me when I use five minutes? That is all I wish.

This bill, as it now stands, with the amendments, comes from the Committee on the Public Lands of the House, after they had gone over it and reported it favorably. It was taken up by the Senate committee, and gone through fully by them, and then passed the Senate. It has for its object, first, that sections 16 and 36, granted to the State, included in reserves such as Indian, military, and national forests, should be exchanged for lands of equal size. When these reserves were created the lands within them belonged to the State. The State then made application for land outside of the reserve, and we now ask that those locations be confirmed. It not only applies to the State of California, but applies to a number of the Western States. The second provision is so as to make it clear that the lands thus situated should go back to the reserves in which they were when selected.

In the second section there is an amendment so as to avoid any possibility that the lands withdrawn under the Pickett bill shall not be affected by this act. I want to call the attention of the House that in the report the Secretary of the Interior, the Commissioner of the General Land Office, the attorney general of the State of California, and the Legislature of California have gone over this matter and recommend that the legislation be adopted.

The Secretary of the Interior on February 11, 1913, suggested as to these amendments that it is to the interest of the public that this legislation be adopted. A few days subsequently a very lengthy decision was rendered by the Secretary of the Interior covering the entire situation of the land matters, and it was inserted in the RECORD under date of February 18, 1913, on page 3606, stating the entire history of these matters—stating that the Secretary of the Interior had recommended and had approved all of these selections, and had suggested to Congress that Senate bill 5068 was such legislation as he believed in his judgment ought to be passed in order to straighten up the entire condition as to the land matters growing out of this, so that the matter would not be involved in the decision rendered in the case known as the Slack case, where the court held that the State could not make its selection, and the Land Office held that it could.

But since the Secretary of the Interior has now approved of all the surveys and approved all the applications, this bill will change the matter and put it in the condition it ought to be in, and will give the Government the title to its lands in exchange and give the individuals, who have applied to the State for land, their land without any question.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. If any gentleman intends to raise a point of no quorum, the Chair will request him to say so right now.

Mr. CLARK of Florida. Mr. Speaker, I do so now.

Mr. RAKER. Then I withdraw my bill.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I want to know if it is not in order to call up a bill that is privileged under the rule?

The SPEAKER. It is.

Mr. RUSSELL. Then I desire to call up House bill 28093.

A MEMBER. The gentleman from Florida said he would make the point of no quorum.

The SPEAKER. The Chair inquired if any gentleman intended to make the point of no quorum on that bill if it went on, and the gentleman from Florida [Mr. CLARK] responded that he did.

Mr. CLARK of Florida. I did make the point, Mr. Speaker.

The SPEAKER. The Chair did not invite any gentleman to make it. [Laughter.] Of course the gentleman has the right to make it, but the Chair is trying to economize time. Does the gentleman from Florida insist upon the point of no quorum?

Mr CLARK of Florida. I do.

The SPEAKER. The Chair will count.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I make the point that that point is dilatory. Just a few moments ago the Speaker ascertained that there was a quorum present. There were 197 Members present.

Mr. MANN. He counted 197.

Mr. HUMPHREYS of Mississippi. No; there were 197 present. I make the point that the point of order is dilatory.

Mr. MANN. There is no quorum here now. There may be one again, but there is none now.

The SPEAKER. The Chair will count.

Mr. CLARK of Florida. Mr. Speaker, I will withdraw the point.

The SPEAKER. The gentleman from Florida [Mr. CLARK] withdraws the point of no quorum. The Chair desires to make a statement after we get through with this privileged matter of the gentleman from Missouri [Mr. RUSSELL]. If anyone intends, when a bill is called up under suspension of the rules, ultimately to make the point of no quorum, he ought to notify the Chair and the House. There are some bills here that ought to be got through. [Applause.]

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. As I stated to the Speaker, if a point of order was made, I will withdraw the request. Does that apply if the gentleman from Florida withdraws?

The SPEAKER. Of course it did. What the Chair is trying to do is to get these little bills passed that gentlemen are interested in, and which ought to be passed, and when a gentleman notifies the Chair that he is going to make the point of no quorum if a certain bill is to be taken up time can be saved thereby.

Mr. RAKER. Now, suppose I should say that I would make the point of order on these other matters. There does not seem to be sufficient courtesy in these matters in the House. The department has asked that this legislation be had.

I just want a few moments on this matter. I have gone to the departments and to these committees, and have presented

this matter with all the diligence that a man could, and have obtained the decision of the department that this legislation ought to be passed. I have stepped aside for other Members and have not imposed myself upon them; but to-night, if when I have asked for proper legislation on behalf of my State I am to be defeated, I feel in duty bound that I must insist that from now on there shall be a quorum in this House. I have never done it before. I appeal to you gentlemen to-night that I ought not to be put in this position. If I had a bill that did not have merit, if I had not diligently and honestly worked upon it, I should not feel as I do about it. I will ask the gentleman if he has any objection to the merits of this bill?

Mr. MURRAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of this bill.

The SPEAKER. What bill?

Mr. MURRAY. The bill that the gentleman from California is trying to call up.

Mr. MANN. There is a motion to suspend the rules.

Mr. HEFLIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. The gentleman from Florida raised the point of no quorum. He then withdrew it, and that left the gentleman from California with his bill before the House just as it was before the point was made.

The SPEAKER. The gentleman does not state that exactly right. The Chair stated that if any gentleman intended ultimately to raise the point of no quorum against the bill the Chair wished he would do so when the bill was read by title, so that gentlemen who have bills that nobody objects to particularly can get them through.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to speak for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, of course we are all tired and worn out and trying to do our duty to the country and to our constituents. The point of no quorum at this time, if we should adjourn, would adjourn us until the end of this session. We might not get a quorum, or it would be difficult to get one, before 6 or 7 o'clock. It would mean that a number of the great supply bills must fail. I am sure that there is no gentleman in this House, realizing his duty to his constituents and his duty to the country, who would be willing to destroy the great supply bills. His constituents would not expect that of him.

Mr. RAKER. Will the gentleman yield for a question?

Mr. UNDERWOOD. I am not referring particularly to the gentleman from California. I yield to the gentleman for a question.

Mr. RAKER. I have asked very little from this House, but I believe a man has a right to represent his constituents here. I think it is his duty to represent his constituents and his State. The great State of California, through its legislature, has been asking for this legislation. Some one, somehow, has sent to my constituents in my State the charge that as a Democrat I could not secure legislation from my Democratic brethren. I am the only Democrat from California, and I have stood it as long as I can when I know it is not true, and gentlemen know I ought not to be put in that position in my State. [Applause.]

Mr. UNDERWOOD. I will say to the gentleman from California that the statement that he has not represented his constituency and that he has not brought forth fruitful legislation is known by his colleagues here to be untrue. [Applause.] He has gotten his fair share of the legislation that has come forth in this House.

But, gentlemen, we must be good-natured. If we are not, we shall destroy the action of this House. I appeal to the gentleman from California and to my other colleagues that we go along, if we can, and agree on bills by unanimous consent. If we can not, then nobody can hold you responsible.

Mr. SHERLEY. I ask unanimous consent that the gentleman from California be recognized to move to suspend the rules on this bill.

The SPEAKER. He has been once recognized for that purpose.

Mr. SHERLEY. I ask that he be again recognized for that purpose.

Mr. MANN. I should like to make a suggestion to the gentleman from Alabama. It is perfectly apparent that the House, in its present temper, with the Members largely tired out, at 3 o'clock in the morning, will not proceed to do business, either by unanimous consent or otherwise, in the absence of a quorum, and there is no quorum here.

The first thing the gentleman from Alabama knows he will have no method of doing business in reference to appropriation bills that are outstanding unless he takes a recess.

Mr. HUMPHREYS of Mississippi. Before the gentleman from Alabama makes a request for a recess, will he let me make a statement of about two minutes? There is a bill that I have been endeavoring to get recognition for. It is not a private bill; it is not a bill that I have the slightest interest in or that my district or State has any interest in. It is a bill that I am trying to get up as chairman of the committee that reported it. It relates to Alaska. It is a bill that will not be objected to by anybody in the House if I can get recognition. If I can not get recognition to-night the bill will not become a law this session. I hope the gentleman from Alabama will not ask for a recess until I at least have an opportunity to ask unanimous consent for the consideration of that bill.

Private bills that affected nobody, except the individual mentioned in the bill, have been taken up for the last day or two. This is a bill that affects the great Territory of Alaska, and, as I say, it is a bill that no individual in the House has any particular interest in, and I only beg to get it up as chairman of the committee that was ordered to report it. I hope the gentleman will not ask for a recess until I have that opportunity.

Mr. RAKER. Mr. Speaker, to make myself plain, so that Members will fully understand me and to show the fairness with which the Speaker has treated me, I want to say that a month before this House adjourned at the second session I was placed sixth on the list. The Speaker has continued to treat me fairly, but I told him that I would yield to all others that had matters of importance that would affect the country and to put me further down on the list. So gentlemen can see that all of this time I have yielded to others. I say to my colleagues that I do not like to come here and be idle. I want to attend to these things that ought to be attended to, and it seems to me I ought to be out of the Chamber instead of being here if I can not represent my district and my State. In my own county and 16 counties of my State we are being compelled to refund from ten to twenty-five thousand dollars this year on taxes because the title of this land is not in the parties in whom it ought to be.

Mr. HUMPHREYS of Mississippi. I think if the gentleman asks unanimous consent he can get his bill passed.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to consider this bill with the amendments presented.

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I would like to know why a single Member, because he threatens to make a point of no quorum, should have his bill brought up while other Members have been waiting all day to have their bills considered.

The SPEAKER. The Chair will make a statement. The Chair does not know whether he has adopted the right or the wrong plan. This matter of suspension of the rules is entirely within the discretion of the Speaker. The Chair did not know any other way to do it, although he may study out one and a better plan, but he took them in the order in which they come, and the gentleman from California [Mr. RAKER] stated the exact truth. He stood sixth on the list to begin with, and he did let in gentlemen who had matters of pressing importance. The Chair thought it was his duty to recognize him, and started in to try and adhere to this list.

We got blocked the other morning, with not more than 20 Members in the House. The gentleman from Massachusetts had a bill up, and the gentleman from Illinois [Mr. MANN] notified the gentleman publicly that he was going to raise the point of no quorum. The Chair asked the gentleman publicly to withdraw the bill and promised to recognize him the first time we got a quorum. He would have been recognized long ago and his bill out of the way, but we went on then for three or four hours, nobody raising the point of no quorum, until finally some one demanded a roll call. The Chair counted the Members of the House 10 or 15 times, first and last, to see if a quorum had gotten in in order to carry out faith with the gentleman from Massachusetts [Mr. PETERS]. The first time we got a quorum there were three or four appropriation bills up. The Chair sat here until about an hour ago waiting for this opportunity to come. The Chair has tried to be fair about this business. He does not want the fruits of this session lost by somebody raising the point of no quorum at this time.

Mr. LINTHICUM. Mr. Speaker, I will say that I was eighth on the list, and the gentleman from Illinois persistently raised the point of no quorum against me, and yet he let other bills of the very same nature, some not as meritorious as my bill, be passed, without raising the point of no quorum. I do not propose to raise the point of no quorum against this gentleman, but I do think that the Members here ought to treat one another

fairly and equally. If the gentleman persists in raising the point of no quorum against me, he ought also to raise it against the gentleman from California, and against all having bills similar to mine.

The SPEAKER. The gentleman has a right to raise a point of no quorum at any time, and he does not have to assign any reason for it.

Mr. HEFLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is to recognize the gentleman from California to suspend the rules.

Mr. RAKER. Mr. Speaker, I ask for a vote upon this matter.

Mr. MANN. Oh, we ought not to be so hasty as all that.

The SPEAKER. There is debate of 20 minutes allowed each side.

Mr. RAKER. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Did the gentleman from California a while ago withdraw his motion for suspension of the rules?

Mr. RAKER. Under the statement of the Speaker I said that I would if the point of order of no quorum was made, and of course I did it. Then I made a parliamentary inquiry, and I understood if the gentleman withdrew his point of order that that would reinstate my motion.

Mr. MANN. Having withdrawn his motion for suspension of the rules, does the gentleman now renew it?

The SPEAKER. Let us begin over again.

Mr. MANN. I am asking for information.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill, with the amendments. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois is entitled to 20 minutes and the gentleman from California is entitled to 20 minutes.

Mr. RAKER. Mr. Speaker, I have already used 5 minutes, and I reserve the 15 minutes.

The SPEAKER. The gentleman reserves his time.

Mr. MANN. Mr. Speaker, I regret very much the gentleman from California [Mr. RAKER], in proposing his measure, has not taken the opportunity to state to the House what it is. Under the law school sections are given to the different States. The State of California is entitled to sections 16 and 36 in each township. Where, for any reason, the State can not obtain the actual land itself, it is permitted to select other land in its place. The State of California has considerable land in forest reservations, and that land in the main, or much of it, the State can not take, and is entitled to take lieu land in place of it; but where the land in the forest reservations which would go to the State has been surveyed, the holding is that the title upon the survey passes to the State of California, and the State owns the title, so it is claimed. This bill proposes to permit the State to accept other land in place of this surveyed land, called base land in other parts of the State. This base land in the forest reserves in most cases is of little value. Most of it that has not been taken up is not forested. Much of this land in the forest reserves which has been surveyed and would go to the State as sections 16 and 36 is practically waste land. The State, which does not want the land, sells, or until recently did sell, the right to people to take the lieu lands, for which it has been charging $10 an acre. That is a rather profitable transaction for the State. The State trades back to the Government of the United States land of no value, much of it, in the forest reserves, and proposes then to select the base land anywhere in the State of California as lieu lands and charge a high price for it.

That is one aspect of the case which never has strongly commended itself to me, but there is another. In the days when Hyde and Benson were perpetrating their crimes upon the country it is said they had a pipe line connected with some of the officials of the Government under which they obtained advance information as to the creation of a forest reservation, and wild land of no value to-day which no one would take and settle upon belonging to the State as its school sections to-morrow was covered into the forest reserves, and Hyde and Benson made a claim to that State land, and then had it used as a base for selecting valuable timbered lieu land outside of the forest reserves in the very best forests in California. Since that time another crook by the name of Lake has set up a claim on these base lands in the forest reserve, and I have been somewhat divided in sympathy between Hyde and Benson on one side and Lake on the other, because it is perfectly apparent that Hyde and Benson are criminals and Lake a blackmailer.

Mr. LEVER. Will the gentleman yield? How many acres of land are involved in this proposition, if the gentleman knows?

Mr. MANN. Well, I do not recall at present, but there is a very large amount.

Mr. LEVER. Does the gentleman know as to California?

Mr. MANN. Well, of course the land involved in the bill covers all the land covered in forest reserves in any State. As a matter of fact, the department has always held that it had the authority to make the change, and they had not only always held the authority, but they now hold they have the authority, and they make this exchange to every other State in the Union except California, and I think they would make the exchange now with the State of California, except that nobody knows what title we would get if we made the exchange. I want to read a short statement in the report, a letter addressed to the gentleman from California by the attorney general of California.

Shortly after Mr. Kingsbury took office as surveyor general of California, in January of 1907, he also discovered that indemnity or lieu lands were almost entirely controlled by F. A. Hyde. Hyde was enabled to control these lands by reason of the fact that until a section of school land was placed within the limits of a reservation created by proclamation of the President, no lands could be selected in lieu thereof, nor could any applicant file an application for lieu lands in the State land office. For years Mr. Hyde was enabled to secure the first information as to the creation of national reservations, which thereby enabled him, under the laws of California, to file applications before any other person had the necessary information. To correct this condition and to permit the State to secure the benefit of controlling these lieu-lands selections, Senator Thompson, the surveyor general, and myself drafted a bill which is known as the "Thompson bill," and which was passed by the legislature in 1909, which was the first session of the legislature after Gen. Kingsbury took office. This bill withdrew all such sixteenth and thirty-sixth sections from sale or use by any person and provided a method of sale at public auction. The plan has worked very well and has enriched the State to the extent of several hundred thousands of dollars, the last sale bringing close to $10 per acre instead of $1.25, as they had previous to that time. It also had the effect of stopping the activities of F. A. Hyde and those operating with him.

The step of Mr. Hyde is a good thing, and it is Hyde's grantees, said to be innocent men—some of them probably are—who are now seeking this legislation to secure title to forest lands in California growing out of the criminal transactions of Benson and Hyde, many of those acres being worth from $100 to $500 an acre, secured through fraud. On the other hand, Mr. Lake has now filed a claim, or had men do it by his direction, upon those lands in the forest reserve which are the base lands and which were used to obtain the lieu lands outside the forest reserve. We have one set of men claiming the lieu lands outside the forest reserve and another set claiming the base lands inside the forest reserve, knowing that both of them are not entitled to the land. This bill proposes to confer title to those outside of the forest reserve and let the Government of the United States whistle unless it is decided by the courts of California Mr. Lake is not entitled to the base lands inside the forest reserve. Suppose we pass a bill like this? The men who have taken the fraudulent lieu lands on the outside get their title to it. Mr. Lake claims that he owns title from his dummies or his constituents or clients or whatever they may be who own the land on the inside of the forest reserve. This matter is pending in litigation——

Mr. RAKER. Will the gentleman yield for a moment for a question right there?

Mr. MANN. Not unless it is in the gentleman's time—that matter is pending in litigation in California. The California courts will determine whether the title of California in this land was good and passed to the people who have filed their claims.

If we give away our title to the lieu lands outside and then the court of California decides, as gentlemen are afraid it will, that Lake and his men own the title to the California land inside the forest reserve, where will the Government get off? It will be another step, in my judgment, not intentional for the purpose of creating fraud, but with the effect not only of condoning the fraud of the past, but of encouraging the fraud that is contemplated possibly in the future. At least the Government will not only, in the first place, have given men the right in California to take forest land outside the forest reservation valued at $100 to $500 an acre with the expectation that it at least will get the title of California inside the forest reserve, but when we are through we will find we have lost title to both pieces of property. Why will not gentlemen wait until the courts of California will have determined or some one has determined whether we have the right to get the title back from California?

It is admitted that the title went to the State of California on the school lands inside of the forest reserves. Gentlemen

are assuming in this bill that Congress by giving the title to lands outside of the forest reserve thereby acquires the title to lands inside the forest reserve which belong to the State of California. We can part with title which we own, but we can not by legislation take away from California title which it owned and which the people have acquired under its laws since it owned the title.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The time of the gentleman has expired. The gentleman from California [Mr. RAKER] has 15 minutes.

Mr. RAKER. Mr. Speaker, I call for a vote.

Mr. KNOWLAND. Will the gentleman from California [Mr. RAKER] yield to me for five minutes?

Mr. RAKER. No. I call for a vote.

Mr. KNOWLAND. Then I will make a point of no quorum.

Mr. RAKER. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from California [Mr. KNOWLAND] is recognized for five minutes.

Mr. KNOWLAND. Mr. Speaker, I have hesitated in making a point of no quorum at this time, not desiring to jeopardize the appropriation bills. I am willing to allow the House to pass upon the bill. I had in my desk up to yesterday a petition signed by 200 reputable residents of my chief city, Oakland, Cal., protesting against the passage of this bill. They represent one side of the contest which has been mentioned by the gentleman from Illinois [Mr. MANN]. They set forth that this whole question is now in court, and that this bill is an attempt to take out of the courts of California the cases that are now pending. I have also had——

Mr. RAKER. Will the gentleman yield right there? I will give him sufficient time out of mine. Is it not a fact that these men that the gentleman is speaking of now have never paid one cent for any of this land, or attempted to pay it?

Mr. KNOWLAND. I am not standing here to defend these gentleman. I am standing here to make a statement in protest.

Mr. RAKER. Is it not a fact that these men who are trying to claim this land have gone to work and compelled these men to pay an amount to the extent of $5 an acre or thereabouts, and then waived any claim, and by virtue of that and the telegrams and letters, the Department of the Interior said it was their duty to protect the citizens of the State of California, and asked that this bill pass?

Mr. KNOWLAND. I am somewhat inclined to take the position of my friend from Illinois, that there may be question as to both sets of claimants. My colleague represents the authorities of the State of California, and a number in opposition reside in my congressional district.

Mr. RAKER. Oh, no; I do not represent any of them.

Mr. KNOWLAND. I have also had in my desk a letter from a gentleman who has until recently served as United States district attorney for the district of San Francisco, the Hon. Robert T. Devlin, and in that letter he clearly shows that these cases are now in court. He is the attorney for some of these claimants who reside in my congressional district. Mr. Devlin declares that within a short time the court will hand down a decision upon these cases; and he protests in their name against the passage of this bill, which would take these gentlemen out of court. This statement I make on behalf of my constituents.

I desire unanimous consent to place in the RECORD these papers, which are not in my desk this evening.

The SPEAKER. The gentleman from California [Mr. KNOWLAND] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The papers referred to are as follows:

[Telegram.]

OAKLAND, CAL., *February 1–2, 1915.*

Hon. JOSEPH R. KNOWLAND,
Member of Congress, Washington, D. C.:

We earnestly solicit your protection against Raker bill, and request you to prevent unanimous consent. We are prosecuting claims in court to school section which were unlawfully tendered in exchange for lieu lands, and are advised that peculiar provision in bill authorizing allowance by Interior Department of exchanges without conveyance from State is intended to destroy our claims. Our rights should not be arbitrarily destroyed by Congress. We urge clear and full understanding of bill and full investigation before passage.

John Yule, John W. Gwilt, J. B. John, Chas. Leonard Smith, Edwin W. Woodward, Alfred Cords, John F. Smith, True Van Sickle, Geo. B. Merrill, Benj. R. Aiken, Henry N. Tumsuden, Edw. B. Webster, M. K. Walker, Carl Doell, Al Wood, John M. Davis, Herbert L. Kemp, Alfred S. Van Valkenberg, Jos. A. Colquhoun, Delbert A. Brown, Chester S. Parker, W. C. Kady, B. L. Spence, Edw. C. Kemble, Frank S. Lowell, A. R. Mehertens, Herman Muhr, Harold A. Van Valkenburg, Wm. A. Powell, Alexander Milwain, M. N. May, R. Porter Giles.

SACRAMENTO, CAL., *December 30, 1912.*

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

MY DEAR MR. KNOWLAND: I am advised that Raker bill, H. R. 25738, Union Calendar 331, is now being pressed in Washington. You are aware that many citizens of California claim title to a large portion of these lands and have brought suits against the Surveyor General which are now pending in the Superior Court of San Francisco and at Sacramento to establish their rights. The Attorney General has demurred to these petitions. The demurrer was argued some six weeks ago in San Francisco before Judge J. H. Seawell. Both parties were given time in which to file briefs, and the Attorney General has submitted his brief, and the defendants will submit theirs in a few days.

I am convinced that the argument made upon demurrer was sufficiently cogent to cause the defendants to recognize the strength of the claims of plaintiff. A similar case arose in the State of Washington, and the supreme court there decided in accordance with our contention. The vice of the Raker bill as it now exists is that it would confiscate the property rights of our clients without a hearing. No matter how strong our rights may be, it will be impossible for us to sue the United States to assert them. If the United States desires to adopt the policy of the Raker bill, it should, in all justice, provide that existing rights shall not be affected. If our clients have no rights, we gain nothing. If we have rights, then they will be preserved. All that is asked is that the legislation of Congress should not prejudice titles claimed under the State and adverse to the exchanges proposed by the Raker bill. To this no fair man can object.

I trust that you will see that such an amendment is inserted if there is a prospect of the bill passing.

With kind regards, I beg to remain,

Very truly, yours, ROBT. T. DEVLIN.

Two hundred Alameda County (Cal.) claimants to school lands adverse to pending lieu selections who are opposed to Raker bill:

L. J. Archer, Oakland; Annie S. Austin, Oakland; Frank H. Ayers, Oakland; Lillian Aiken, Oakland; Wm. A. Anderson, Alameda; W. P. Ainsworth, Oakland; Hansine Albertson, Berkeley; Norman O. Anderson, Oakland; Adolph Abrams, Oakland; Delbert A. Brown, Oakland; Lillie B. Batley, Oakland; Clarence H. Baer, Oakland; Edwin A. Barnes, Oakland; Rosetta Barnes, Oakland; Anna Elizabeth Bull, Oakland; Daniel H. Bolce, Oakland; M. J. Bleuel, Oakland; Sarah M. Burrus, Oakland; Katherine R. Beauvais, Oakland; J. H. K. Bell, Oakland; Annie L. Buckley, Oakland; H. G. Borst, Oakland; S. J. Brothers, Berkeley; Harry F. Buckley, San Leandro; C. W. Bassett, Alameda; W. S. Cox, Oakland; Geo. A. Clark, Oakland; F. W. Combellick, Oakland; Martha P. Council, Oakland; Frank Colbourn, Oakland; Fred A. Campbell, Oakland; C. W. Crabtree, Oakland; Henry F. Comper, Oakland; Geo. Comper, Oakland; Mrs. Geo. Comper, Oakland; Julia I. Carter, Oakland; Alfred Cords, Oakland; Maud Cords, Oakland; Jos. A. Colquhoun, Oakland; Eleanor W. Colquhoun, Oakland; Josie E. Clapp, Oakland; W. S. Chandler, Oakland; T. J. Carr, Oakland; Geo. W. Cavers, Oakland; Timothy Conway, Oakland; J. H. Coghlan, Oakland; John M. Davis, Oakland; Emma A. Davis, Oakland; Martha S. Dahl, Oakland; Carl T. Doel, Oakland; Lavina B. Doel, Oakland; Jeremiah B. Delaney, Oakland; M. Elizabeth de Cora, Niles; Wm. F. Duckworth, Livermore; Wm. B. Davis, Oakland; M. Lewis Emerson, Oakland; Chas. Everson, Oakland; D. W. Ervin, Oakland; Augusta Everson, Oakland; W. M. Fitzmaurice, Oakland; Lucy Churchill Fay, Oakland; F. D. Frost, Oakland; Gertrude Fenn, Oakland; John W. Gwilt, Oakland; R. Porter Giles, Oakland; Wm. L. Govan, Oakland; W. N. Gilliam, Oakland; F. W. Goodwin, Oakland; D. L. Gershon, Oakland; John Gomes, Oakland; Edna Mae Grant, Berkeley; C. F. Gilcrist, Berkeley; Walter L. Hawkins, Oakland; M. C. Hanley, Oakland; T. E. Hanley, Oakland; Marion W. Hawkins, Oakland; Ethel Hendricks, Oakland; L. S. Hawxhurst, Oakland; J. C. Hirschman, Oakland; Ernest Hanley, Oakland; S. J. Highwarden, Oakland; Percy G. Hawley, Oakland; Russell W. Hughes, Livermore; Fannie A. Irving, Oakland; J. B. John, Oakland; Frank V. Jones, Oakland; A. Lawrence Johnson, Oakland; H. G. Johnson, Oakland; Henrietta M. Jones, Oakland; Tirza S. Jones, Oakland; W. R. Jenkins, Berkeley; E. G. Knapp, Oakland; W. M. Kreiss, Oakland; C. G. Kemp, Oakland; Herbert L. Kemp, Oakland; Estelle M. Kemp, Oakland; W. C. Kady, Oakland; J. W. Kennedy, Oakland; Edw. C. Kemble, Berkeley; F. B. Ladd, Oakland; J. E. Lonergan, Oakland; A. G. Laroche, Oakland; Mary P. Lyon, Oakland; F. S. Lowell, Oakland; Chas. R. Laidlaw, Oakland; E. C. Lyon, Oakland; Sophie Lauritsen, Alameda; John M. Lee, Alameda; R. E. Long, Oakland; A. R. Mehrtens, Oakland; Rafree S. Mehrtens, Oakland; Ruth M. Milwain, Oakland; Alexander Milwain, Oakland; Mary M. Milwain, Oakland; F. E. McNamara, Oakland; M. N. May, Oakland; Herman Muhr, Oakland; Geo. B. Merrill, Oakland; D. C. Moore, Oakland; Grace P. Mecker, Oakland; Sophia B. Mesler, Oakland; John H. Martin, Oakland; Monroe Markham, Oakland; Grace B. Mills, Oakland; Chas. E. McCausland, Oakland; Corinne J. McCausland, Oakland; John I. McDuffee, Oakland; F. M. McBride, Oakland; John P. Nichol, Oakland; Chas. A. Nesbit, Oakland; L. G. Owen, Oakland; Anita O'Brien, Oakland; A. A. Oliver, Oakland; Fred J. O'Connor, Oakland; M. J. Olmstead, Oakland; Elaine O'Banion, Oakland; Wm. A. Powell, Oakland; Chester S. Parker, Oakland; Geo. W. Pezet, Oakland; F. T. Plaidwell, Oakland; Louise Palmer, Oakland; Elizabeth C. Palmer, Oakland; L. G. Parker, Oakland; H. E. Paulson, Oakland; W. E. Rode, Oakland; Wm. O. Roberts, Oakland; Jas. B. Rutland, Oakland; Kate M. Rutland, Oakland; J. S. Reynolds, Oakland; Chester L. Roadhouse, Berkeley; Wm. Ross, Berkeley; Katherina Renken, Oakland; Chas. A. Reed, Oakland; Chas. E. Reed, Oakland; Lydia A. Reed,

Oakland; D. J. Reboli, Oakland; David E. Rosling, Oakland; Alex. R. Schmidt, Oakland; Chas. Leonard Smith, Oakland; John F. Smith, Oakland; F. N. Smith, Oakland; Irwin D. Schnabel, Oakland; R. Stipe, Oakland; J. H. Sullivan, Oakland; Julia J. Skinner, Oakland; F. W. Strehl, Oakland; Edmund Leslie Taylor, Oakland; Henry G. Tardy, Oakland; W. H. Teitsworth, Oakland; W. P. Twist, Oakland; Geo. A. Tum Suden, Oakland; Henry N. Tum Suden, Oakland; Aaron Turner, Oakland; Elizabeth S. Turner, Oakland; Chas. K. Townsend, Oakland; Lulu L. Todiech, Oakland; A. L. Thomas, Oakland; J. L. Taylor, Berkeley; True Van Sickle, Oakland; Alfred S. Van Valkenburg, Oakland; Lela M. Van Valkenburg, Oakland; Harold A. Van Valkenburg, Oakland; Ethel Van Valkenburg, Oakland; M. D. Van Valkenburg, Oakland; Wilson Vaughn, Oakland; Alfred Wood, Oakland; C. V. Wisner, Oakland; J. W. Winters, Oakland; Ed. B. Webster, Oakland; B. S. Wood, Oakland; M. K. Walker, Oakland; Elizabeth J. Walker, Oakland; A. C. Wood, Oakland; Morris W. Wilsey, Oakland; Edwin W. Woodward, Oakland; Mary A. Woodward, Oakland; F. G. Weismann, Oakland; A. E. Williams, Berkeley; Mrs. Jennie Williams, Oakland; John Watson, Livermore.

The question was taken.

The SPEAKER. In the opinion of the Chair two-thirds——

Mr. ANDERSON of Minnesota. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 54, noes 42.

So (two-thirds not voting in the affirmative) the bill was rejected.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the privileged matter of amending the so-called Sherwood bill.

Mr. MANN. Mr. Speaker——

Mr. RUSSELL. I refer to the bill amending the Sherwood bill, making the granting of pensions automatic. It will not take a minute.

The SPEAKER. The Chair lays before the House the bill H. R. 28093, to amend the general pension act of May 11, 1912, with Senate amendments. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCALL] may address the House for five minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Massachusetts [Mr. McCALL] may address the House for five minutes. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I have no objection to the gentleman from Massachusetts addressing the House for five minutes if he asks that privilege for himself, but I do object to the gentleman from Illinois [Mr. MANN] asking it.

Mr. LAFFERTY. I object, Mr. Speaker, if the gentleman is going to conduct business in this way.

Mr. MANN. I do not care; if the gentleman wishes to talk that way, he can.

Mr. LAFFERTY. What did I say, Mr. Speaker, to the gentleman from Illinois? I did not mention the gentleman from Illinois.

Mr. LINTHICUM. Mr. Speaker, I realize that the gentleman has a gun. I withdraw my objection.

Mr. MANN. I am not asking the gentleman to withdraw it. I have been too courteous to the gentleman from Maryland to please him.

The SPEAKER. Does the gentleman insist on the point of order or not?

Mr. MANN. No; I do not at present, but I will very shortly.

Mr. HUMPHREYS of Mississippi. I trust the gentleman from Illinois will permit action on the bill.

Mr. MANN. I will say to my friend from Mississippi——

Mr. HUMPHREYS of Mississippi. I do not care whether you throw it out of the window or not, but I ask that we have action upon it. The gentleman can object to it. I have no objection in the world to the gentleman from Massachusetts [Mr. McCALL] making an address. I will be delighted to hear him, but it is not fair to ask unanimous consent for anyone to address the House and say you are going to make a point of no quorum in a few moments. The gentleman is usually fair. Let us have a chance. I am perfectly willing that the bill should be objected to.

Mr. CURLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CURLEY. I should like to ask if there is anything before the House at the present time?

The SPEAKER. There seems to be a conference going on between several gentlemen.

Mr. CURLEY. Pending that conference, I move to discharge the Committee on Foreign Affairs from——

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. The gentleman from Illinois asks for unanimous consent.

The SPEAKER. The gentleman from Maryland objected.

Mr. WARBURTON. He withdrew it.

The SPEAKER. Is there objection to the gentleman from Massachusetts having five minutes in which to address the House? The Chair hears none. [Applause.] The gentleman from Massachusetts [Mr. McCALL] is recognized for five minutes.

Mr. McCALL. Mr. Speaker, if I were to indulge in anything in the nature of a valedictory and impose it on the House, I should perhaps follow recent precedents rather than my own inclination, and I should feel that what I might say would suggest by contrast rather than by resemblance the wit of my genial colleague from Massachusetts and the grace and eloquence of my fair-haired friend from Pennsylvania. "Positively last appearances" are under suspicion. A farewell address which is engagingly spoken is apt to defeat its object, because it is liable to incite the people to take political action which may make it necessary to repeat the performance. [Laughter.]

I am not thinking of making that kind of an address, but as I am about to leave the House to-day, I thought I would like to say a few words to the Members with whom I have been associated so long. I say simply this to the Members of the House individually, that I shall be entirely satisfied if their respect for me is equal to my respect for them. [Applause.]

Of the House as a whole, I would say I reverence its structure and its place in our Constitution; but it seems to me it might occupy a more powerful practical place, and that with its democratic composition and with the popular character of our Government it rests with the House itself to say whether or not it shall be the dominating organ in our system of Government.

In my 20 years of service here I have voted against a great many measures that finally became laws; and if I had any particular regret to-night in that respect, it would be that I had not voted against more of them, because I believe there is much truth in what Mr. Burke said, that repeal is more blessed than enactment. We are acquiring a facility for passing laws; we are making such encroachments upon our own freedom that I trust those of you who remain here will do what you can to postpone the day, now threatening to come speedily, when a multiplicity of statutes shall mar the fair image of our liberties. If we are to sacrifice our freedom upon the altar of piled-up statutes, then it will only be left for us to strive to attain some such lofty but difficult refuge as that portrayed in the lines of a noble Greek poet, nobly rendered by Gilbert Murray:

But the world with a great wind blows,
Blowing to beautiful things;
On amid dark and light,
Till life, through the trammelings
Of laws that are not the right,
Breaks clear and pure, and slugs
Glorying to God in the height.

[Applause.]

NAVAL MILITIA.

Mr. PADGETT. Mr. Speaker, I have been promised recognition to move to suspend the rules, but I desire to change that and ask unanimous consent for the present consideration of Senate bill 4584, the naval militia bill. It is very important that we should have the naval militia organized. I ask that the bill be passed with a few House committee amendments.

Mr. HAY. Reserving the right to object, does this bill provide for any pay to the naval militia?

Mr. PADGETT. It does not. We passed the bill in the last Congress, with the difference that in this bill we have placed limitations upon it that were not in the bill that was passed at that time.

The SPEAKER. Is there objection?

Mr. SISSON and others objected.

Mr. SABATH. Mr. Speaker, reserving the right to object——

The SPEAKER. Two or three gentlemen have objected; and as we can not pass any bills, the Chair will state that the House made a special order that the gentleman from Kentucky [Mr. SHERLEY] should have 40 minutes and that the gentleman from Ohio [Mr. LONGWORTH] should have 40 minutes. The gentleman from Kentucky [Mr. SHERLEY] has had his 40 minutes, and then some.

ALASKA NORTHERN RAILWAY.

Mr. HUMPHREYS of Mississippi. Will not the Speaker recognize me to make a request for unanimous consent?

The SPEAKER. The Chair recognizes the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent for the present consideration of the bill (H. R. 28731) to extend the time for the completion of the Alaska Northern Railway, and for other purposes.

The SPEAKER. The Clerk will report it by title.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LENROOT. Reserving the right to object, I should like to hear some statement.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, this bill is almost identical with one that was passed in the last Congress at just about this time in the session. It went to the President early in the morning of the day that we adjourned, and he did not sign it. The Secretary of the Interior objected to it. The bill has now been amended so as to meet the objections that were then made, and there is no objection on the part of the Secretary of the Interior to its passage.

The Alaska Northern Railway Co. have built 72 miles of railroad. They have made a preliminary survey for the route from Seward up through the Territory to Fairbanks, several hundred miles. The time in which they can file a map of definite location has expired under the law. This bill extends the time in which they can file the map of definite location. They have gone to an expense of some $250,000 in making the preliminary survey, and it will cost several hundred thousand dollars more to make the maps of definite location.

The last bill provided that if the Government wanted hereafter to take over the road, either by purchase or condemnation, that there should be nothing paid to the railroad company for the right of way which the Government grants over that part of the road that had been constructed at the time of the purchase. Now, this amendment provides that if the Government hereafter takes the road from them by purchase or condemnation it shall pay nothing for the right of way; that the right of way that we grant shall not be reckoned as an element of value.

The other bill provided the right of way over which the road had been constructed at the time of the condemnation proceedings, and this provided that we shall pay nothing for the right of way after the passage of this act; that is, any of the right of way beyond the 72 miles.

This gives them three years to file the maps of definite location. If we should conclude to purchase, the maps will be of great value to the Government. The original maps of the survey have been filed with the Government, and they are of great value. The time of filing the maps of definite location has expired.

Mr. LENROOT. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. LENROOT. Has the Secretary of the Interior recommended the passage of this bill?

Mr. HUMPHREYS of Mississippi. The Secretary told me that the objection he had to the passage of the bill was this: The road runs from Seward 72 miles. From there it proposes to run up to the Yukon. The Secretary thought that if the Government wanted to build a road it would not use that part of the road that is now constructed, but would go from a point on Cooks Inlet over to the terminus of the road, and go thence over the route that the railroad had mapped out in the preliminary survey. So he thought that if we were going to make any provision for the future for the purchase of this road there ought to be a provision that we should pay for none of the right of way we had granted over the 72 miles or be obligated to buy the section.

Since then the Alaskan Railway Commission has been up there making investigations, and they found the route that the Secretary had in his mind was thoroughly impractical, and that the Government would have to go over the road as operated, and so the Secretary withdrew his objection. So, when we amended the bill, he told me over the phone that that eliminated any objection he had to it.

Mr. LENROOT. Is there a report on the bill?

Mr. HUMPHREYS of Mississippi. Yes; there is a report giving the history of all the transactions.

Mr. LENROOT. Is there any recommendation by the Secretary?

Mr. HUMPHREYS of Mississippi. No; there is not.

Mr. LENROOT. When was the bill introduced?

Mr. HUMPHREYS of Mississippi. On the 11th of February. There was a bill identical with this that was introduced by Mr. HUMPHREY of Washington with this exception, that it carried a provision in it exempting the railroad from taxation.

He soon realized that the Committee on Territories would not stand for that, and so the Delegate introduced a bill leaving that section out, which was identical with the bill that had passed the House and the Senate unanimously last session. We amended it by striking out the last three lines, as follows:

As to any part of said right of way upon or over which said railroad shall not be actually constructed at the time of such purchase or condemnation.

Of course we want railroads in Alaska if we can get them. I do not know whether the Government will ever undertake to build them or not, but if we do the Government's rights are secured by the bill. If there is any way to encourage these people to build the road, I think it would be desirable. They think that if they can get this extension they will be able to finance the road.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Why was the bill not referred to the Secretary of the Interior for report?

Mr. HUMPHREYS of Mississippi. It was.

Mr. MANN. Where is the report?

Mr. HUMPHREYS of Mississippi. The original bill was referred to the Interior Department for report.

Mr. MANN. Where is the report?

Mr. HUMPHREYS of Mississippi. This bill that contains the section that I spoke of——

Mr. MANN. Which bill was that?

Mr. HUMPHREYS of Mississippi. It is the bill introduced by the gentleman from Washington [Mr. HUMPHREY]. It had this section in it——

Mr. MANN. What is the number of it?

Mr. HUMPHREYS of Mississippi. I do not know.

Mr. MANN. That is not very much information to give one.

Mr. HUMPHREYS of Mississippi. It had this section exempting the railroad from taxation. The Secretary reported on that unfavorably and, at my request, came before the committee and made his objections to the committee. He stated to the committee that the objection he had to the bill that was passed at the last session was very largely removed, for the reason I have just indicated. That bill did not have this objectionable section exempting the land from taxation.

The Delegate, Mr. WICKERSHAM, then immediately introduced this bill, leaving out that section. The committee acted upon it, and with this amendment I sent the report and the bill to the Secretary of the Interior and had a conversation with him over the telephone. He said that he had no objection to it as it was reported, and for that reason there is no written report upon this particular bill. The bill that he reported on unfavorably was not reported by the committee, but the objections were met in this one.

Mr. MANN. Is it not a fact that this bill, or almost the same bill, passed the House and the Senate at the last session of the last Congress?

Mr. HUMPHREYS of Mississippi. At the last session.

Mr. MANN. And received a pocket veto by President Taft?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. On the advice of the Secretary of the Interior?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Does the gentleman say he sent this bill to the Secretary of the Interior?

Mr. HUMPHREYS of Mississippi. Yes; with the report.

Mr. MANN. Where is the reply from the Secretary of the Interior upon the bill?

Mr. HUMPHREYS of Mississippi. It was made to me over the telephone, as I just stated a moment ago.

Mr. LENROOT. Mr. Speaker, may I ask why the usual course was not followed? There is usually a written report or a letter from the Secretary. I do not question the gentleman's statement, of course.

Mr. HUMPHREYS of Mississippi. I undertook to explain why. The written report was made on a bill identical with this with the exception that it contained a section exempting the road fram taxation.

Mr. MANN. Why was not that report included in the report of the committee?

Mr. HUMPHREYS of Mississippi. Because that bill was never reported to the House.

Mr. MANN. But that report that is on the same or a similar bill could have been included in the report upon this bill.

Mr. HUMPHREYS of Mississippi. But this is not a similar bill. Then the Secretary came before the committee and made this statement to the committee, and we eliminated the objectionable parts, and the Delegate the very next day introduced this bill, and we took this one up instead of the other one and struck out those words, which met all the objections that had been urged.

Mr. NELSON. Why can not this go over until the next Congress?

Mr. HUMPHREYS of Mississippi. I have assurances that if this bill is passed to-night by this House it will be passed by the Senate in the course of an hour or so, and I believe unquestionably that it will be approved by the President.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I say frankly that I can see no possible objection to the passage of the bill on its terms. It seems to safeguard any interest that the Government would have. I doubt whether any company will ever operate under this anyway. I thought it was strange that there was not a report from the Secretary of the Interior, especially in view of the known opinion of the present Secretary that it would be or might be wise for the Government itself to construct some railroads up there.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, that is the opinion of the present Secretary, I think. In the first place, in the bill of 1906, which gave the extension to the Alaska Central, there was some provision in it which gave that road, upon the completion of the road, title to property up there; so we put a proviso in there that nothing in the act should be construed or held to have the effect of renewing or reviving any grant of title to the railroad under the act of June 30, 1906, or any subsequent act which might have already lapsed or become forfeited.

Mr. ANDERSON. The gentleman does not believe this would interfere with the Government building a road up there if it is desirable?

Mr. HUMPHREYS of Mississippi. No.

The SPEAKER. Is there objection?

Mr. LENROOT. Upon the assurance of the gentleman that the bill in its present form is recommended by the Secretary of the Interior——

Mr. HUMPHREYS of Mississippi. It is not objected to by the Secretary of the Interior.

Mr. LENROOT. Otherwise I should feel constrained to object; but upon the gentleman's assurance that it is satisfactory to the Secretary I will not do so.

Mr. HUMPHREYS of Mississippi. I had a talk with the Secretary over the telephone, and he told me that this proviso has eliminated his objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28731) to extend the time for the completion of the Alaska Northern Railway, and for other purposes.

Be it enacted, etc., That the time for filing the map and maps of definite location of the Alaska Northern Railway, formerly known as the Alaska Central Railway, of its branches, station grounds and terminal grounds, and junction and division terminals provided and required by the act entitled "An act for extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, both within and without reservations and withdrawals, be, and the same hereby is, extended until three years after the passage of this act, and the time for completing the railway is hereby extended until two years after the filing of said maps; and leave is hereby granted to the Alaska Northern Railway Co., its successors and assigns, to file said map and maps of definite location within the time and the times therefor as above provided: *Provided*, That nothing in this act shall be construed or held to have the effect of renewing or reviving any grant of title to real estate under the act of June 30, 1906, or any subsequent act which may have already lapsed or become forfeited: *Provided further*, That in case the United States shall at any time desire to acquire, by purchase or condemnation proceedings, said railroad, the extension herein made and the right of way secured thereby shall not be deemed or held to constitute any asset or value owned by said Alaska Northern Railway Co., its assigns or successors, above actual cost of the survey and locations thereof, as to any part of said right of way upon or over which said railroad shall not be actually constructed at the time of such purchase or condemnation.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move that the committee amendment be agreed to, to strike out lines 19, 20, and 21 on page 2.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ADDRESS ON WATERWAYS.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent to print in the RECORD an address made by Representative RANSDELL, of Louisiana, on the subject of waterways before the Boston Chamber of Commerce on the 15th of last February.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print in the RECORD a speech made by Mr. RANSDELL of Louisiana on the subject of waterways. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

Address of Hon. JOSEPH E. RANSDELL, Senator elect from Louisiana and president of the National Rivers and Harbors Congress, on "The interest of Boston in improved waterways" at the annual dinner of the Boston Chamber of Commerce, Copley-Plaza Hotel, Saturday, February 15, 1913.

THE INTEREST OF BOSTON IN IMPROVED WATERWAYS.

Mr. President and gentlemen of the Boston Chamber of Commerce: I appear before you this evening in my double capacity as a member of the Rivers and Harbors Committee of the House of Representatives and as president of the National Rivers and Harbors Congress for the purpose of discussing the interest of your great city and State in improved waterways. I have devoted many years of study and hard work to this subject, and the organization of which I have the honor to be head is bending every effort to secure the proper improvement of every worthy water course in the land which is justified by the needs of commerce, present or prospective.

This organization is composed of boards of trade, commercial bodies, waterway associations, and private persons in every part of the Republic. It does not advocate any project whatsoever, no matter how worthy, but stands for a liberal, comprehensive policy of waterway improvement similar to that which has been in vogue in Germany for years. We know that transportation by water is much cheaper than by rail and that improved waterways are the best possible regulators of freight rates. We have far more confidence in competition on the unmonopolized waterways of the land—nature's free highways, established when the world was made, and used by mankind for thousands of years before railroads were dreamed of—than we have in man-made statutes or commissions.

PANAMA CANAL AND FREIGHT RATES.

We have neglected our waters very much in the rapid progress of the past half century, and many of us have grown to believe that there is no real useful transportation agent except railroads. This is a great mistake, and it is gratifying to note that waterway sentiment is reviving. Much impetus has been given to it recently in every part of the Union through the efforts of waterway organizations and the dissemination of literature intended to give correct information in regard to the benefits of water transportation. The greatest interest has been aroused by the rapid progress of work on the Panama Canal, for it is realized that this connecting link between the oceans will have a wonderful influence in reducing freight rates between the eastern and western seaboard, as well as throughout our vast interior.

An incident which indicates the benefits which will result when the canal is opened and our own waterways are given dependable channels occurred a few months ago. A shipment of goods, composed partly of barley and partly of canned fruits, was taken from San Francisco to Panama, transferred from ship to train and hauled across the Isthmus to Colon, transferred from the train to another ship and carried to New Orleans and there transferred a third time to a barge, in which it was taken up the Mississippi to St. Louis. Even with all these intermediate rehandlings the freight on this single barge load of goods was $2,000 less than it would have cost to send it from San Francisco to St. Louis by rail.

WONDERFUL COMMERCE ON GREAT LAKES.

Another instance of the effects of this canal is cited by Col. W. M. Black, of the United States Engineers Corps, in a recent report on the Hudson River. He estimates that Oregon lumber can be shipped via the Panama Canal, the Hudson River, the Erie Canal, and the Great Lakes to the city of Chicago, allowing one transshipment, at from $8 to $12 per 1,000 feet board measure less than by rail directly from Oregon to Chicago across the Rockies. Of course, Boston would derive infinitely greater benefit in proportion than Chicago, especially if the harbors and rivers along the Pacific coast are well improved.

The most striking instance of waterway commerce on which accurate statistics are obtainable is that through the St. Marys River, connecting Lakes Huron and Superior. During the year 1911 this commerce amounted to 53,477,216 tons, which was carried an average distance of 826 miles at a freight charge of sixty-seven hundredths of 1 mill per ton per mile, making the total amount of freight collected on that colossal volume of commerce $29,492,196. The average freight charged by all the railroads of the Union that year was 7.57 mills, or more than eleven times the water charge. Had this commerce through the St. Marys River (not the whole commerce of the Lakes, but merely that passing from Huron to Superior, and vice versa) been carried by rail at the average railroad rates, the charge thereon would have been about $325,000,000, or $295,000,000 in excess of what was actually paid. In other words, the improvements of the Great Lakes, especially those at the St. Marys River, which have cost the Government about $21,000,000, saved the American people in 1911 in reduced freight charges the colossal sum of $295,000,000.

The effect in Boston of the channel depth of 35 feet in its harbor, which cost $6,000,000 and is rapidly nearing completion, is very great. I have no doubt that the reduction in freights caused by it exceeds every year the total cost of the improvements. The general manager of the principal foreign steamship line entering Boston states "That freight rates caused by the larger steamers being used as a result of the deeper channel are about 50 per cent less than they were some 15 or 20 years ago when very much smaller steamers were engaged in the trade. This saving of one-half of the cost of ocean transportation at a great port like Boston is of vital importance to the Nation. It benefits the wheat grower of the Middle West, the cotton planter of the South, and every one who exports or imports articles of commerce.

GROWTH OF LAKE AND RIVER CITIES.

A striking illustration of the effects of thoroughly improved waters is furnished by a comparison of five river cities with five lake cities in the United States. In the former class are Pittsburgh, Cincinnati, Louisville, St. Louis, and Memphis, and in the latter Buffalo, Cleveland, Detroit, Milwaukee, and Chicago. In 1870 the population of the five river cities was 307,000. In 1910 these cities had increased to a population of 1,940,000, the rate of increase being about 140 per cent. In 1870 the population of the five lake cities was approximately 160,000, being 147,000 less than the population of the five river cities at that date. In 1910 the total population of the five lake cities was 4,009,000, the rate of increase for the lake cities being 507 per cent, or more than three and one-half times the rate of increase of the five river cities.

In 1870 St. Louis was larger than Chicago, but a few years later Chicago became her rival and is now more than three times as populous. Cincinnati was for years the largest city and most important commercial point in Ohio. She is now behind Cleveland, Buffalo, Detroit, and Milwaukee. The enormous growth of these lake cities has resulted in a congested condition of their railroad terminals. The railroads touching the lake cities and other great water harbors are the most important and prosperous in the country. All of them do a fine business. In my judgment, the rapid growth of these lake cities is due mainly to the deep water in their harbors and on the various connecting channels through the Great Lakes which have increased in depth from 10 to 12 feet in 1880 to about 20 feet at the present time. But while transportation conditions on the Lakes have improved wonderfully, those on the rivers have remained stationary or gone backward. The river channels, as a rule, are no better than they were 40

years ago, and the commerce is smaller, and this is due largely to the failure of the Government to improve the rivers at the same pace as the lakes and ocean ports.

WATERWAY DEVELOPMENT IN GERMANY.

Our country could well emulate the example of Germany, which has take a most advanced stand in improving its waterways. Many writers think that to this cause more than to any other is due the commanding position occupied by Germany to-day in the world of commerce. It is possible to carry freight from every part of Germany to every other part by water at rates much lower than railroad rates. Not only is this true, but the German waterways are protected by wise legislation from unfair rail competition and are used very extensively, enormous volumes of freight being moved by water. Moreover, the Germans have paid the strictest attention to terminals, and every device of engineering skill is provided for handling freight to and from water and land carriers at all the principal harbors and many river points.

Let me cite a notable instance: "The city of Hamburg began to develop her port about 1860, increasing it from a 6-foot depth to its present depth of about 26 feet at low water. The commerce of Hamburg in 1870 amounted to about 2,000,000 tons, and by 1907 it had grown to 20,812,000 tons. That shows the marvelous increase in Hamburg's commerce following the improvement of the Elbe River. It has cost the city or State of Hamburg about $15,000,000 to increase its channel facilities from the sea, 85 miles distant, and in addition about $45,000,000 to provide harbor facilities after they had made their channel; so that in all the city or State of Hamburg has spent over $60,000,000 to develop its commerce from 2,000,000 to 20,000,000 tons, and the city of Hamburg has grown from a population of something like 453,869 in 1880 to about 900,000—equal to something over half that of the Boston metropolitan district." I commend this example to you and earnestly hope your great city will do likewise.

VAST IMPORTANCE OF TERMINALS.

You are preparing to expend quite a large sum on terminals, and you can well afford it, for without proper terminal facilities it is needless for the Government to deepen and enlarge your harbor. It is not pleasant for me to tell you that you are not up to date so far as terminals are concerned. Let me quote briefly from page 20 of the report of the National Waterways Commission, filed March 25, 1912: "Undoubtedly the most essential requirement for the preservation and advancement of water transportation is the establishment of adequate terminals properly controlled. Under the present conditions the advantage of cheaper transportation which the waterways afford is largely nullified by the lack of such terminals."

According to the report of the commissioner of corporations on water terminals, private interests control nearly all the available water front in this country, not only at the various seaports but also along the Great Lakes and the principal rivers. Only two ports in the United States—New Orleans and San Francisco—have established a public control of terminals at all comparable with the municipal supervision existing at most European ports.

FINE TERMINALS AT NEW ORLEANS.

The above-mentioned reports on water terminals also show that a large proportion of the most available water frontage is owned or controlled by railway corporations. Through this ownership or control they practically dominate the terminal situation at most of our ports, and they have generally exercised their control in a manner adverse to water traffic. In many cases they hold large tracts of undeveloped frontage which they refuse to sell or lease, and which are needed for the construction of public docks. This railway control of terminals is one of the most serious obstacles to the development of water transportation, for the control of the terminal means practically the control of the route.

An independent boat line has small chance of success where it is denied the use of docks and terminal facilities or is required to pay unreasonable charges for their use. The high terminal charges at many of our ports make it impossible for small boat lines to enter at all.

Let me beg of you, my Boston friends, to see that this criticism shall not long apply to your great city. Bear in mind that you must not expect the National Government to legislate in regard to terminals, which is a local matter and one you must handle in your own way through State and municipal laws.

It gives me much pleasure to commend to your especial notice the terminal situation at New Orleans, the principal city of my State and the South. A careful examination thereof will give you some admirable ideas which may be most beneficial to you. The people of the Crescent City will welcome you with open arms, and, if they can assist you in solving this serious problem, it will give them much happiness.

I can not say too much on the importance of this subject of terminals. Every great city in the Nation is aroused in regard to it. At New York the terminal situation is attracting the greatest attention. In 1910 I was informed that one great railroad owned or controlled 250 wharves or docks at Chesapeake Bay points. Think what immense power such ownership and control gives to that road. It is not right; it is not for the public good; and the various communities should under power of eminent domain take possession of at least a sufficient number of these wharves and docks to serve all comers by land and water on equal terms. And a similar policy should be pursued everywhere.

Recently waterway legislation in Congress has been very advanced. Section 11 of the Panama Canal act, passed last year, prohibits any railroad on and after July 1, 1914, from owning directly or indirectly or leasing or controlling any water carrier with which said road does or may compete for commerce. This act also gives to the Interstate Commerce Commission power (a) to establish physical connection between rail and water and by making railroads construct connections from their lines to docks where same is reasonable and is justified by the business to be handled; (b) to establish through routes and maximum joint rates between such water and rail, and determine terms and conditions of handling same; (c) to establish maximum proportional rates by rail to and from ports to which traffic is brought or from which it is taken by the water carrier, and to determine through what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply.

These provisions are very far-reaching. Undoubtedly efforts will be made to amend them and lessen their effect. I appeal to the solid business men of this city to study them, to prepare yourselves to defend them, and to insist upon their being carried out to the letter, for they mean more than any laws enacted in recent years toward cheapening transportation rates.

CHEAPER RAW MATERIALS.

No portion of the Union is more interested in the wise, business-like improvement of our waterways than is Massachusetts and Boston. I question if any one of our States has fewer of the raw products needed for its manufactories than Massachusetts, though in that greatest of all natural resources, human brains, it is no flattery to say that if not the leader you are certainly well in the vanguard. Your wealth comes through your splendid factories, which draw their cotton, wool, steel, hides, lumber, and almost everything one can think about from every part of the Nation, indeed from all over the world, to be converted into the finished product and shipped to all climes for the use of all mankind. It is essential that you get the raw materials cheap and that you are able to distribute manufactured articles quickly and cheaply.

It is said that transportation enters into the life of everyone. It deeply concerns the food we eat, the clothing which covers us, and the houses which shelter us from winter's snow and summer's heat. In the item of coal, one of the greatest necessaries of life, transportation is all important, for while the people near the mines are able to buy their coal for a song, those living a long distance away are charged with high prices, not for the coal but for the freight rates paid to transportation agents. The same is true with wheat, corn, and other food products, which are usually very much cheaper on the farms where produced than in the markets where consumed. The item of freight on a bushel of wheat from the plains of the Dakotas or the great wheat region of eastern Oregon and Washington to the Boston consumer is a most important one, which adds greatly to the cost of the article.

Transportation is a fixed charge which can not be avoided, but which may be reduced. It is not a producer but a consumer—the greediest and most ruthless of all consumers. It is a tax which reaches every article used by man except the ether of heaven. Moreover, it is the heaviest tax by long odds that we have to pay—greater than all other taxes combined. In the fiscal year 1901–2 the receipts of railroads in the United States exceeded by one hundred and thirty millions the combined revenue receipts of towns, cities, counties, political subdivisions, Territories, and States, and including the National Government itself, from all sources.

There is no more important question in the commercial world, nor will there ever be one more important, than that of transportation, and the state or nation which solves it quickest and best is sure to win in the race for commercial supremacy.

EFFECT ON NEW ENGLAND.

Some may ask what interest has Massachusetts in the improvement of the Great Lakes system, or the big rivers of the Mississippi, Missouri-Ohio system, or the great Columbia in the far West, or the protection of the lower Mississippi Valley from the floods which so frequently devastate its richest lands? Why should Massachusetts and New England contribute to all these projects? They are thousands of miles from any of them; their own waterways are well improved; why not let other communities look out for themselves? I will try to answer a few of these questions.

When the Empire State of New York constructed out of State funds the Erie Canal, which was completed in 1825, freight rates were greatly reduced as far west as Chicago and as far south as Memphis. There was a material reduction, amounting to several cents a bushel, on wheat and everything else in proportion, and Massachusetts received the benefit as well as New York. When the Government expended large sums to deepen the Detroit River between Lakes Huron and Erie and to make connection between Lakes Superior and Huron, it enabled the iron ore on the west shores of Superior to be conveyed to factories around Pittsburgh and at the head of Lake Erie at one-tenth of the average railroad rates, thereby cheapening iron and steel and all the products thereof. Rates on grain, flour, lumber, copper, etc., were reduced in the same relative proportion. Massachusetts consumes a vast quantity of all these articles. The Erie Canal is now being enlarged to a depth of 12 feet at a cost of $101,000,000 by the efforts of the people of New York, and this canal, together with the Great Lakes, enables Massachusetts to send its manifold manufactured products on a westward journey by water, nearly 1,500 miles, at water rates very much below the average railroad rates. The cities along that canal and the Great Lakes are populous, wealthy, prosperous. They consume a large amount of goods made by your factories, and because of improved waterways you are able to deliver those goods at freight rates much below those you pay to inland points which are served by railroads alone.

A project is being rapidly prosecuted to improve the Columbia River, which reaches into the eastern parts of Oregon and Washington, and through its main affluent, the Snake, into Idaho. The second greatest wheat-growing region in the Union is in this section, and when the Columbia is properly improved wheat can be carried to the Pacific coast at a saving of 4 to 5 cents per bushel over the rates now paid to railroads. Thence it can go through the Panama Canal and on by sea to Boston, giving your people the benefit of cheaper wheat. If there were nothing else, the saving on the enormous wheat crop of that region would justify the improvement. But many other articles in which you are interested, most particularly wool, can be carried down that river at low rates, and your products by sea through the Panama Canal, thence to Portland, and far into the interior through the Columbia and Snake, will find a better market than they now enjoy when confined to a rail trip across the continent.

IN THE WEST.

We are expending about $63,000,000 to give a minimum depth of 9 feet in the Ohio from Pittsburgh to Cairo. At its head is the great city of Pittsburgh, the largest freight center on earth, for it is said that the freight tonnage of Pittsburgh is greater than the combined tonnage of New York, London, Antwerp, and Hongkong. This sounds big, but I believe it is literally true, for the vast majority of Pittsburgh's commerce is coal, iron ore, and the products of iron and steel, the weight of which counts up very rapidly, though in value the Pittsburgh tonnage does not amount to anything like that of some of the other cities.

Below Pittsburgh and along the Ohio there is a perfect beehive of industry and population. This region is a great human workshop which is contributing wonderfully to the national wealth and every portion of the Union is deeply interested in its welfare. According to the testimony of Col. Sibert, a member of the Panama Canal Commission, coal can move down the improved Ohio, thence down the Mississippi, at rates about one-tenth to one-eleventh the average railroad rate. Much of this freight would naturally be destined to Atlantic coast points, especially Boston. What more natural than to send your products by sea to New Orleans, thence up the Mississippi and Ohio to those wealthy, prosperous people? You make many things that they need, just as they in turn make some things which you need. There should be mutual exchange, mutual interest, mutual benefit, between Massachusetts and this splendid section by water, the cheapest of all known methods of transportation.

MISSISSIPPI FLOODS.

But what of the floods on the lower Mississippi River? In this matter you come very close to me individually, my friends, for I live on the banks of the Mississippi in the town of Lake Providence, in the extreme northeastern Louisiana. My home is in the very heart of that great section so often visited by disastrous floods. Last year my own plantation was inundated and I lost heavily. The people of my congressional district suffered a loss of several millions of dollars by these floods, and throughout the valley from Cairo to the Gulf the damages were enormous. These disasters were caused by the accumulated rainfall of 24 States. You will be surprised to know that parts of New York, Pennsylvania, Maryland, Virginia, North Carolina, and Georgia, along the Atlantic coast, send their rain water into the Mississippi.

Literally all the waters betwen the Alleghenies on the east and the Rockies on the west find their outlet through this giant stream, which has been well called the Nation's sewer or drainage ditch. A portion of the Dominion of Canada drains to the Gulf through the Mississippi. When the floods rise in the spring they present an overpowering force and the States and local communities are unable to cope with them. They frequently break over the artificial barriers along the banks of the river, called levees, destroy live stock, crops, houses, fences, improvements of all kinds, and sometimes even human lives are forfeited to them.

It is fair and just for the Nation to control its flood waters, and as they are caused in this valley by rains throughout a very large portion of the Union, it is the duty of Congress to prevent them from destroying lives and property, or at least to assist materially therein. In the overflow section of the Mississippi River from Cape Girardeau, Mo., on both sides of the river to the Gulf, especially in southeastern Missouri, Arkansas, Mississippi, and Louisiana, there are about 28,000 square miles of land subject to flood water, or about 18,000,000 acres. These lowlands are equal to the combined area of your own Commonwealth, together with Rhode Island, Connecticut, Delaware, and Maryland. There is no more fertile soil on earth than this delta, composed of the washings from the hillsides and valleys of 24 States; it has well been called the geologic cream of the American Continent. Most of it is especially well adapted to producing long-staple cotton of the variety so popular in the mills of Massachusetts. At the present time less than 5,000,000 acres of this delta land are in cultivation, a portion of wihch in lower Louisiana is planted in sugar cane. Upward of 10,000,000 additional acres, if protected from floods, could readily be planted in long-staple cotton and other crops, thereby increasing very largely the yield of that product and giving to the New England mills at reduced price a surplus which they need so badly, for now you are compelled to buy much long-staple cotton of inferior variety in Egypt.

MASSACHUSETTS MAN PLANTER.

Some of your wisest men are awake to this subject. Not long ago Mr. William B. Plunkett, president of the Berkshire Cotton Co., of Adams, Mass., bought a large cotton plantation in the Yazoo Delta, Miss., and more recently he purchased 5,000 acres in the same section for the growth of long-staple cotton. Many of you know Mr. Plunkett. You are aware that his company turns out a million yards of cotton cloth a week and that he is one of your most progressive and successful business men. He appreciates how important it is for his mills to raise their own cotton.

Several years ago an English syndicate purchased 30,000 acres in the same Yazoo Delta to raise cotton for their English mills, and within the last 10 days, according to newspaper accounts, another English company, at a cost of $2,000,000, purchased 25,000 acres of this land near Vicksburg, Miss., on which to produce long-staple cotton. Surely you wide-awake New Englanders are not going to let your British rivals secure all of this land which the Southern people are willing to sell. You are going to see that it is protected from floods by Uncle Sam. You are going to realize that the problem of flood protection on that river vitally concerns you and insist upon its solution promptly and effectively. You are going to see that 10,000,000 additional acres of this fertile valley are placed under the plow and are planted in staple cotton, corn, cereals, hay, etc., and much of it is going to be owned by New Englanders and handled by New England capital. You are going to appreciate that while the Southern States are now manufacturing a very large part of their great cotton crop, as a rule they produce only the coarser fabrics out of the short-staple cotton and the high-grade more expensive articles are made in New England and foreign lands out of the long-staple varieties. Protect the Mississippi Valley from these awful floods and it will produce not only the long-staple cotton you need in New England, but enough for the entire world, and under the well-known laws of supply and demand, if the supply be much increased, the price will be reduced.

THE GREAT HEART OF NEW ENGLAND.

But aside from reasons of business and strict justice, I appeal to the great heart of New England, which has never failed to answer such a call to assist with all its might the people of this wonderful valley—the richest jewel in our national diadem—in shielding their lives and property from its terrible waters, in subduing its canebrakes and forests to the plow and scythe, and in producing on its fertile fields food for millions and the world's supply of long-staple cotton.

In a broad way, it may be said that Massachusetts is interested in all the important waterway projects in the Nation, for these improvements mean cheaper transportation and greater prosperity to their respective localities, and whatever tends to build up and improve any part of the Republic is bound to help New England. This Nation is a mighty whole, each part or section being closely allied to and to a great extent dependent upon every other section. The prosperity and success of one means the same thing to the other. The prosperity of one is good for all, and no portion can suffer without the other part feeling it.

It gives me the greatest pleasure to testify to the splendid work of your Representatives and Senators in looking after all the waterway projects of your State. While comparisons are always odious, I trust I may be permitted to pay a merited tribute to my long-time colleague and friend GEORGE P. LAWRENCE, who has been a member of the Rivers and Harbors Committee ever since I entered Congress, 14 years ago. He has never failed to look after every interest of Massachusetts and New England, and his efforts were always loyally supported by his colleagues in both parties in the Senate and House, for the question of waterway improvement has never been a political one. During my 12 years' service as a member of the Rivers and Harbors Committee I have never once heard the word "politics" within the walls of that great committee room. Each project is discussed upon its merits and treated accordingly.

As I understand the situation, every New England project, without exception, which has met the approval of the Engineer Corps of the Army within the past 15 years has been amply provided for, with the possible exception of Sandy Bay Harbor of Refuge. Some years ago that work was held back somewhat by the overshadowing necessities of Boston Harbor, but of late appropriations have not been given, because its engineers in their reports have asked Congress to defer action until the effect of storms, winds, and waves upon the structure already there might be more thoroughly tested.

METHOD ADOPTED BY CONGRESS.

Like all things, however, in this rapid and most progressive age, your State will present other projects from time to time. It is expected that the 35-foot channel in Boston Harbor will be completed within a year. The entire $8,000,000 which it was estimated it would cost has been appropriated or authorized. Realizing that there was demand for a still deeper and possibly wider channel, the Rivers and Harbors Committee, without waiting for the completion of the present project, has ordered a new survey of the channel from Charlestown Navy Yard to the sea, and it is thought that the result may be a favorable report for a 40-foot channel. This will involve a large additional expenditure, for it means deep-sea rock excavation, which is very expensive. Nevertheless, the great importance of the port of Boston is so generally recognized and the public spirit that is shown by the people of Massachusetts themselves in their own very large expenditures make it certain that Congress will hereafter provide all appropriations recommended by the engineers.

Apropos of this last remark, I wish to explain briefly how projects to improve waterways are inaugurated. In the first place, Congress passes a law ordering the Engineer Corps of the United States Army to make a survey of the proposed improvement. The local engineer in charge makes a preliminary examination thereof and reports thereon to the division engineer, who orders an accurate survey. When this survey is completed the local engineer sends his report to the division engineer, who in turn examines it and forwards his report to a board of seven engineers in the city of Washington known as the Board of Engineers for Rivers and Harbors. This board critically examines all the reports relating to the improvement and in addition thereto gives hearings to interested parties, sometimes quite a large number of witnesses being heard. The report of this board is then made to the Chief of Engineers of the Army, and if his report thereon be favorable the matter is referred to Congress for action. And there is an unwritten law that unless the project be reported upon with favor either by the Board of Engineers for Rivers and Harbors or by the Chief of Engineers it shall not be considered at all by the committee of Congress.

FAIRNESS THE WATCHWORD.

Thus it will be seen that before a waterway project has standing before Congress, permitting it to be appropriated for, it must first run the gantlet of the local United States engineer, the division engineer, the Board of Engineers for Rivers and Harbors, and the Chief of Engineers, all of whom are graduates of West Point, men, as a rule, without any local interest in the project and men who are of high character and great intellectuality. These engineers are the honor men of West Point, their positions are assured for life, they are independent financially, as they retire on a good pension before reaching old age, and whenever any project receives their approval it certainly has a great deal of merit.

People who talk about pork-barrel appropriations in connection with waterways seem to forget the important and essential preliminary steps connected with all such appropriations. How can human ingenuity devise a method to safeguard appropriations in any better way than this? I can not conceive of it. Mistakes, of course, occur sometimes, but they are few and far between. And let me remind you in this connection that the criticism leveled at river and harbor appropriations is always of a general character. The critics never present a bill of particulars. They talk about pork barrel, but they do not show in which respect any pork is dispensed. They talk about appropriations being made to aid some Member of Congress to be reelected, but they invariably fail to detail the facts and circumstances connected therewith. Please bear this in mind when you read such criticisms and insist for this great subject the same degree of fairness accorded the ordinary criminal, who is entitled to be served with a copy of the indictment, specifically setting forth the charge against him and to be confronted with the witnesses in order that he may cross-question them. Waterway appropriations have many sinister foes who fight in the dark and try to poison the well of public opinion in order to reap selfish benefits thereby.

In conclusion, I beg of my hearers to study water transportation. Bear in mind that the people are the owners of the waterways just as they are of the highways. All navigable waters are free and can never be monopolized. The poor man in his little boat or canoe can use them just as the rich man in his floating palace. There may be steamboat trusts or ship trusts, which at times and to some extent monopolize water traffic, but it is certain that they can never control the watercourse—the roadbed on which their vessels ply—and that is a terrible handicap to them. While the waterways belong to the people, the railroads, their great rivals and competitors, are owned and operated by individuals and corporations for private benefit. There should be no rivalry between the various modes of transportation, for there is business enough and profit enough for all. The three great agents of transportation—highways, railways, and waterways—should be complements, one of the other, and the friends of all three should cooperate to see that each gets everything it is entitled to and is not deprived of its rights and privileges.

EVAN URNER RINEHART.

Mr. LINTHICUM. Mr. Speaker, I call up the bill (S. 7267), and move to discharge the Committee on Naval Affairs from the further consideration of the bill and pass the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7267) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart.

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Evan Urner Rinehart in consideration of his previous naval service.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I have stated to the gentleman from Maryland on various occasions several times to-night I would have to object to this bill, and he knew that perfectly well, and I do object.

The SPEAKER. The gentleman from Illinois objects.

The Chair is going to call those gentlemen who applied for suspension of the rules.

HOURS OF EMPLOYMENT OF FEMALES IN DISTRICT OF COLUMBIA.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to discharge the Committee on the District of Columbia from the further consideration of the bill (S. 7723), to suspend the rules and pass the bill.

Mr. MANN. I would like to ask if the bill is here. We can not act upon it unless it is here.

The SPEAKER. The bill is not here.

Mr. MANN. We have to have the Senate engrossed copy of the bill before we can act on it.

Mr. LAFFERTY. Mr. Speaker, I do not think the point of order raised by the gentleman from Illinois lies and I would like to be heard for a moment. The motion of the gentleman from Pennsylvania is to suspend the rules and pass this bill, and under the rules the Speaker of the House was required to refer the bill to the District of Columbia Committee because it makes a charge upon the Treasury.

The SPEAKER. That is the trouble about it.

Mr. LAFFERTY. Under the rules the bill could not be here, but it is in order to move to suspend the rules and pass the bill. This matter was all taken up this morning with the parliamentarian of the House and gone over thoroughly.

Mr. MANN. The gentleman could move to suspend the rules if we had an engrossed copy of the bill here.

Mr. LAFFERTY. You can suspend the rules and pass a bill written on a sheet of foolscap.

Mr. MANN. But you can not pass a Senate bill written on a sheet of foolscap in the House.

Mr. LENROOT. The Senate bill has now come to the House and is in the possession of a committee of the House.

Mr. MANN. I would like to know how you get the bill back here.

Mr. LENROOT. By discharging the committee that has jurisdiction.

Mr. MANN. But the bill has to be produced.

Mr. LENROOT. Constructively the bill will be on the Speaker's table or in possession of the House.

The SPEAKER. But actually it is not.

Mr. LENROOT. Mr. Speaker, may I suggest that if this bill has been referred from the Speaker's desk to the Committee on the District of Columbia, it is in the possession of the House to such an extent that a motion to suspend the rules and discharge the committee is in order; for otherwise, Mr. Speaker, it would never be possible to discharge a committee, because the bill physically is properly in the possession of the Committee on the District of Columbia, and the physical possession of the bill on the Speaker's desk would give no more jurisdiction than if it were not there at all.

Mr. MANN. The gentleman seems to think that you can read some other paper up there. The very motion of the gentleman requires a Senate bill to be read from the Clerk's desk; and there is only one copy, and that is the engrossed copy of the Senate bill—a certified copy. There never has been a case since I have been a Member of the House when any bill was permitted to be passed where the original papers were not there. Any paper is original House bill paper, of course.

Mr. LENROOT. I want to ask the gentleman from Illinois [Mr. MANN] whether the possession of a paper, if it is not properly in the possession of the Clerk, is any possession at all.

The SPEAKER. The Chair would like to ask the gentleman from Wisconsin [Mr. LENROOT] what we are going to pass.

Mr. LENROOT. The Senate bill.

The SPEAKER. Where is it?

Mr. LENROOT. It is in the possession of the Committee on the District of Columbia.

The SPEAKER. How can the House know what is in the Senate bill unless it is read?

Mr. MANN. It has to be read as part of the motion.

Mr. LAFFERTY. I would suggest, if that be true, that it does not go to the extent of entertaining the motion.

The SPEAKER. The Chair did not know but that the engrossed copy of the bill was here until the fact was ascertained.

Mr. LENROOT. I want to suggest to the Chair it could not be properly here under any circumstances except upon a report of the committee.

Mr. MANN. If anybody had possession of it, it would be here.

The SPEAKER. Yesterday it turned out that the gentleman from Missouri, Mr. HAMLIN, got a bill passed here that the Chair himself introduced—his own bill—and it was passed, and then the House started in on another one that the gentleman from Missouri, Mr. BARTHOLDT, introduced, and the fact developed that we did not have an engrossed copy of either one of them here. So the matter was vacated, and the gentleman from Missouri, Mr. HAMLIN, sent upstairs to the Committee on Interstate and Foreign Commerce and got the engrossed copies of both bills, and they were passed. The House ought to know what is in a bill.

Mr. LENROOT. If I may make just one more statement——

The SPEAKER. Yes.

Mr. LENROOT. With reference to this particular bill, the chairman of the Committee on the District of Columbia was requested to return the bill to the Clerk's desk and refused to do so.

The SPEAKER. He had a perfect right to do that.

Mr. LENROOT. He certainly did; but if that be the proper procedure the chairman of any committee can defeat the will of the House with reference to a suspension of the rules in discharging a committee, and that is a very common practice——

The SPEAKER. Let the Chair ask the gentleman a question. Does not the gentleman think it would be very dangerous practice to pass a bill if the House did not know what was in it?

Mr. LENROOT. Yes.

The SPEAKER. That is exactly what this request amounts to.

Mr. LAFFERTY. I would like to be heard for just a second.

The SPEAKER. The Chair will hear the gentleman.

Mr. DYER. Will the gentleman yield for just a minute, until I can ask the gentleman from Pennsylvania [Mr. WILSON] a question? What does this bill contain?

Mr. WILSON of Pennsylvania. It is the woman's eight-hour bill for the District of Columbia. It provides an eight-hour workday for certain classes of female employees in the District.

Mr. DYER. When did it go to the Committee on the District of Columbia?

Mr. WILSON of Pennsylvania. Two or three days ago.

Mr. LAFFERTY. Mr. Speaker, the records of this House show, and the records in the immediate possession of the Speaker also show, that that bill, Senate bill 7723, an act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia, passed the Senate and came to the House and was referred to the Committee on the District of Columbia. Now, if the Chair is going to hold that the motion to discharge the committee and pass the bill is out of order because the bill is not physically present in engrossed copy, I will ask to be recognized to move simply that the committee be discharged from further consideration of the bill, which will authorize us to send over and get the bill from the chairman of the committee. And in that connection I desire to read the following request:

Hon. BEN JOHNSON,
Chairman Committee on District of Columbia.

DEAR SIR: We desire to move to suspend the rules and pass S. 7723. Judge Crisp says it will be necessary to have the engrossed copy on the Speaker's table.

Mr. MANN. The gentleman just said he did not.

Mr. LAFFERTY. That was after this came back. I read further:

If you will please send same over to Judge Crisp at once by this page, we will greatly appreciate it.

A. W. LAFFERTY.
HENRY ALLEN COOPER.
C. R. DAVIS.
WILLIAM KENT.

That is indorsed on the back as follows:

The bill has been referred to the District Committee. The committee alone can report it to the House. The committee must act upon it.
Respectfully,

BEN JOHNSON.

But the printed copies of the Senate bill in the document room, the copy which the gentleman has sent down to the Speaker's desk, should be recognized and read as the Senate bill upon a motion to suspend the rules and pass the bill. There could not be any question about the authenticity of the copies.

The SPEAKER. Why should there not be?

Mr. LAFFERTY. It is a Government document.

The SPEAKER. The gentleman does not contend that all Government documents are authentic, does he?

Mr. LAFFERTY. I will read from this document. It is indorsed as follows:

Sixty-second Congress, third session. S. 7723. In the House of Representatives. March 1, 1913. Referred to the Committee on the District of Columbia.

It is indorsed at the end as follows:

Passed the Senate February 27, 1913.
Attest:

CHARLES G. BENNETT, *Secretary.*

The SPEAKER. That is the printed copy?

Mr. LAFFERTY. Yes; that is the printed copy, presented by a Member of the House of Representatives as being furnished to the Members by the Public Printer through the document

room. It ought to be treated as official for the purpose of passing a bill under suspension of the rules. The necessity of a thing should give rise to the rule. Necessity is the mother of law as well as the mother of invention.

Mr. HUMPHREYS of Mississippi. Necessity does not know any law. [Laughter.]

Mr. MANN. I believe the Speaker recognized me on a point of order.

The SPEAKER. The Chair did recognize the gentleman on a point of order.

Mr. MANN. The last remark of the gentleman from Oregon [Mr. LAFFERTY] illustrates his point of view. What are the rules for, except to let us do what we want to do—what he wants to do? [Laughter.] Necessity is the mother of invention. Force is the only power that controls. [Laughter.]

But the gentleman, upon reflection, will see that the House can not proceed upon that basis. Every once in awhile an engrossed copy of a bill, passing from the Senate to the House or passing from the House to the Senate, is lost in some way, and invariably, in every legislative body, it has been held that where an engrossed copy of a bill passed in one branch of the legislative body had become lost, you must obtain from that branch another copy of the engrossed bill before you can proceed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

LEGISLATIVE APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report. (H. Rept. 1623.)

The SPEAKER. The gentleman from Illinois [Mr. MANN] has the floor on a point of order.

Mr. MANN. Mr. Speaker, I take it that the gentleman from South Carolina [Mr. JOHNSON], under the rules, has the right to call up the conference report and take anybody off the floor. I believe that is the rule.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] calls up the conference report on the legislative appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The statement was read.

[For conference report see Senate proceedings of to-day.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I understand the Senate has taken a recess until 9.30 this morning.

Mr. UNDERWOOD. Mr. Speaker, I understand the legislative condition to be that there are two bills that have not been agreed to—the Indian appropriation bill, which is in the Senate, and the general deficiency bill, which is out, but the papers are in the possession of the Senate, and the report will have to be made to the Senate before we can act upon it. The Senate has adjourned until 9.30 this morning. Therefore it can not be acted upon until 9.30 this morning. I will therefore move that the House take a recess as soon as the gentleman from Washington [Mr. WARBURTON] makes a request for unanimous consent.

Mr. WARBURTON. Mr. Speaker, I wish to ask unanimous consent——

Mr. LAFFERTY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAFFERTY. Does not a point of order take precedence over this request?

The SPEAKER. The motion to make requests was taken by special order the other day.

Mr. LAFFERTY. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has the floor.

The SPEAKER. The gentleman from Illinois has not the floor. He is sitting down. [Laughter.]

Mr. MANN. Only privileged matters are taken up.

The SPEAKER. This is a privileged matter.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now take a recess until 9.30 this morning.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes a. m.) the House stood in recess until 9.30 o'clock a. m., March 4, 1913.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting, in compliance with the act of January 12, 1895, a list of the documents received and distributed by the Treasury Department during the calendar year 1912 (H. Doc. No. 1448); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Ordnance, United States Army, submitting, for transmission to Congress, copy of report of the commanding officer of Watertown Arsenal of tests of iron and steel and other materials made during the fiscal year ended June 30, 1912 (H. Doc. No. 1449); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PATTEN of New York, from the Committee on Military Affairs, to which was referred the bill (H. R. 6067) for the relief of Edward Byrne, reported the same without amendment, accompanied by a report (No. 1609), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, memorials were introduced and referred as follows:

By Mr. BURKE of South Dakota: Memorial of the Legislature of South Dakota, asking that Congress submit an amendment to the Constitution of the United States of America to amend section 1 of article 3, providing that judges of the Federal district courts shall hold their offices for stated terms, to be fixed by Congress, not less than 6 nor more than 12 years; to the Committee on the Judiciary.

Also, memorial of the Legislature of South Dakota, memorializing Congress in the matter of desert-land entries; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXI,

Mr. McCALL introduced a bill (H. R. 28870) granting an increase of pension to Isabella B. Slayter, which was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of the bill making an appropriation for the purpose of experimenting with methods for preventing unnecessary losses to the fruit growers; to the Committee on Agriculture.

By Mr. ANDERSON: Petition of sundry citizens of Caledonia, Minn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of the Continental Rubber Works, Erie, Pa., and the Hays Manufacturing Co., Erie, Pa., both protesting against the Hamill amendment to the sundry civil appropriation bill making an appropriation for the enforcement of the antitrust laws and providing that it shall not be used against individuals or combinations striking for higher wages, etc.; to the Committee on Appropriations.

By Mr. BERGER: Petition of over 6,000 citizens of the United States, favoring the passage of legislation for an investigation of the persecution of the editors of the Appeal to Reason by the Department of Justice; to the Committee on Expenditures in the Post Office Department.

By Mr. CARY: Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of the bill making an appropriation for the purpose of

experimenting with methods for avoiding any unnecessary loss to the fruit raisers; to the Committee on Agriculture.

By Mr. FORNES: Petition of Cleveland Typographical Union, No. 53, Cleveland, Ohio, favoring the passage of legislation making it unlawful to circulate any malicious statement, oral or printed, for cash consideration or for gain, that can not be substantiated; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation to extend the work of the Census Department; to the Committee on the Census.

Also, petition of the Employers' Liability Assurance Corporation (Ltd.), of London, England, by Edmund Dewight, resident manager, New York, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the American Wood Preservers' Association, Baltimore, Md., protesting against the passage of legislation placing a duty on coal-tar creosote; to the Committee on Ways and Means.

Also, petition of the Joint Commission on Social Service of the Protestant Episcopal Church, New York, favoring the passage of House bill 27281, providing for an eight-hour day for the women of the District of Columbia; to the Committee on Labor.

Also, petition of D. Auerback & Sons, New York, favoring the passage of legislation for the abolition of the tariff on almonds, walnuts, and filberts; to the Committee on Ways and Means.

By Mr. LEVY: Petition of the Associated Chambers of Commerce of the Pacific Coast, of San Francisco, Cal., favoring the passage of the bill making an appropriation for the purpose of experimenting with methods for preventing unnecessary loss to the fruit raisers; to the Committee on Agriculture.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of legislation for the adoption of the national budget as a method for controlling the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. MOTT: Petition of the Emanuel Congregational Church, Watertown, N. Y., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. J. M. C. SMITH: Petition of the widows of Civil War soldiers of Albion, Mich., favoring the passage of legislation to increase the pension of widows of Civil War soldiers to $20 per month; to the Committee on Invalid Pensions.

Also, petition of citizens of Kalamazoo, Mich., favoring the passage of House bill 25685, for the labeling and tagging of all goods and articles intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of Cleveland Typographical Union, No. 53, Cleveland, Ohio, favoring the passage of legislation making it unlawful to circulate any malicious statement, printed or oral, for cash consideration or for gain, that can not be substantiated; to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 4, 1913.*

(Legislative day of Monday, March 3, 1913.)

The Senate reassembled at 9 o'clock and 30 minutes a. m., Tuesday, March 4, 1913, on the expiration of the recess.

PUBLIC HEALTH SERVICE.

Mr. SMOOT. As in executive session, I report on three appointments in the Public Health Service.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that as in executive session he may report the nominations which will be announced by the Secretary.

The Secretary read as follows:

Surg. Stephen D. Brooks to be senior surgeon in the Public Health Service.

William E. Gianville to be assistant surgeon in the Public Health Service.

John H. Smith, jr., to be assistant surgeon in the Public Health Service.

The PRESIDENT pro tempore. The nominations will be placed on the Executive Calendar.

DISTRICT EXCISE BOARD (S. DOC. NO. 1141).

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, the report of the excise board for the license year ending October 31, 1912, which was ordered to be printed and referred to the Committee on the District of Columbia.

INDIAN APPROPRIATION BILL.

Mr. SMOOT. I move that the Senate proceed to the consideration of the conference report on House bill 26874, the Indian appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President——

Mr. GAMBLE. If the Senator from New Mexico will yield to me for a few moments, I desire, with his courtesy, to take the floor.

Mr. FALL. Certainly; I yield to the Senator with the understanding that I am to continue my remarks.

Mr. GAMBLE. Mr. President, I desire to call the attention of the Senate briefly to the presumed subject of objection in the conference report on the Indian appropriation bill now pending before the Senate. Although much time has been consumed in the discussion by the Senator from New Mexico, no specific reference so far has been made to any amendment therein or any objection interposed to a single provision in the bill or item contained therein.

The Indian appropriation act for the fiscal year ending June 30, 1913, contained the following provision:

For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, $200,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe.

Mr. President, the foregoing is the law now in force. The measure agreed to in conference and now pending before the Senate contains the following relative to the same subject matter. I assume this to be the subject of difference, although nothing so far in the speech submitted by the Senator from New Mexico alludes to the provision.

For continuing the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, $100,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available.

I omit the proviso, because it has no relation to the subject matter now under consideration.

Mr. President, the objections made are indicated by the amendment offered to the Indian appropriation bill as affecting this particular provision when the same was under consideration before the Senate by the Senator from New Mexico [Mr. CATRON], as follows:

Provided, That no part of the $100,000 hereby appropriated, nor of the $200,000 appropriated by the act approved April 24, 1912, making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which was authorized to be expended for the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, shall be used for the purpose of transporting or making settlement of said Apache Indians, prisoners of war at Fort Sill Military Reservation, Okla., within the State of New Mexico or State of Arizona.

I understand the objections are made on account of the danger, real or apprehended, to the people of New Mexico if any of the Indians now confined at Fort Sill, Okla., are removed by the Federal authorities to the Mescalero Reservation in that State.

I assert, Mr. President, that under the very provisions of the proposed law it specifically provides that no part of the appropriation of $100,000 can be used for the removal of the Apache Indians to the State of New Mexico, and it absolutely prohibits its use for that purpose. It is appropriated specifically for the purpose of purchasing lands for the Apache Indians in the State of Oklahoma. Under such conditions it would necessarily be presumed they would remain there.

After the Indian appropriation bill was passed a year ago the Secretary of War and the Secretary of the Interior, acting under the authority of the act, investigated the condition of the Indians and sought to meet their wishes as far as might be as to their future location.

From the record it appears there are confined at Fort Sill 264 Apache Indians. Col. Scott, representing the War Department; Mr. Ellis, representing the Interior Department; and Mr. Phillips, secretary of the Board of Indian Commissioners, made a report on December 12, 1912, to the Secretary of the Interior

and the Secretary of War, stating they had interviewed separately all the Indians thus confined with the purpose in view of permitting them to settle in such locality as the Indians might select consistent with their own welfare and the interest of the Government. After the fullest and freest opportunity had been given them, 176 elected to locate on the Mescalero Reservation, in New Mexico. It was claimed their friends and relatives resided on this particular reservation and they were entirely willing they should return and live with them upon that reservation. Eighty-eight of the number elected to remain in the State of Oklahoma.

The sum appropriated last year was to be expended in the purchase of lands for homes, and in the removal of those thus electing to do so, and also in equipping them and providing the means of self-support.

It is my understanding, Mr. President, that practically all of the $200,000 has been used or hypothecated in carrying out the provisions of the act of a year ago.

An application was made by the Secretary of War and the Secretary of the Interior for an additional appropriation of $100,000 to carry out the provisions contained in the Indian appropriation act of August 24, 1912, as the amount heretofore provided had proved insufficient.

The appropriation now carried is for the specific purpose, as stated in the bill itself, to buy lands in the State of Oklahoma, and not one dollar of the appropriation can be used in transporting any of the Indians to New Mexico.

Mr. President, I have been very much interested in the presentation made to the Senate by the Senator from New Mexico [Mr. FALL], but so far in his somewhat discursive argument no reference has been made to the provisions of the act covering the provision against which the complaint seems to be made.

The Committees on Indian Affairs of both House and Senate spent a vast amount of time and labor in the preparation of this bill. We hoped it might be, and we believe it is, largely satisfactory to the individual Members of the Senate and the House. After great labor and time an agreement in conference was reached upon all the disputed amendments contained in the bill, aggregating 131.

We sought in the preparation of this particular provision of the bill to meet the conditions and satisfy both of the Senators from New Mexico. We placed a limitation in the bill so that none of the money thus appropriated could be used in transporting any of these particular Indians from Oklahoma to the State of New Mexico. In specific terms it absolutely prohibits it, and directs the manner in which the money shall be invested.

Mr. President, I feel it my duty to make this brief statement to the Senate so that Senators may understand, at least from the RECORD, the matter in controversy.

The conference committee could go no further than they did in the amendment of the paragraph. We sought to the fullest extent to meet the objections of the Senators from New Mexico.

It has been insisted that a provision should have been incorporated absolutely prohibiting the removal of these Indians to New Mexico. That matter had been passed upon by the Senate itself in the amendment proposed by the Senator from New Mexico, and the Senate had deliberately rejected it. It was not within the power of the conference committee to embody it under the existing provisions originally in the paragraph.

Mr. President, in addition to that substantially the very amendment proposed in this provision was offered upon the floor of the Senate, through unanimous consent, as a joint resolution by the junior Senator from Minnesota [Mr. CLAPP] embodying all the provisions of the proposed amendment. I assumed this would be satisfactory to the Senators, and I supposed it was offered to meet the wishes and at the suggestion of the Senators from New Mexico. But the Senator who had occupied the floor in opposition to the conference report and who has delayed its consideration interposed an objection to its consideration, for what purpose or for what object I do not pretend to state.

Mr. President, this measure was carefully and thoroughly considered by the committees of the two Houses. It has had the consideration of both House and Senate. We feel the Senate should have an opportunity at this time to pass its deliberate judgment upon it. For the reason there is a provision in the measure that does not happen to suit or to satisfy one or two Senators, should the Senate as a whole, under the procedure invoked here, be precluded from disposing of the measure and permit the bill to fail?

As far as I am concerned, Mr. President, I have sought to keep the conference report before the Senate for its proper and full consideration, in compliance with the rules and procedure of this body. As far as I am concerned, if the representatives from the State of New Mexico desire to pursue the course they have it is for them and not for me, under the rules of the Senate, to determine.

The estimates for the present fiscal year by the department were $11,303,316.53. The pending measure as agreed to in conference carries a total appropriation of $10,079,205.05. In addition to the appropriations there is much legislation and many provisions of great importance to the Government and in the administration of this important branch of the Federal service and to the well-being and betterment of the Indians.

I exceedingly regret the measure could not so far receive the consideration its importance deserves on account of the procedure under the rules of the Senate which the Senators of New Mexico have invoked. If there be just criticism of the bill, if its provisions are improper and unjust or harmful, let the defects be pointed out to the Senate and have them corrected; but the bill should not be defeated by a filibuster or by the unwarranted consumption of time at this late hour of the session with a discourse under a wide range without even a single suggestion, Mr. President, as to any objections to this particular measure against which the attack has been presumably directed. I have no knowledge concerning it as to whether it had relation to some other provision of the bill undisclosed.

Mr. President, I will not take the time of the Senate to go into any further statement. I simply desired to put into the RECORD my own position, and I feel I owed a duty, not only to myself, but to the committee. Mr. President, it is represented, I understand, there is a strong protest from that immediate locality against these Indians being located at Mescalero. A communication addressed to the Secretary of the Interior and the Secretary of War, dated January 22, 1913, has been submitted to me, and I ask that the same be read by the Secretary and be printed in the RECORD. The parties signing this letter do not share such apprehensions.

Mr. President, I insist on the consideration of the pending question.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the paper sent by him to the desk be read. Without objection the Secretary will read as requested.

The Secretary read as follows:

TULAROSA, N. MEX., *January 22, 1913.*

To the Secretary of Interior and Secretary of War:

With reference to the moving of the Fort Sill Apaches from Fort Sill, Okla., to the Mescalero Indian Reservation: We, the undersigned citizens of Tularosa and vicinity, in the county of Otero, State of New Mexico, the largest settlement adjoining the reservation, desire to forward the information that we have no objection—furthermore, we believe it will be a benefit to the surrounding country—to the removal of the Fort Sill Apaches to the Mescalero Indian Reservation.

We concede it is a matter in which your honest judgment will be exercised and your actions will be governed by what you deem fit and proper.

This is a Government reservation, under Federal control, and if, in your wisdom, you think the Fort Sill Apaches should be removed here, we, as residents of the immediate vicinity affected, feel that we will not be injured, and do agree in their removal.

Tularosa is the railroad point for the reservation.

B. B. Kronenberg, R. N. Hanan, Wm. F. Messman, E. H. Simmons, B. B. Sanders, Dr. J. R. Lowell, J. J. Dale, A. Bailey, W. A. Cloman, L. Vigil (postmaster), Tularosa Valley Tribune (James E. Anderson, editor), D. A. Harris, J. V. Kerr, Chas. S. Johnson (merchant), T. B. Meek, S. S. Stuart, J. F. Hilburn, R. I. Meek, Martin Herrera, Tularosa Trading Co., Ad H. Richter, Tularosa Drug Co., M. O. Stacks, Daniel G. Johnson, Ad H. Richter & Son, Tularosa Barber Shop, J. O. Cázares, G. A. Hyde, P. Wertheim, N. Anderson, El Paso Store, M. Wohlgemuth, Charles Utter, Robt. H. Zindel, Alva P. Sitton, Chas. Anderson, W. J. Pace, C. A. Miller, M. McDonald, C. Cázares, The Tularosa Bargain House, E. P. Cooper, John Meadows, Joel Nailor, W. H. Skidmore, Nic Bruzuelas, J. H. Wohlenberg, Isaac Otis, J. L. Johnson, F. V. Hilburne, H. S. Harris, Woodford Clark, Francisco Gallegos, Gino Brusuelas, Isaac Cartajal, Luis Telles, J. G. Gonzales, Palace Barber Shop, Eusebio Brusuela, Eulogio Saens, Augustin Duran, Panfilo Romero, James Reagan, Manuel Brusuelas, Joseph Wohlgamuth.

Mr. GAMBLE. I desire to thank the Senator from New Mexico for the courtesy he has extended me in yielding to me.

Mr. FALL. The Senator is under no obligation, Mr. President, to thank me. I am rather under obligation to him that he has sought at this stage of the hearing upon this case to present his side of it. I say his side of it, because I think it is purely his side or that of some few of the members of the Committee on Indian Affairs which has been presented.

I should like to have the attention of the Senator, if he will give it to me. I had intended, Mr. President, pursuing the course which I had marked out with reference to the order in which I would present my argument against this bill, but as the Senator has sought to convey the idea apparently that this is a mere filibuster and nothing more, I should like to ask the

Senator, for instance, if he knows what amendment 77 injected into this bill by his committee means?

Mr. GAMBLE. I think it is self-explanatory. It is extending the time of payment.

Mr. FALL. Of what?

Mr. GAMBLE. As I recall it, extending for one year the time of payment on lots in the town of Lawton.

Mr. FALL. The north addition to the town of Lawton. Is the Senator aware that a provision in a former bill in practically the identical language has been investigated?

Mr. GAMBLE. Mr. President, the amendment was proposed upon the floor of the Senate, as I recall it, by the Senator from Oklahoma [Mr. OWEN], with the statement that it had been favorably reported by the Committee on Indian Affairs of the Senate, that it had passed the Senate, as I recall it, and that it had the favorable report of the Secretary of the Interior. If I am not mistaken the measure was drawn and submitted by the Secretary of the Interior.

Mr. FALL. The Senator has no personal knowledge of it.

Mr. GAMBLE. I have no personal knowledge of it.

Mr. FALL. I supposed so. Mr. President, the Senator has attempted to show that the objection, so far as the Senators from New Mexico are concerned, to this measure—at least as to the removal of the Apaches from Fort Sill to Mescalero—is not well founded. The Senator has seen fit to refer to a resolution which was proposed to be offered in an executive session of this body by one of the members of the committee. The Senator has not stated, however, that which I think he will remember—that the Senator from New Mexico who made the objection at the time to the consideration, afterwards, on several different occasions, agreed that if the consideration of this bill should be deferred until last night, so that the resolution might have passed night before last, might have gone to the House, and might have had some opportunity for consideration, the Senator from New Mexico would not unduly delay the passage of this bill, and he was informed by the chairman of the committee that he would not consent to any delay in the consideration of the bill itself.

Now, Mr. President, I am not an old Member of the Senate in point of service, neither am I purely a tyro in legislative matters. Without long experience and not possessing or claiming to possess the wisdom animating the committee, and particularly its chairman, in this case, I yet have seen matters of this kind come up in a legislative hall before.

I asked only an assurance that it was proposed to seek to have even proper consideration of the resolution offered, and if that were done to withdraw the objection to the bill, and I could get none.

The Senator has stated that the amendment offered by my colleague [Mr. CATRON] to this bill was passed upon by the Senate. The Senator, of course, means that after the Senator himself had withdrawn the point of order which he had made, after the Senator from Colorado who had renewed the point of order had in turn withdrawn it, the Senator from Oklahoma made a point of order which without discussion ejected from the bill the proposed amendment of my colleague.

Mr. President, it is said that the chairman of the committee and the committee of conference itself, hoping to please the Senators from New Mexico, agreed upon a limitation of the use of the appropriation of $100,000 provided in this bill for the removal of these Indians from Fort Sill.

An amendment was concurred in by the committee of conference on the part of the Senate, and is brought in here, by which it is sought to limit the $100,000 of a continuing appropriation, and the committee of conference refused to limit the use of the other $200,000 of exactly the same appropriation of which the $100,000 as expressed in the bill itself is a limitation.

Mr. President, I want to say now, once for all, in perfect good humor, that neither of the Senators from New Mexico was consulted as to this matter; that they have never been consulted by the committee as to the matter of the original appropriation; that the Senate Committee on Indian Affairs and the House Committee on Indian Affairs have been guiding New Mexico so long in her leading strings as a Territory that they can not yet realize that New Mexico is a full-fledged State in the Union. Possibly we need the able representation possessed by other States, but New Mexico is represented here by Senators of its own choice and in the lower House by Representatives of the people's choice. It is apparently impossible for some Senators—particularly the Senate Committee on Indian Affairs—to realize that New Mexico is no longer a dumping ground for political hacks to be appointed by some administration, and that it is no longer a dumping ground for such legislation as the committee, in its wisdom, consulting with no one, shall seek to thrust on New Mexico.

I want to say, sir, that this fight here made has been made, and is being made as it is, for the purpose of convincing the Senate Committee on Indian Affairs that when a matter purely affecting my State is concerned I shall have something to say about what legislation is enacted for that State affecting no other State in the Union.

Now, Mr. President, the Senator says that this conference committee could not adopt certain measures—that it could not legislate. I want to call the attention of the Senator and of the other Members of the Senate to legislation enacted by them. A little item to which I have already directed the Senator's attention is a matter of legislation brought in without objection from him, but, so far as any legislative record is concerned in connection with this proposed removal, it began, in so far as this body is concerned, with a return of a conference report on August 13, 1912.

Mr. President, with reference to the removal of the Apache Indians from Fort Sill to New Mexico or any other place, the Congress of the United States, prior to the bringing in of this conference report, had not enacted one word of legislation. Neither the Senate nor the House had passed upon any such proposition, and, without authority from either House, the conference committee of the two Houses on the 13th day of August last year brought in this report, among other things:

That the Secretary of War is hereby authorized to remove to and establish on the Mescalero Apache Indian Reservation, in New Mexico, all persons now held as Apache prisoners of war on the Fort Sill Military Reservation, in Oklahoma, who may desire to go to said Mescalero Apache Reservation.

* * * * * * * *

That the Indians of the band electing to stay in Oklahoma may remain on the Fort Sill Military Reservation.

* * * * * * * *

That for the purpose of removing and establishing said Indians on the Mescalero Apache Indian Reservation there be, and hereby is, appropriated the sum of $100,000.

In the open Senate, Mr. President, in answer to objections raised by other Senators, the acting chairman of the committee at that time acknowledged that this action of the conference committee was absolutely indefensible, and acknowledged on the floor of the Senate that, although the proposition was to affect a State represented by Senators here upon this floor, he had not consulted either of them; that they had not been consulted with reference to the matter.

Mr. President, after the matter was argued here in the Senate in a running colloquy between Senator Heyburn and myself, and after the objections of the Senators from New Mexico to the proposed removal of these Indians to New Mexico had been set forth here, not very fully but had simply been intimated and the reasons given, the Senate of the United States rejected the conference report and sent it back to its conferees because of this provision.

Sir, I say there was an agreement before that bill could be passed or before it was allowed to pass the Senate. I mentioned this matter a day or two ago, and the then acting chairman of this committee, the Senator from Minnesota [Mr. CLAPP], rose in his seat and said that my recollection of the agreement was in exact accord with his, that we finally consented to appropriate $200,000 for removing these Indians and placing them upon lands to be selected by the Secretary, with the understanding that they should not go to New Mexico.

As I pointed out first, the Mescalero reserve is not an allotted reserve. There is not one foot of land which can be legally obtained, by purchase or otherwise, for these Apache Indians, and the Secretary of the Interior knows it. The lands have never been allotted in severalty to the Mescaleros themselves. Then read the wording of the appropriation and show me how it is possible, legally, for any portion of this $200,000 to be expended in acquiring lands upon which to settle these Apaches on the Mescalero reserve.

The chairman of the committee evidently knows but little of the contents of this bill, and nothing of the proposition which is under consideration.

The Senator has referred to the fact that these were "good Indians." I want the Senator to be present while I am referring to this matter, because he has made a statement with reference to the character of these Indians. I want to place in parallel columns in the RECORD here the opinion of the Secretary of War as to these Indians on the one hand, and the statement of the Secretary of the Interior as to the character of the Indians on the other.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from South Dakota?

Mr. FALL. I do.

Mr. GAMBLE. I do not recall that I have made any statement with regard to the character of these Indians. All that I

said was that the committee had investigated to determine the free choice of the respective Indians as to where they would go, and I submitted a communication that was forwarded to me by the Secretary of the Interior purporting to come from local people in the neighborhood. I have no personal knowledge concerning the character of these Indians, and I did not pretend to make any such statement.

Mr. FALL. I beg the pardon of the Senator if I have misquoted him; but I have a fairly good memory, and I think the RECORD will bear me out that he said an objection was made—he had reference, evidently, to the objection made at the last session of Congress, because it has not been voiced in words at this session—to the removal of these Indians because they were warlike people, and would possibly murder people in New Mexico as they did before they were brought out of there. He said that there was no danger; that they were civilized; that they were not the same character of Indians, according to his information, as they were when their hands were red with the blood of my fellow citizens, innocent women and children in New Mexico. They have not had an opportunity to show what was in their hearts, Mr. President, because they have been prisoners of war since 1886, in charge of the armed forces of the United States.

Just a few words further along that line, and I will conclude on this subject. In answer to the statements of the Senator from South Dakota, I want to place in the RECORD in parallel columns, if possible, the statements of the Secretary of War and the Secretary of the Interior, respectively, upon this subject, along with the statement of the Senator from South Dakota. Then I will submit to my fellow Senators that these statements prove conclusively that neither the Secretary of War, the Secretary of the Interior, nor the respected chairman of the Indian Affairs Committee of this body knows anything about the subject with which he is attempting to deal.

SUSPENSION OF TRAFFIC ON PENNSYLVANIA AVENUE.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. FALL. For what purpose?

Mr. JONES. To enable me to offer a Senate resolution, and have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FALL. Yes; I yield for that purpose.

Mr. JONES. I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The Senator from Washington offers a resolution, which will be stated.

The Secretary read the resolution (S. Res. 499), as follows:

Resolved, That the Committee on the District of Columbia, by subcommittee or otherwise, be, and it is hereby, authorized and directed to investigate the conduct of the District police and police department of the District of Columbia in connection with the woman's suffrage parade on March 3, 1913, and ascertain whether said police or police department was negligent in protecting the participants in said parade from interference, insult, and indignity, and submit its report and recommendations as soon as possible; and said committee shall have authority to summon witnesses, administer oaths, take testimony, employ stenographers, and incur such expense as may be necessary to make such investigation, such expense to be paid out of the contingent fund of the Senate on vouchers therefor signed by and approved by the chairman of said District of Columbia Committee.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRISTOW. Mr. President, a resolution was introduced yesterday by the senior Senator from Minnesota [Mr. NELSON] upon the same subject. To what committee was that referred?

Mr. NELSON. It should have been referred to the same committee.

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Minnesota that that was simply a resolution directing the Commissioners of the District of Columbia to call upon the chief of police for a report.

Mr. NELSON. Yes.

The PRESIDENT pro tempore. That resolution was agreed to. This seems to be a broader resolution.

Mr. NELSON. This is a resolution of investigation.

The PRESIDENT pro tempore. Yes.

Mr. JONES. Mr. President, I simply desire to say that the papers this morning are filled with accounts of what occurred during the parade yesterday, which, if true, are a disgrace to our boasted civilization and chivalry. I will state, further, that in conversation with a very prominent gentleman who took part in the parade, he told me of actions during this parade which were a shame to the Capital of the Nation, and that these happened in the very presence of the police without interference or protest on their part. A thorough investigation should be made, so that justice may be done by exoneration or proper condemnation and punishment.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I do.

Mr. NELSON. I will say that from information I have received from several quarters I have no doubt this investigation ought to be had. It was a most disreputable affair, discreditable to the police force of this city.

Mr. JONES. If it is possible for the Committee to Audit and Control the Contingent Expenses of the Senate to report this resolution to-day, I hope it will be done, so that it can be passed.

Mr. BRISTOW subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it with an amendment to strike out "employ stenographers and incur such expense as may be necessary to make such investigation, such expenses to be paid out of the contingent fund of the Senate on vouchers therefor signed by and approved by the chairman of said District of Columbia Committee."

The amendment was agreed to.

Mr. LODGE. Mr. President, I understand that this resolution makes no charge upon the contingent fund.

The PRESIDENT pro tempore. It does not. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. FALL. Mr. President, I now yield to the Senator from Ohio [Mr. BURTON].

REGULATION OF THE WATERS OF NIAGARA FALLS.

Mr. BURTON. Mr. President, I recognize that in the present condition of business the resolution (H. J. Res. 402) relating to Niagara Falls can not pass. I desire to say, briefly, however, that no inference should be derived from that fact to the effect that the Congress has abandoned Federal control of the Niagara River.

The House unanimously passed this resolution; and but for conditions which are well understood, I am sure the resolution would have passed in the Senate by a very large majority. A bill or resolution will be introduced in the Senate on the very first day of the next session asserting Federal control.

I exceedingly regret the situation, because the passage of this act in 1906 saved the Falls and the rapids below the Falls from the spoliation which was in progress. I am sure there will be the most careful scrutiny of the course of the government of the State of New York and of the incoming administration as regards their action for the preservation of the Falls. I am sure it is right to say that the people of this country earnestly desire that the Falls be saved, in order that this great wonder, this spectacle which has been admired by so many millions of people, may be preserved for future generations.

Not only will there be scrutiny with reference to the course of the administration of the State of New York, but there will be equal attention to the course of the incoming administration. To-day the party which has been out of power for a long time takes the reins. In that inevitable reaction which is sure to arise against those who have the responsibilities of government, and especially in the fierce light of the criticism which is in vogue to-day, the people will demand that the incoming administration take action for the preservation of the Falls. If they are neglected, I verily believe condemnation will be visited upon those who fail to carry out the provisions of this act or to pursue a policy similar to that enunciated in it.

I again state that, in view of the opposition which has developed here to the passage of the resolution, it is very clear that it can not pass, and I regard it as futile to make further effort for its consideration.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 8, 9, 10, 11, 14, 15, 17, 18, 22, 24, 33, 35, 36, 37, and 53.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 12, 19, 20, 21, 23, 26, 27, 28, 29, 32, 34, 38, 39, 40, 41, 42, 44, 45, 48, 49, 51, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, and 68, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000," and in lines 6 and 7 of said amendment strike out the words "one year's" and insert in lieu thereof "six months"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert ", to continue available during the fiscal year 1914"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after the word "available," insert the following: "until the close of the fiscal year 1914"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "demise," insert the following: ", $6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For 16 pages from April 1 to June 30, 1913, both dates inclusive, $3,600, or so much thereof as may be necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: After line 22, on page 46, of the bill insert the following: "After March 4, 1913, those members of the Committee on the Judiciary who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on the Judiciary during the first session of that Congress are authorized to expend for experts, accountants, and clerical and other assistants for the purposes stated in House resolution No. 486 out of the contingent fund of the House a sum not in excess of the balance unexpended under said resolution"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the net amount of a judgment of the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 13, 1911, to remain in the Treasury to the credit of the Ute Indians, the amount of said judgment shall bear interest at 4 per cent per annum from and after February 13, 1911, such interest to be available under annual appropriations by Congress for cash per capita payments to the Ute Indians entitled, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, $3,305,257.19"; and the Senate agree to the same.

F. E. WARREN,
ROBERT J. GAMBLE,
C. A. CULBERSON,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
C. L. BARTLETT,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. JONES. Mr. President, I tried to watch the reading of the report, but I want to ask the chairman a question about it. I could not catch, from the reading of the report, what action had been taken upon amendments numbered 31 and 32, one in relation to the survey proposition and the other to the homestead matter.

Mr. WARREN. The homestead matter is agreed to and in the bill. What is the other one?

Mr. JONES. The other one is as to the money available for land surveys in the local surveyor generals' offices.

Mr. WARREN. That is included in the bill.

Mr. JONES. I thank the Senator for the information.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of Senate bill 234.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Georgia?

Mr. McCUMBER. I yield.

Mr. SMITH of Georgia. The Senator from New Mexico has the floor, Mr. President.

Mr. FALL. Mr. President——

Mr. SMITH of Georgia. The Senator from New Mexico has the floor.

Mr. FALL. I yielded to the Senator from Wyoming simply for the consideration of a conference report.

Mr. SMITH of Georgia. And he has agreed to yield to me in a few minutes.

Mr. McCUMBER. I addressed the Chair and got recognition. I ask the Senator to yield to me.

Mr. FALL. Mr. President, I will yield to the Senator for the presentation of a conference report or for a matter of that kind, but in justice to the chairman of the committee and to myself I do not think I should yield for a motion to displace the bill under consideration. If that is the purpose of the Senator, I am sure he will realize that I can not yield.

Mr. McCUMBER. Mr. President, I fully understand that the Senator would feel very much disappointed to have the Indian bill disposed of in any way.

Mr. FALL. I will dispose of the Indian bill.

Mr. McCUMBER. I simply ask the Senator if he will not yield that I may call up a pension bill.

Mr. BURTON. What pension bill is it?

Mr. McCUMBER. It is what is known as the Crago bill.

Mr. GAMBLE. Mr. President, the subject under consideration and discussion is the conference report on the Indian appropriation bill; and, as far as I am concerned, I can not consent.

Mr. FALL. If I were to undertake to yield to the Senator now, it would undoubtedly meet with objection. I should be glad to have the Senator withhold his request for a little while, at any rate. I am making an attempt to make a record at this point.

Mr. McCUMBER. For an hour and thirty-five minutes?

Mr. FALL. I expect to occupy the floor, unless it is agreed to lay aside this bill, until the new Vice President of the United States is sworn in.

MARIA M'MURDIE.

Mr. CULLOM. I will ask the honorable Senator if he will yield to me, in order to enable me to have the Chair lay a little bill before the Senate?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. Yes; I understand the bill to which the Senator refers will take only a very short time.

The bill (H. R. 1567) for the relief of Maria McMurdie was read the first time by its title.

Mr. CULLOM. I ask unanimous consent for the present consideration of the bill.

By unanimous consent the bill was read the second time at length and considered as in Committee of the Whole, as follows:

Whereas on August 2, 1887, John McMurdie, an employee of the customhouse at Chicago, Ill., while in the discharge of his duties, was instantly killed by the sudden moving of an elevator cable while the deceased was in the act of stepping over same: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $720 to Maria McMurdie, widow, and the heirs at law of the said John McMurdie.

Mr. BURTON. What is the amount carried by this bill?

Mr. CULLOM. Seven hundred and twenty dollars; that is all.

Mr. BURTON. A year's salary?

Mr. CULLOM. A year's salary.

Mr. BURTON. All right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the conference report on the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914.

Mr. FALL. Mr. President, I do not know exactly how the record of this discussion will appear. Therefore, I must refer back for a moment to the statement made by the chairman of this committee, which so plainly shows his entire lack of knowledge of the subject under immediate discussion—who these Indians are, where they came from, what their present condition is, whether they are civilized, semicivilized, or degenerates—in order to show that the two departments of the Government having to do with these particular Indians possess the same character or quantity of knowledge or less knowledge upon the subject than that displayed by the committee; and I say that with all due deference to the committee. I want to place, as I have said, in parallel columns statements from the Secretaries of the War Department and of the Interior Department, respectively, concerning these Indians alongside the statement of the chairman of the committee upon the same subject.

Mr. President, the Secretary of War of the United States has had, or his department has had, charge of the Fort Sill Apaches since 1886. The Secretary of the Interior apparently, however, prior to the passage of any resolution by the Congress of the United States providing for the removal of these Indians, of his own accord, or animated possibly by the desires of someone else, had been investigating the subject of the Fort Sill Apaches while they were yet in the hands of the Secretary of War.

The Secretary of War is supposed to know more about these Indians than the head of any other executive department. Under date of December 28, 1912, referring to these Indians at Fort Sill, the Secretary of War over his signature, not acting by any assistant, in answer to a protest submitted by both Senators from New Mexico upon this subject—and I call the attention of Senators to this communication—says:

> Referring to your letter of December 20 on the subject of the removal of the Apache prisoners of war at Fort Sill, Okla., I have the honor to say that these Indians have been a heavy charge on the War Department since 1886, and they could legally be cared for solely under the status of prisoners of war.

I should like to call the attention of the chairman of the committee to this:

> Only a very few of those who were on the warpath in 1886—26 years ago—are now alive, and they are superannuated. The others are women and children or sons of the above, who, having been educated and grown up in civilization, are more like white men than Indians.

I should like to call the attention of the Senate to the judgment of the Secretary of War as to what a white man is in comparison with that of the judgment of the Secretary of the Interior on the same subject:

> Most of them are members of Christian churches, and no kind of fear need be entertained of their ever again going to war.

An expert on war testifying for them—

> They are industrially far ahead of the Mescalero Apaches, their relatives—

That is thrown in for good measure, I presume, as the chairman of the committee threw it in—

> and are skilled in many kinds of labor. They have clamored for years to be relieved from their status as prisoners and set free. They consider the word "prisoner" a term of reproach, and they are supported in their wish by a large portion of the American people.

Yet they protested to Gen. Miles when Capt. Lawton arrested them, while their hands, as I said awhile ago, were still red with the blood of their victims; they protested then against the word "prisoners"; they thought that they should be simply returned to the San Carlos Reservation, in the State of Arizona.

Mr. President, here is a very frank statement of the present condition of these Indians. On the date of May 12 last—and I call the attention of the chairman of the committee to the fact—the Secretary of the Interior addressed a communication to him as the chairman of the committee. I ask the Senator where he gets his knowledge of the Fort Sill Apaches? Among other things, the Secretary of the Interior, speaking of the same Indians referred to by the Secretary of War, said:

> The Indians when removed to Oklahoma comprised 308 in number, and at the present time number about 250. When they were settled at Fort Sill houses were built for them and tracts of land set apart for use of the different families, and they were furnished with cattle, horses, etc. It is now reported that these family tracts are not cultivated, but have been allowed to grow up with sunflowers, and that the only land in cultivation is a tract used in common and cultivated by white renters or laborers. All the reports indicate that these Indians, instead of advancing, have retrograded mentally, morally, and physically.

Yet these are the Indians who are so well civilized and such Christian gentlemen that they deserve, in the eyes and in the opinion of the honorable Secretary of War, to rank with the white man or above him. He says they are a very much higher grade Indian than is the Mescalero. I presume he desires to send them as missionaries to the Mescaleros to assist in their civilization; and yet the Secretary of the Interior, to whose charge these Indians are proposed to be delivered, says that they have deteriorated mentally, morally, and physically; that they will not work; that they are lazy; that they are retrograding; and that they have allowed to run to waste the tillable lands which have been given them.

Mr. President, I submit that the Senate Committee on Indian Affairs, the honorable Secretary of War, the honorable Secretary of the Interior, with all due deference to the respective members of the committee and to the gentlemen named, have shown in this bill and in the reports to which I have referred that they are absolutely at sea, to say the least, upon the subject upon which they are desiring the Senate to legislate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 21849. An act for the relief of Felix Morgan;

H. R. 28098. An act to authorize the construction of a bridge across the Sabine River at Orange, Tex.; and

H. R. 28840. An act authorizing the construction of a bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 8540. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 1567. An act for the relief of Maria McMurdee;

H. R. 26680. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes; and

H. R. 28840. An act authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada.

BRIDGE ACROSS SABINE RIVER AT ORANGE, TEX.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives, which will be read by its title, and calls the attention of the junior Senator from Texas [Mr. SHEPPARD].

The bill (H. R. 28098) to authorize the construction of a bridge across the Sabine River at Orange, Tex., was read the first time by its title.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

> *Be it enacted, etc.*, That the Orange Commercial Club, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate a bridge and approaches thereto across the Sabine River at a point suitable to the interests of navigation at the city of Orange, Tex., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.
>
> SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FELIX MORGAN.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 21849) for the relief of Felix Morgan, which was read twice by its title.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was read the second time at length and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Felix Morgan, of Wirt County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $2,500, to compensate him for injuries received while in the employ of the Government on the Little Kanawha River, in Wirt County, W. Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL—VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, as follows:

To the House of Representatives:

I return without my approval, the bill (H. R. 28775), being "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes."

My reasons for failing to approve this important appropriation bill are found in a provision which has been added to that appropriating $300,000 for the enforcement of the antitrust laws in the following language:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

This provision is class legislation of the most vicious sort. If it were enacted as substantive law and not merely as a qualification upon the use of monies appropriated for the enforcement of the law, no one, I take it, would doubt its unconstitutionality. A similar provision in the laws of the State of Illinois was declared by the Supreme Court to be an invasion of the guaranty of the equal protection of the laws contained in the fourteenth amendment of the Constitution of the United States in the case of Connelly *v.* Union Sewer Pipe Co. (184 U. S., 540), although the only exception in that instance from the illegality of organizations and combinations, etc., declared by that statute, was one which exempted agriculturists and live-stock raisers in respect of their products or live stock in hand from the operation of the law leaving them free to combine to do that which, if done by others, would be a crime against the State.

The proviso is subtly worded, so as, in a measure, to conceal its full effect, by providing that no part of the money appropriated shall be spent in the prosecution of any organization or individual "for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor," and so forth. So that any organization formed with the beneficent purpose described in the proviso might later engage in a conspiracy to destroy by force, violence, or unfair means any employer or employee who failed to conform to its requirements; and yet, because of its originally avowed lawful purpose, it would be exempt from prosecution, so far as prosecution depended upon the moneys appropriated by this act, no matter how wicked, how cruel, how deliberate the acts of which it was guilty. So, too, by the following sentence in the act such an organization would be protected from prosecution "for any act done in furtherance" of "the increasing of wages, shortening of hours, or bettering the condition of labor" not in itself unlawful. But under the law of criminal conspiracy acts lawful in themselves may become the weapons whereby an unlawful purpose is carried out and accomplished. (Shawnee Compressed Coal Co. *v.* Anderson, 209 U. S., 423–434; Aikens *v.* Wisconsin, 195 U. S., 194–206; Swift *v.* United States, 196 U. S., 375–396; United States *v.* Reading Co., Dec. 16, 1912.)

The further proviso, that the appropriation shall not be used in the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to obtain and maintain a fair and reasonable price for their products, is apparently designed to encourage, or at least to discourage the prosecution of, organizations having for their purpose the artificial enhancement of the prices of food products, and thus to avoid the effect of the construction given to the antitrust law in the case of United States against Patten, decided January 6, 1913.

At a time when there is widespread complaint of the high cost of living it certainly would be anomalous to put on the statute books of the United States an act, in effect, preventing the prosecution of combinations of producers of farm products for the purpose of artificially controlling prices; and the evil is not removed, although it may be masked, by referring to the purpose of the organization as "to obtain and maintain *a fair and reasonable price* for their products."

An amendment almost in the language of this proviso, so far as it refers to organizations for the increasing of wages, etc., was introduced in the Sixty-first Congress, passed the House, was rejected in the Senate, and after a very full discussion in the House, failed of enactment. Representative Madison, speaking in favor of the amendment which struck out the proviso, characterized it as an attempt to "write into the law, so far as this particular measure is concerned, a legalization of the secondary boycott. * * * The laws of this country," he pointed out, "are liberal to the workingman. He can strike, he can agree to strike, he can act under a leader in a strike, and he can apply the direct boycott, but when it comes to going further and so acting as to impede and obstruct the natural and lawful course of trade in this country, then the law says he shall stop. And all in the world that this antitrust act does is to apply to him that simple and proper rule, that he, too, as well as the creators of trusts and monopolies, shall not obstruct the natural and ordinary course of trade in the United States of America." "I believe," he added, "in the high aims, motives, and patriotism of the American workingman and do not believe that, rightly understanding this amendment, they would ask us to write it into the law of this Republic." (CONG. RECORD, p. 8850, 61st Cong., 2d sess.)

It is because I am unwilling to be a party to writing such a provision into the laws of this Republic that I am unable to give my assent to a bill which contains this provision.

WM. H. TAFT.

THE WHITE HOUSE, *March 4, 1913.*

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding? The Constitution requires that the vote shall be taken by yeas and nays.

Mr. POINDEXTER. Mr. President, I notice that this bill, among other items, contains an appropriation of $500,000, according to the Senate amendment. I desire to speak on the question before the Senate. The item to which I refer is for—

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $10,000 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $500,000.

Mr. President, the District of Columbia appropriation bill, which was agreed to a few days ago, contained an item of $915,000 for the pay of the District police, a force organized and maintained at an enormous annual expense for the detection and prosecution of crime. On yesterday afternoon the women of the District of Columbia and of other parts of the United States, under the protection, or supposed protection, of a resolution of Congress, conducted a great pageant and parade in this city. This resolution covered their line of march and directed the police officers to protect their parade on Pennsylvania Avenue and other streets. Instead of receiving the benefit of this appropriation, provided in part by the people of the States from which they and their sympathizers came, these women met with an apparent covert acquiescence of the police in violent attacks made upon them and in an effort to run over and break up the parade.

I only make these remarks, Mr. President, for the purpose of saying that hereafter when these appropriations of millions of dollars are asked for the purpose of preserving the peace and enforcing the law, upon which the very existence of the country depends, there will be some scrutiny and inquiry made as to the personnel and as to the salary of the men for whose services the appropriations are made. I speak from personal observation of what occurred. I have no doubt that it will be claimed by the chief of police, or the major of police, whatever his official title may be, that he did not have sufficient men.

I noticed, however, at the point at which the principal difficulties occurred, where the crowds of people were allowed to cover the entire street and obstruct absolutely the parade, a sufficient number of policemen to have preserved order. The police could have prevented the crowd from obstructing the

parade, and yet there was no apparent effort made at that point to carry out the purpose of the resolution of Congress. They might as well have been a lot of wooden painted policemen so far as performing the functions of a police force is concerned. I do not know what the attitude or motives of individual policemen may be, but ordinarily the conduct and attitude of the men of a police force reflect the motives of the head of the force.

Mr. FLETCHER. Mr. President, I make a point of order——

The PRESIDENT pro tempore. The Senator from Florida makes a point of order. The Senator will state it.

Mr. FLETCHER. It is out of order to enter upon a discussion of this matter at this time. I will also say that a resolution covering the subject which the Senator is discussing has already passed the Senate.

Mr. LODGE. Mr. President, the privilege of any message expires when the message is laid before the body. There is no restriction upon the action of the Senate regarding this message or any other message. It can be debated; it can be postponed; it can be laid aside. Any action may be taken with regard to it. The other day we debated the veto message of the President on the immigration bill for three hours. It does not seem to me that when the whole bill is open it is possible to say what portion of it a Senator shall discuss. The bill as a whole has failed to obtain the approval of the President. He bases his objection on one clause of the bill; but it seems to me to be perfectly clear that there is no limitation whatever in dealing with the subject of the message and that it is open to any Senator to discuss any portion of the vetoed bill.

The PRESIDENT pro tempore. In dealing with the point of order——

Mr. LODGE. I do not know what item the Senator from Washington is speaking to.

Mr. POINDEXTER. I am speaking upon the item of $500,000 for the detection and prosecution of crimes and for the preservation of law and order.

The PRESIDENT pro tempore. In dealing with the point of order the Chair is of the opinion that it would be a more orderly procedure to discuss the provisions of the bill upon which the veto message was based. At the same time the Chair recognizes the fact that it is within the province of the Senate to discuss this bill or, under our rules, any other bill, and for that reason the Chair will overrule the point of order.

Mr. POINDEXTER. I do not apprehend, Mr. President, that a vote of the Senate upon this bill, either sustaining or overruling the veto of the President, must necessarily be based upon the identical reasons set forth in the veto message. There may be other provisions in the bill which Senators regard as of equal importance with that upon which the veto is based. If it is desired that the debate should be confined specifically to the proposition which is discussed in the veto message, I will only say, in passing, as to that particular point, that it was never intended by the Congress when the Sherman antitrust law was enacted that it should apply to labor unions or organizations of that nature. It was intended to apply to industrial and commercial organizations engaged in business and trade, but not to organizations of a social and personal character, which were intended for the betterment of the conditions of human beings, and not for profit. Organizations in restraint of trade within the purview of the Sherman antitrust act are those created for making money, however the language of the act may have been construed to include labor unions. It is nevertheless true that Congress never intended that the act should apply to labor unions; and, consequently, I do not regard the provisions of the bill on which the President based his veto as a sufficient reason for voting against it.

Mr. SMITH of South Carolina. I should like to ask the Senator——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Carolina?

Mr. POINDEXTER. I yield.

Mr. SMITH of South Carolina. I should like for the Senate of the United States to take cognizance of the fact—and I should like to have an expression from the Senator on this—that this veto of the President brings out and accentuates the idea that the producers of the raw material of this country are to be brought under the Sherman antitrust act, and therefore the farmers of the country may not combine to protect themselves.

I have only a word more to say, and then I am through. If the legislation of this country is going to prohibit those who are naturally dependent on enjoying the proceeds of that which they produce from peaceably combining and so establishing prices to be put upon their products, there will be a Senate elected and a House of Representatives elected that will bow to the will of the people, and the Sherman antitrust law will be modified to meet their contention.

Mr. POINDEXTER. Mr. President, I shall conclude very briefly what I have to say in regard to this bill. So far as the passage of it is concerned, I am indifferent whether it passes or does not pass. There are many things in it that ought not to be enacted into law, and some things that ought to be; also, some items have been left out of the bill that ought to have been incorporated in it. An amendment providing appropriations for the improvement of the roads in national parks——

Mr. SWANSON. Will the Senator from Washington yield to me?

Mr. POINDEXTER (continuing). Which are of benefit to the entire country, and particularly to the State which I, in part, represent, was rejected, while other appropriations of much larger amounts for no good purpose were included in the bill.

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

Mr. POINDEXTER. I yield to the Senator from Virginia.

Mr. SWANSON. It seems to me that if the Senator from Washington favors this bill he would permit a roll call and endeavor to secure its passage. The time has almost gone when it can be passed, and any further delay will prevent its passage. I simply want to call the Senator's attention to the fact that if the friends of this measure will stop talking and vote for its passage they may come to some result.

Mr. POINDEXTER. I am not very anxious that the bill should pass, Mr. President. An extra session of Congress will convene within a month. A million dollar appropriation in this bill, in two lump sums, for "miscellaneous expenses" and for the "detection and prosecution of crime," and a lump sum of $200,000 additional for special counsel, all to be expended in the discretion of the department, should be stricken out, or else Congress should specify the purposes to which it is to be applied. This bill carries an appropriation of over $113,000,000, and it is safe to say that this amount can be reduced many millions and still include a number of meritorious items much needed in the improvement and development of the West, which have been heretofore rejected.

Should the $1,200,000 referred to be retained in the bill, to be expended in the discretion of the Department of Justice, it is to be hoped that the department will use it to better effect and with more good faith than the police force of the city of Washington has exhibited in the enforcement of order and the prevention of violence, which is the principle upon which our municipal, State, and National Governments must rest. In order to emphasize what I was proceeding to say when I was interrupted, I will state that the police force instead of protecting this parade allowed automobiles and ambulances to move through it apparently with the intention and for the purpose of breaking it up. They allowed a crowd of hundreds of thousands of people, composed of those who were jeering and hostile to this parade, which was composed largely of women, to come in immediate contact with them, so that they were in danger of physical violence and even in danger of losing their lives from the mob by which they were surrounded.

I make these remarks in order to call attention to the fact that this police force is acting under the authority of Congress; that it depends upon Congress for its maintenance and support; that notice has been taken of the fact that this force, established for the protection of person and life, did not execute the resolution of Congress, and failed to fulfill the purpose of its existence in the particular instance and important occasion to which I have referred.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes.

The message also announced that the House had passed the bill (S. 8540) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message further announced that the House had passed the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and

dependent relatives of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 28775. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 28766. An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, which was, on page 4, to strike out lines 3 to 5, inclusive, in the following words:

The name of Mary MacArthur, widow of Arthur MacArthur, late lieutenant general United States Army, and pay her a pension at the rate of $100 per month.

Mr. McCUMBER. I move that the Senate concur in the House amendment.

The motion was agreed to.

AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. GAMBLE. I ask that the pending motion be submitted to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the conference report on House bill 26874, the Indian appropriation bill.

Mr. FALL. Mr. President, I should like to ask how much time we have for discussion.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Will the Senator from New Mexico yield to the Senator from Georgia?

Mr. FALL. If the Senator will state his purpose.

Mr. SMITH of Georgia. I desire to move and to read a motion I made on Saturday and which went over until to-day under objection:

That the conferees on the part of the Senate upon the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, are hereby discharged.

That the Senate recede from the Senate substitute and agree to the House bill.

Mr. GAMBLE. Mr. President——

Mr. SMITH of Georgia. I am aware that if any serious debate is to be had upon this motion we will hardly have time before 12 o'clock to pass upon it, but it occurs to me that in view of the value of the measure possibly unanimous consent might be given to let it go through. Therefore I ask for a unanimous consent, as I will understand that otherwise my motion would not prevail.

Mr. LODGE. Mr. President, there is no doubt we all feel great sympathy in the purpose of this bill, but the precise form that it should take will unquestionably lead to discussion. It also involves a very interesting question of parliamentary procedure, which was somewhat discussed yesterday and on which a very wise ruling was made as to one branch of the subject.

This involves the other branch. I should feel it necessary to trace the history of the question of procedure, which is a very important one. Therefore I will say to the Senator from New Mexico and the Senator from South Dakota that this is certain to lead to debate.

Mr. FALL. Mr. President, in view of the statement of the Senator from Massachusetts and in view of the fact that each Senator must be the judge of that which is most important to him, while I believe I would be personally in accord with the motion which the Senator from Georgia makes, yet in exercising my senatorial judgment, believing that the argument which I am making is more interesting than would be the parliamentary discussion, I must decline to yield.

Mr. SMOOT. Will the Senator from New Mexico yield to me.

Mr. FALL. For what purpose? Will the Senator state?

Mr. SMOOT. I wish to ask unanimous consent for printing a document. It will not lead to any debate.

Mr. FALL. I yield to the Senator.

FIVE CIVILIZED TRIBES.

Mr. SMOOT. I have a report here of the Department of the Interior on Senate bill 7625, a bill for the relief of certain members of the Five Civilized Tribes of Oklahoma. I ask unanimous consent that it be printed as a public document.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the report which he sends to the desk shall be printed as a Senate document. Is there objection? The Chair hears none.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. The Senate resumes the consideration of the conference report on House bill 26874, the Indian appropriation bill. The Senator from New Mexico will proceed.

Mr. FALL. Mr. President, I have not been able to preserve the continuity of my speech, which has so far been something like the artillery duel between the opposing forces in the City of Mexico, scattering, but I hope there are not so many casualties among the bystanders as occurred there.

I have a document here that I would like unanimous consent to have printed. I think it conveys very valuable information which might be used with much profit by the Senate Committee on Indian Affairs at the next session.

In view of the fact that there seems to be a stupendous amount of ignorance concerning the true history of the Fort Sill Apaches, I ask the same unanimous consent which was extended to the Senator from Utah [Mr. SMOOT] to have the document I send to the desk read by the Secretary. If there is objection to the reading of the document, I will then ask that it may be printed as a Senate document for the benefit of the Senate Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had appointed a committee of three Members of the House to join a similar committee to be appointed by the Senate to wait upon the President of the United States and inform him that the two Houses, having completed the business of the session, are ready to adjourn.

BRIDGE ACROSS ST. JOHN RIVER.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives and calls the attention of the Senator from Maine [Mr. JOHNSON].

The bill (H. R. 28840) authorizing the construction of a bridge across the St. John River between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada, was read the first time by its title.

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. It will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Van Buren Bridge Co., a corporation created by the laws of the State of Maine, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the St. John River at a point suitable to the interests of navigation in the town of Van Buren, in the county of Aroostook, in the State of Maine, to a point on the opposite side of said river in the parish of St. Leonards, in the county of Madawska, in the Province of New Brunswick, Dominion of Canada; said bridge shall be constructed in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of the said bridge shall not be commenced until the consent of the proper authorities of the Dominion of Canada for the erection of the structure shall have been obtained.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was ordered to a third reading, read the third time, and passed.

NOTIFICATION TO THE PRESIDENT.

Mr. CULLOM submitted the following resolution (S. Res. 500), which was read, considered by unanimous consent, and agreed to:

Resolved, That a committee of two Senators be appointed by the President pro tempore to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The PRESIDENT pro tempore. The Senator from Illinois has asked to be excused from service upon the committee. The Chair will appoint the Senator from Wyoming [Mr. WARREN] and the Senator from Virginia [Mr. MARTIN] as the committee on the part of the Senate.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. Mr. President——

Mr. FALL. I send the document to the desk and ask that its title may be read. It is Geronimo's story of his own life.

Mr. GAMBLE. It is utterly impossible to hear the Senator or to hear the request he has submitted. I suggest that he speak louder.

Mr. FALL. Mr. President, I have endeavored to secure the ear of the Senator from South Dakota, the chairman of the committee, since yesterday noon, I think. I am glad to know that he is becoming a convert and is desirous of hearing me.

Mr. GAMBLE. Do I understand the request of the Senator from New Mexico to be that the volume he has sent to the desk be printed as a document?

Mr. FALL. I think, Mr. President, that I am justified, in view of the course which this debate has taken, in asking that it be printed as a public document, so that it may be available to the next Committee on Indian Affairs.

Mr. GAMBLE. I should like to submit a further request——

The PRESIDENT pro tempore. The Senator from New Mexico asks unanimous consent that a book, entitled "Geronimo's Life," shall be printed as a public document. Is there objection?

Mr. WILLIAMS. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. FALL. Then I ask that the Secretary proceed to read the book.

The PRESIDENT pro tempore. The Senator from New Mexico asks that the book shall be read by the Secretary. Is there objection?

Mr. CLARKE of Arkansas. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. FALL. I was not so fortunate as the Senator from Utah.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, in New Mexico, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 28093) to amend an act entitled "An act granting a service pension to certain veterans of the Civil War and the War with Mexico," approved May 11, 1912.

The message further announced that the House had passed a bill (H. R. 28731) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3843. An act authorizing the Secretary of the Interior to lease to the operators of coal mines in Oklahoma additional acreage from the unleased coal land of the Choctaw and Chickasaw Nations;

S. 1653. An act to provide American registry for the steam yacht *Diana*;

S. 7747. An act for the relief of Charles Dudley Daly;

S. 8348. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.;

S. 8377. An act to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, in Minneapolis, Hennepin County, Minn.;

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State;

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri;

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River;

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota;

S. 8443. An act to extend the time for constructing a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.;

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls;

S. 8429. An act to create a board of local inspectors, Steamboat Inspection Service, for the port of Los Angeles, Cal.;

H. R. 23673. An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea;

H. R. 27148. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 25780. An act to amend section 3186 of the Revised Statutes of the United States;

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes; and

H. R. 28093. An act to amend an act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912.

ALASKA NORTHERN RAILWAY.

Mr. NELSON. I desire to ask for the present consideration of the bill just brought over from the House to extend the time for the completion of the Alaska Northern Railway.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 28731) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, which was read twice by its title.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill, which will be read.

Mr. LA FOLLETTE. Mr. President, I ask that the bill may be read, so that the Senate may be informed of what it contains.

The PRESIDENT pro tempore. The Chair has just ordered the reading of the bill.

The Secretary read the bill, as follows:

Be it enacted etc., That the time for filing the map and maps of definite location of the Alaska Northern Railway, formerly known as the Alaska Central Railway, of its branches, station grounds and terminal grounds, and junction and division terminals provided and required by the act entitled "An act for extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, both within and without reservations and withdrawals, be, and the same hereby is, extended until three years after the passage of this act, and the time for completing the railway is hereby extended until two years after the filing of said maps; and leave is hereby granted to the Alaska Northern Railway Co., its successors and assigns, to file said map and maps of definite location within the time and the times therefor as above provided: *Provided*, That nothing in this act shall be construed or held to have the effect of renewing or reviving any grant of title to real estate under the act of June 30, 1906, or any subsequent act which may have already lapsed or become forfeited: *Provided further*, That in case the United States shall at any time desire to acquire, by purchase or condemnation proceedings, said railroad, the extension herein made and the right of way secured thereby shall not be deemed or held to constitute any asset or value owned by said Alaska Northern Railway Co., its assigns or successors, above actual cost of the survey and locations thereof.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LA FOLLETTE. Mr. President, believing that the railroads constitute the key to the control of all the great wealth of that country, and believing, as I do, that the Government should own and operate the railroads of Alaska, I must interpose an objection to the present consideration of that bill.

The PRESIDENT pro tempore. Objection is made. The Senator from New Mexico is entitled to the floor.

INDIAN APPROPRIATION BILL.

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from South Dakota?

Mr. FALL. I yield to the chairman of the committee.

Mr. GAMBLE. I ask that the conference report on House bill 26874, being the Indian appropriation bill, be temporarily laid aside.

Mr. FALL. Mr. President, I have no objection.

Mr. GORE. Mr. President, I desire to ask one question of the Senator from New Mexico before unanimous consent is

granted, and that is as to whether he has any other objection to the pending conference report except the clause relating to the removal of the Apache Indians from Oklahoma to New Mexico?

Mr. FALL. I have other objections to the bill and to the report, Mr. President; but I will state frankly that there are appropriations on this bill for my State, as there are appropriations for the States of other Senators, and I presume that, having the same motives that actuate other Senators, were it not that I am governed by a matter of principle in this particular matter, I would allow the appropriations to overrule my better judgment and withdraw opposition to the bill.

Mr. GORE. No one challenges the high principle which actuates the Senator from New Mexico, but I do hope that during his brief remarks he will find occasion to enumerate the other objections, and I will request him to do so now, merely giving an enumeration and not entering on an elaborate discussion.

Mr. FALL. It would not be possible for me to do so, because to enumerate my objections would require me to read the entire bill through nearly to the last word in it, and possibly comment upon it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota that the conference report on the Indian appropriation bill shall be temporarily laid aside? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the President having returned to the House, in which it originated, the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, with his objection thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two-thirds of the House agreeing to pass the same.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On March 4, 1913:

S. J. Res. 132. Joint resolution providing for an American commission for the investigation of rural credits in Europe;

S. 1653. An act to provide American register for the steam yacht *Diana;*

S. 3843. An act authorizing the Secretary of the Interior to lease to the operators of coal mines in Oklahoma additional acreage from the unleased segregated coal land of the Choctaw and Chickasaw Nations;

S. 5674. An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California;

S. 7875. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.;

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls;

S. 8377. An act to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn.;

S. 8429. An act to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal.;

S. 8439. An act restricting the issuance of interlocutory injunctions to suspend the enforcement of the statute of a State or of an order made by an administrative board or commission created by and acting under the statute of a State;

S. 8443. An act to extend the time for constructing a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.;

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota;

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri;

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River;

S. 6877. An act to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army;

S. 7747. An act for the relief of Charles Dudley Daly;

S. 8348. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr.;

S. 8399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8540. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

NOTIFICATION TO THE PRESIDENT.

At 11 o'clock and 50 minutes a. m. Mr. WARREN and Mr. MARTIN of Virginia, the committee appointed to wait upon the President of the United States, appeared at the bar of the Senate, and

Mr. WARREN said: Mr. President, the committee appointed on the part of the Senate to join a like committee on the part of the House of Representatives to wait upon the President of the United States and ascertain if he had any further communication to make have performed that duty and now beg to report that the President has no further communication to make to Congress.

THANKS TO THE PRESIDENTS PRO TEMPORE.

Mr. MARTIN of Virginia. Mr. President, I send to the desk a resolution and ask for its adoption.

The PRESIDING OFFICER (Mr. NEWLANDS in the chair). The Secretary will read the resolution submitted by the Senator from Virginia.

The resolution (S. Res. 501) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. JACOB H. GALLINGER and Hon. AUGUSTUS O. BACON for the dignified, impartial, and courteous manner in which they, as Presidents pro tempore of the Senate, have, respectively, presided over its deliberations during the present session.

GUESTS OF THE SENATE.

At 11 o'clock and 54 minutes a. m. the Sergeant at Arms announced the Speaker and Members of the House of Representatives.

The Speaker was escorted to a seat on the left of the President pro tempore and the Members of the House occupied the seats reserved for them.

The ambassadors of and ministers plenipotentiary from foreign countries were announced and took the seats reserved for them.

The Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States were announced and were escorted to the seats provided for them.

At 11 o'clock and 58 minutes a. m. THOMAS R. MARSHALL, of Indiana, the Vice President elect of the United States, was announced, accompanied by the joint committee of arrangements, and was seated on the right of the President pro tempore of the Senate.

At 12 o'clock William H. Taft, President of the United States, and Woodrow Wilson, President elect of the United States, were announced, accompanied by the joint committee of arrangements, and were seated in the space in front of the Secretary's desk, the members of the joint committee occupying seats on either side of them.

ADMINISTRATION OF OATH.

The PRESIDENT pro tempore administered the oath of office prescribed by law to the Vice President elect.

ADDRESS OF PRESIDENT PRO TEMPORE.

The PRESIDENT pro tempore (Mr. GALLINGER). Senators, in behalf of the senior Senator from Georgia, Mr. BACON, and for myself I beg to thank you most sincerely for your kind words of commendation to us jointly, as expressed in your resolution. The position of President pro tempore of the Senate is a responsible and honorable one, and if we have discharged the duties of that high office to the satisfaction of our fellow Senators it is the highest reward that we could ask or expect at your hands. We assure you, one and all, of our deep appreciation of your good will, and we also desire to thank you for your cordial cooperation in promoting the legislation of the Congress that is about to come to an end.

And now, Senators, speaking for the Senator from Georgia, as well as for myself, I bid you all an affectionate farewell, hoping and praying that the good Lord may safely direct you to your homes and have you in His keeping always.

The PRESIDENT pro tempore now declares the United States Senate adjourned sine die.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 4, 1913.*

(Legislative day of Saturday, March 1, 1913.)

AFTER THE RECESS.

At the expiration of the recess the House resumed its session.

The SPEAKER. Did the gentleman from Missouri [Mr. RUSSELL] get his privileged matter considered?

Mr. RUSSELL. Yes; I got that through last night.

FELIX MORGAN.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 21849) for the relief of Felix Morgan.

The SPEAKER. The gentleman from West Virginia moves to suspend the rules and pass the bill which the Clerk will report.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Felix Morgan, of Wirt County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $2,500, to compensate him for injuries received while in the employ of the Government on the Little Kanawha River, in Wirt County, W. Va.

The SPEAKER. Is a second demanded?

Mr. HAY. I demand a second.

Mr. HAMILTON of West Virginia. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from West Virginia is entitled to 20 minutes, and the gentleman from Virginia [Mr. HAY] is entitled to 20 minutes.

Mr. HAY. I do not care for any debate.

Mr. HAMILTON of West Virginia. Mr. Speaker, all I desire to say about this bill is that in my judgment it is one of the most meritorious bills that has ever come before this House. This man was blown up in a powder accident while engaged in the service of his Government, and he is as much entitled to this compensation as though he had fallen on the field of battle. Some officers of the War Department have stated that if any case should ever be allowed, this is the one. It comes from the full Committee on Claims, after a long examination, with a unanimous favorable report.

Mr. HAY. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is for the purpose of paying compensation, or a gratuity, on account of an injury which occurred to a Government employee, I believe——

Mr. HAMILTON of West Virginia. Yes.

Mr. MANN. Something over 20 years ago. I do not believe the House ought to set the precedent of paying old personal-injury claims which arose many years ago, before it became the policy of Congress to make any allowance for such claims. My understanding is that this is a House bill. Am I correct?

Mr. HAMILTON of West Virginia. Yes.

Mr. MANN. And the only object that I can see in passing it this morning is to pay a tribute of respect, admiration, and affection to the gentleman from West Virginia [Mr. HAMILTON], who is not to be with us in the next House, much to our regret. [Applause.]

Mr. GARNER. Will the gentleman yield? I have a claim for a man whose arm was shot off by the soldiers of the United States at Brownsville while in the performance of his official duty as chief of police of the city of Brownsville at the time the United States soldiers' raid was made there. I have never pressed a bill, for the reason that I knew it would set a precedent. I should like to have the gentleman from Illinois tell me his viewpoint with reference to persons injured by United States soldiers.

Mr. MANN. Mr. Speaker, if one should take the list of casualties occurring to persons in the employ of the Government, or caused to persons outside of the Government by those within the employ of the Government, from the foundation of the Government down to date, it would amount to a very large number, and to pay anything in each case would amount to a very large sum.

Until the Sixty-first Congress, the last one preceding this, it was not the policy of the Government to pay compensation for personal injuries at all. That policy was waived in a few cases, such as the one which occurred from the Ford Theater disaster a good many years ago. In the last Congress or the one preceding it a general law was passed providing for making compensation to persons engaged in certain hazardous employments in the Government, the compensation in any case being limited to what was equal to one year's salary. Following that in the last Congress the Committee on Claims undertook to recommend and did recommend the passage of bills designed to make compensation for personal injuries which occurred along about the time that the general law took effect, where they were special cases.

Of course to go back 20 years is equivalent to announcing the policy that you may go back 40 years, and if you go back 40 years we may soon be going back as far as the French spoliation claims that are now pending before Congress, a part of which arose in the eighteenth century more than 115 years ago.

I wish it to be distinctly understood, so far as I am concerned, that allowing this bill to pass this morning as a tribute to our friend from West Virginia [Mr. HAMILTON] is not to be considered a precedent for passing these old claims hereafter. This is a House bill which is not likely to become a law. It will have to take its chances in the Senate.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

RIGHT OF WAY THROUGH WINGATE MILITARY RESERVATION.

Mr. FIELDS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. the right of way through the Fort Wingate Military Reservation, in New Mexico, and for other purposes, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Atchison, Topeka & Santa Fe Railway Co. of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted a revocable license to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said Atchison, Topeka & Santa Fe Railway Co. and used by it as its main line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation by the said Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *Provided further*, That the said Atchison, Topeka & Santa Fe Railway Co. of Kansas, and other parties obtaining license from the Secretary of War as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

SEC. 3. That the powers herein granted are limited to a period of 50 years unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is a second demanded?

Mr. MANN. Mr. Speaker, I suggest that the gentleman from Kentucky withdraw his motion to suspend the rules and ask unanimous consent for the present consideration of the bill.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to ask the gentleman a question. There was no information whatever in the report of this bill to the House. I obtained the report of the Senate on the bill, and apparently from that report it seems that the railway company now has a right of way and the tracks laid through this military reservation, and simply desires to straighten this right of way. Is that correct?

Mr. FIELDS. That is correct. I was not satisfied with the information at hand when I made the report, and I asked the railway company for further information. I find that this company is operating a track across this reservation. On the east end of the reservation there is a very heavy grade. The

company is building a double or second track east of the reservation, and in order to get over this grade with the second track it is necessary to intersect their other line on the reservation at a point 1,922 feet from the east line of the reservation, and which reduces the grade on the road from 1 per cent to six-tenths of 1 per cent.

Mr. MANN. As I understand, the railroad will acquire practically no more land under this bill than it now is in possession of?

Mr. FIELDS. That is my understanding.

Mr. MANN. I notice the bill provides in reference to the location—

as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

I apprehend we now know under what department this comes and who has authority. The balance of the bill seems to confer authority upon the Secretary of War. Is there any other department which has any supervision of this military reservation except the War Department?

Mr. FIELDS. The gentleman from Illinois is more able to answer that question than I.

Mr. TILSON. Mr. Speaker, if the gentleman from Kentucky will permit, as I remember the consideration of this bill, the idea was that in case this post should be abandoned it should come under the control of the Department of the Interior rather than the Department of War.

Mr. MANN. If that is the case, it is poorly carried out in the bill.

Mr. TILSON. I think it was the idea to place it under the Department of the Interior.

Mr. MANN. That provision applies only to locating the right of way in the first place, whereas the balance of the provisions of the bill, in reference to ordering a removal of the tracks, is placed directly under the Secretary of War without referring it to any other department.

Mr. FIELDS. Mr. Speaker, if I may have the attention of the gentleman from Illinois, I have here a blue print showing the route across the reservation. The right of way asked for is just a little south of the main line and intersects the main line west of the grade to which I have referred.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the gentleman from Illinois that I have been investigating this Wingate military reservation for the reason that it is desirable to establish a school there for the use of the Navaho Indians. I can state that it has been transferred from the War Department to the Interior Department, and I hope that this reservation will be used as an Industrial Indian School. There are many very valuable buildings there, and it will save a great deal of expense to the Government to have these buildings fitted up for school and hospital purposes.

Mr. MANN. Mr. Speaker, since my distinguished friend from Texas has referred to the Navaho School, would it be taking too great a liberty to ask him whether there is apparently any chance for the final enactment at this session of the Indian appropriation bill?

Mr. STEPHENS of Texas. I hope so, because, if it is not enacted, it will leave many of the Indians in a bad condition until we have further legislation in the next Congress.

Mr. MANN. I know the gentleman and I both hope so; but is there any chance?

Mr. STEPHENS of Texas. I understand that the Senators from New Mexico are holding up the bill on account of the provision relating to the Apache prisoners of war held at Fort Sill, Okla. They fear that these Indians will be returned to New Mexico if the bill becomes a law. Their fears are unfounded, however, in my judgment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FIELDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On March 1, 1913:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district; and

H. R. 22593. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities.

On March 2, 1913:

H. R. 16319. An act to extend and widen Western Avenue NW., in the District of Columbia;

H. R. 23568. An act to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909;

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914;

H. R. 8921. An act for the relief of William H. Seward;

H. R. 11627. An act to correct the military record of Barkley S. Denison;

H. R. 18294. An act for the relief of John C. Sullivan;

H. R. 21315. An act for the relief of Robert Ross;

H. R. 24661. An act for the relief of James Parsons;

H. R. 26078. An act for the relief of Charles S. Kincaid;

H. R. 25762. An act for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; and

H. R. 28469. An act granting two condemned cannon to the Wallkill Valley Cemetery Association, in Orange County, N. Y.

On March 3, 1913:

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 27875. An act authorizing the President to convey certain lands to the State of Texas;

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22913. An act to create a Department of Labor; and

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

CAPT. HAROLD L. JACKSON.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to call up from the calendar the bill S. 6244 and pass the same.

The SPEAKER. The gentleman from Connecticut asks unanimous consent for the present consideration of the bill S. 6244. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6244) to restore Capt. Harold L. Jackson, retired, to the active list of the Army.

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Capt. Harold L. Jackson, retired, to the active list of the Army of the United States with the same rank and relative position he would hold if he had not been retired: *Provided*, That such restoration shall be in temporary excess of the number authorized only until such time as a vacancy shall occur in the grade of major of Infantry: *Provided further*, That prior to his restoration to the active list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, there is no man in the House for whom I have greater affection than the gentleman from Connecticut, who, I regret very much indeed, will not be here in the next House. He has on many occasions been of great assistance to me. I feel as though if there were anyone in the House who could run over me it would be the gentleman from Connecticut.

Mr. TILSON. I would be far from attempting it, Mr. Speaker.

Mr. MANN. And yet I have given notice that this class of bills could not pass in my presence by unanimous consent or without a quorum.

Mr. TILSON. Did not the gentleman say that in regard to two bills which passed before, which were not of equal merit to this bill?

Mr. MANN. I said that after the bills had passed.

Mr. FOSTER. This is a very meritorious bill.

Mr. MANN. And therefore I am compelled to object.

Mr. TILSON. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. MANN. Is the gentleman recognized for that purpose?

Mr. TILSON. I ask for recognition.

The SPEAKER. The Chair will not recognize the gentleman unless he agrees in advance that if it comes out on the wrong side he will not raise the point of no quorum.

Mr. TILSON. What does the gentleman mean by the wrong side?

The SPEAKER. If the gentleman gets it knocked out.

Mr. TILSON. I would be willing to take my chances, Mr. Speaker.

The SPEAKER. Those in favor of suspending the rules——

Mr. MANN. Mr. Speaker, I just stated to the gentleman and to the House I would require a quorum to pass the bill.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Will the gentleman from Alabama suspend a moment to enable the Chair to announce the committee to attend the unveiling and dedication of the monument to Thomas Jefferson at St. Louis?

The Clerk read as follows:

Mr. HEFLIN, Mr. COLLIER, Mr. CULLOP, Mr. COVINGTON, Mr. CRAVENS, Mr. WHITE, Mr. GILL, Mr. RODENBERG, Mr. WOODS of Iowa, Mr. KAHN, Mr. BARTHOLDT, and Mr. DYER.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman from Massachusetts [Mr. PETERS] merely wants to ask unanimous consent to extend his remarks in the RECORD.

Mr. PETERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relative to H. R. 27281, a bill relative to the hours of work of women and children.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McClintock, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 1567. An act for the relief of Maria McMurdie.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PRINTING OF PRAYERS OF CHAPLAIN, HOUSE OF REPRESENTATIVES.

Mr. GREGG of Pennsylvania. Mr. Speaker, I ask unanimous consent to consider the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 876.

Be it resolved by the House of Representatives, That the prayers offered by the Chaplain, Henry N. Couden, at each morning's session of the Sixty-second Congress be printed in one volume, at a cost not to exceed $500, to be paid out of the contingent fund of the House of Representatives, to be compiled by the said Chaplain and to be placed at the disposal of Members of the Sixty-second Congress, in equal allotments, after reserving 100 copies for the disposal of the Chaplain.

The SPEAKER. Is there objection?

Mr. FINLEY. There is no objection, Mr. Speaker.

The SPEAKER. The Chair hears no objection.

The question was taken, and the resolution was agreed to.

PRINTING PROCEEDINGS OF ARCHBALD IMPEACHMENT TRIAL.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for 15 minutes.

Mr. FINLEY. Mr. Speaker, I will ask the gentleman from Alabama to suspend——

Mr. UNDERWOOD. I will ask the gentleman from South Carolina what he desires to bring up?

Mr. FINLEY. It is Senate concurrent resolution No. 36, and relates to printing the proceedings relative to the impeachment of Judge Archbald. It has been passed by the Senate and they are very anxious and solicitous that it should be passed, and so is the chairman of the Committee on the Judiciary of the House, Judge CLAYTON. It will not take a minute.

Mr. UNDERWOOD. I have no objection, Mr. Speaker, but we have passed the point where we can take up contested matters.

Mr. FINLEY. This is uncontested, and there will be no objection.

Mr. UNDERWOOD. If the gentleman will ask unanimous consent for the consideration of his resolution I will not object.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate concurrent resolution 36, and that the same may be considered.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 1,500 copies of the proceedings in the Senate of the United States and in the House of Representatives and before the Judiciary Committee thereof, in the matter of the impeachment of Robert W. Archbald, additional circuit judge of the United States of the third judicial circuit, and designated a judge of the Commerce Court, of which 500 copies shall be for the use of the Senate and 1,000 for the use of the House of Representatives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

HOURS OF EMPLOYMENT OF FEMALES, DISTRICT OF COLUMBIA.

Mr. LAFFERTY. Mr. Speaker, I move to suspend the rules and discharge the Committee on the District of Columbia from the further consideration of the bill S. 7723, "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," and pass the bill.

Now, that is the same matter that was up this morning, and the parliamentary situation is that the Senate bill has been referred to the Committee on the District of Columbia, and the chairman of that committee, after a written request submitted yesterday by myself and the gentleman from Wisconsin [Mr. COOPER], the gentleman from Minnesota [Mr. DAVIS], and the gentleman from California [Mr. KENT], refused in writing to send that bill over here to the Speaker's table, so that the engrossed copy might be present when the motion to discharge the committee and pass the bill could be presented. Under the rules or precedents the House can not suspend the rules and pass the bill unless the engrossed copy is present on the Speaker's table.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri [Mr. HAMLIN] rise?

Mr. HAMLIN. I demand a second, in order to find out what the bill is.

The SPEAKER. Demand a second on what?

Mr. HAMLIN. On the motion of the gentleman from Oregon [Mr. LAFFERTY] to suspend the rules.

The SPEAKER. He is not through stating the matter.

Mr. LAFFERTY. Now, Mr. Speaker, this same question came before the House on February 28, 1907, as follows:

Mr. WILLIAM E. HUMPHREY of Washington moved to suspend the rules, discharge the Committee on the Merchant Marine and Fisheries from further consideration of the bill (S. 1462) for the establishment of fish-culture stations on Puget Sound, and pass the same.

The motion was made without an engrossed copy of the bill. The Speaker replied:

It is in order to make a motion to discharge the committee from further consideration of the bill, and the motion which has been made is in order.

The SPEAKER. That is not the motion the gentleman made this morning.

Mr. LAFFERTY. The motion I made this morning is not necessarily the motion I present now, but if the Chair rules now it is not in order to suspend the rules and pass the bill without the engrossed copy, I desire to amend by a motion simply to confine it to the first half and to suspend the rules and discharge the committee, and then, in supplementing that, I will ask that the following order be adopted:

Ordered, That the chairman of the Committee on the District of Columbia deliver forthwith to the House the engrossed copy of the bill S. 7723.

In support of that I will say that the Speaker on a former occasion said:

Debate has been in order, but at the close of the debate, after the bill has been searched for on the files of the committee and does not materialize, the vote can not be taken: the House can not act upon a bill of which it does not have manual possession.

The order proposed by Mr. HUMPHREY of Washington was then agreed to.

The order was as follows:

Ordered, That the Clerk be directed to request the Senate to send to the House a duplicate engrossed copy of the bill (S. 1462) to establish one or more fish-cultural stations on Puget Sound, State of Washington, the original having been lost.

Now, then, suppose every Member upon this floor was desirous and anxious to pass this 8-hour bill, but the chairman of the committee, over in the House Office Building, was barricaded behind his doors, refusing to deliver the engrossed

copy to the House, which in effect is what he is doing. Under the precedent which I have read it is in order for the Speaker to entertain a motion to suspend the rules, to discharge the committee, and pass the bill. But under that precedent the Speaker can not put the question upon final passage until the engrossed copy is brought over.

The SPEAKER. He can not put it at any stage of the game, because it is absolutely necessary to have that engrossed copy here, and any other rule would work almost anarchy.

Mr. LAFFERTY. But it is not necessary that the engrossed copy be present or the fact even be ascertained that it is present prior to entertaining the motion to discharge the committee.

The SPEAKER. The Chair never said it was. The Chair rules on matters as they are presented here, and sometimes he goes out of his way to make a suggestion to gentlemen how to get in.

Mr. LAFFERTY. Mr. Speaker, I amend my motion and simply move to discharge the committee from further consideration of the bill (S. 7723) to regulate the hours of employment and safeguard the health of females in the District of Columbia.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second to ascertain what the motion is, or else reserve a point of order.

The SPEAKER. The motion is to suspend the rules and discharge the Committee on the District of Columbia from further consideration of the 8-hour bill. Is a second demanded?

Mr. LAFFERTY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Does the gentleman from Kentucky [Mr. JOHNSON] desire time?

Mr. JOHNSON of Kentucky. No; I do not care anything about it.

The SPEAKER. The question is, Shall the motion that the rules be suspended and the Committee on the District of Columbia be discharged from the further consideration of that bill prevail?

Mr. LAFFERTY. Mr. Speaker, I ask immediate consideration of the order which I send to the Clerk's desk.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House now take a recess until 10.30.

Mr. LAFFERTY. Mr. Speaker, I ask for the immediate consideration of this order.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House take a recess until 10.30.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes a. m.) the House stood in recess until 10.30 a. m.

AFTER RECESS.

At the expiration of the recess the House resumed its session.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House from the further consideration of Senate bill 8540, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, to disagree to the House committee amendments, and pass the bill.

The SPEAKER. The gentleman from Alabama moves to suspend the rules, discharge the Committee of the Whole House from the further consideration of Senate bill 8540, disagree to the House committee amendments, and pass the Senate bill. Is a second demanded?

Mr. MANN. Let us see what it is.

The SPEAKER. The Clerk will report it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Eleanor P. Bigler, widow of Henry W. Bigler, late of Company B, Mormon Battalion, Iowa Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Arthur F. Shepherd, late of Company H, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sally Pickett, widow of George E. Pickett, late captain, Ninth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Petrona B. Freeman, dependent mother of Richard K. Freeman, late of Company B, First Regiment North Carolina Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma Z. Gilman, widow of Samuel D. Gilman, late of Company A, First Regiment Idaho Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Ellen Barrett, widow of Henry H. Barrett, late of Captain R. L. Williams's company, Ninth Regiment Oregon Militia Volunteers, Oregon Indian war, and pay her a pension at the rate of $12 per month.

The name of James Tiernan, late of Battery G, Fourth Regiment United States Artillery, and Forty-first Company, United States Coast Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Partello, late of Company I, First Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of James W. Ellis, late of Company H, Fifth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John A. Lennon, late of Company E, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Estelle H. Wholley, widow of John H. Wholley, late major, Second Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said John H. Wholley until he reaches the age of 16 years.

The name of Frances P. O'Reilly, widow of Robert M. O'Reilly, late major general and surgeon general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lewis L. Daniel, late of Company K, Fifth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adolph Lochwitz, late of General Mounted Service, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna A. Yule, mother of Sherman A. Yule, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $20 per month.

Mr. MANN. I do not demand a second.

Mr. MARTIN of Colorado. If a second should be demanded, would it delay the business of the House?

The SPEAKER. It might delay it. Of course if a conference report comes in, the Chair will take anybody off the floor.

Mr. MARTIN of Colorado. I should like very much to get 15 minutes of the time of the House this morning, but I shall not ask for it if it will delay the business of the House.

The SPEAKER. It might do it. The Chair does not think the gentleman will have any trouble about it later.

Mr. ANTHONY. What is this bill?

Mr. MANN. It is a little bill for pensions to veterans of the Wars of 1812, 1846, and so forth.

Mr. ANTHONY. I have no objection.

The SPEAKER. The question is on the motion of the gentleman from Alabama to suspend the rules, discharge the Committee of the Whole from the further consideration of the bill, disagree to the House committee amendments, and pass the bill.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

BRIDGE ACROSS ST. JOHN RIVER, MAINE AND NEW BRUNSWICK.

Mr. GUERNSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28840) authorizing the construction of a railroad bridge across the St. John River between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Van Buren Bridge Co., a corporation created by the laws of the State of Maine, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the St. John River at a point suitable to the interests of navigation in the town of Van Buren, in the county of Aroostook, in the State of Maine, to a point on the opposite side of said river in the parish of St. Leonards, in the county of Madawska, in the Province of New Brunswick, Dominion of Canada; said bridge shall be constructed in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of the said bridge shall not be commenced until the consent of the proper authorities of the Dominion of Canada for the erection of the structure shall have been obtained.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole from the further consideration of the bill S. 8399, disagree to the House committee amendments, and pass the bill.

The SPEAKER. The gentleman from Alabama moves to discharge the Committee of the Whole House from the further consideration of Senate bill 8399, disagree to the House committee amendments, and pass the bill. Is a second demanded?

Mr. ANTHONY. What is this bill?

Mr. MANN. It is a little private pension bill similar to the one which the gentleman from Alabama has just had considered and passed.

Mr. ANTHONY. I ask that the bill be read.

The SPEAKER. If the gentleman asks that the bill be read, the Chair will recognize the gentleman from Ohio [Mr. LONGWORTH], who by a special order of the House the other day was granted leave to address the House. If the gentleman will wait, the Chair will try and recognize him later.

COMMITTEE TO NOTIFY PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, I offer the following resolution and ask for its immediate consideration.

The Clerk read as follows:

House resolution 875.

Resolved, That a committee of three Members be appointed by the Speaker to join a similar committee to be appointed by the Senate to wait on the President of the United States and inform him that the two Houses have completed the business of this session and are ready to adjourn, unless the President has some communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER appointed Mr. UNDERWOOD, Mr. SPARKMAN, and Mr. MCCALL.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House from the further consideration of the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagree to the House committee amendments, and pass the Senate bill.

The SPEAKER. The gentleman from Alabama moves to suspend the rules, discharge the Committee of the Whole House from the further consideration of the bill which he has mentioned, disagree to the House committee amendments, and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

Mr. SIMS. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD to explain why the omnibus war claims bill failed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SIMS. Mr. Speaker, I ask the indulgence of the House for a few minutes for the purpose of stating the causes for the failure of the committee of conference to agree to a report on the items in disagreement between the House and Senate in House bill No. 19115, known as the omnibus war claims bill.

That bill passed the House February 17, 1912, but was not passed by the Senate until January 21, 1913, 11 months and 4 days after it passed the House. The bill was sent to conference February 7, 1913, within less than a month of the expiration of the Sixty-second Congress.

The Senate struck from the House bill 980 items of appropriation for payment of sundry claims. All of the 980 claims had been passed upon by the Court of Claims, and each of the 980 items had been considered by the House in Committee of the Whole House on the state of the Union.

By this action of the Senate less than 100 claims appropriated for in the House bill were left in it, amounting in all to a sum of less than $150,000. The 980 claims stricken from the bill by the Senate amounted to a sum in excess of $1,400,000. Speaking in general terms, the Senate practically struck out the entire House bill. The Senate added by way of amendment 15 war claims proper, and in addition added by way of amendment, 1,602 claims not war claims, over which the House Committee on War Claims had no jurisdiction, consisting of 1,230 navy-yard overtime claims, 278 seashore-pay claims, and 94 longevity-pay claims. Twelve of the Senate amendments out of the 15 war claims amendments were for burned churches and lodges.

At the first and second meetings of the conferees, knowing full well that there was not sufficient time before the adjournment of the Sixty-second Congress to consider each and every item on its merits of the more than 2,500 in disagreement, I proposed that all items of the 980 stricken from the House bill by the Senate that had passed both the House and the Senate at former Congresses, amounting to about half of the whole number of stricken-out items, be agreed to in gross as a class, subject to individual exceptions to be specifically pointed out by the Senate conferees, and that in the same way the Senate recede in gross from its disagreement to all other items so stricken out that had passed either the House or Senate in former Congresses, subject to such specific exceptions as might be pointed out by the Senate conferees, and that all other items stricken from the House bill be taken up and considered item by item. A majority of the Senate conferees refused to agree to this method of considering the items stricken from the House bill and insisted that the whole number of said items be taken up and disposed of item by item without regard to whether or not any item had formerly passed either or both Houses. This method involved much labor upon the conferees in the details of the 980 items and made it simply impossible for the House conferees to go over in detail the 1,617 items in disagreement added by way of Senate amendments in the short time at the disposal of the conferees.

Mr. Speaker, on account of the facts I have just stated it has been impossible for the committee of conference on House bill No. 19115 to complete its labors and reach a complete agreement on the vast number of items in disagreement in time to have the report acted on before adjournment of the present Congress at noon to-day.

But it is my purpose, Mr. Speaker, if again honored with the chairmanship of the Committee on War Claims, to reintroduce the same bill and have it reported to the House and passed at the earliest possible day in the extra session of the Sixty-third Congress.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the general deficiency bill, and I ask unanimous consent that the statement be read in lieu of the report. (H. R. 28858, H. Rept. 1619.)

The SPEAKER. The gentleman from New York presents a conference report on the general deficiency bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The statement was read at length.

[For conference report, see Senate proceedings of this day.]

Mr. FITZGERALD. Mr. Speaker, it has been customary to make a statement as to the total of the appropriations at each session of Congress at the close of the Congress. I am endeavoring to have prepared data which would enable me before this time to make a statement that would sufficiently approximate in giving some information as to the result. It has been absolutely impossible to compile the information so far. I ask unanimous consent that the gentleman from Illinois [Mr. CANNON] and myself may have leave to insert later in the RECORD a statement regarding the appropriations at this session.

Mr. AUSTIN. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman from New York what became of the item for an extra month's pay for employees in the deficiency bill.

Mr. FITZGERALD. The Senate receded.

Mr. AUSTIN. I object to the consent asked by the gentleman from New York.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CANNON. Mr. Speaker, the total appropriations for the coming fiscal year largely exceed any appropriations that have been made heretofore.

Mr. FITZGERALD. Has the gentleman from Illinois any figures to justify that statement?

Mr. CANNON. In a moment. I am not going to detain the House at this time, because I want my statements to be accurate but brief. I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. FITZGERALD. Unless that privilege is granted to me, I shall have to object.

Mr. CANNON. The gentleman can address the House and get leave to revise and extend his remarks.

Mr. FITZGERALD. I made a statement and asked unanimous consent, but the gentleman from Tennessee objected.

Mr. CANNON. The gentleman can move to suspend the rules and grant to me and himself the privilege of making the usual statement.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman from New York and the gentleman from Illinois [Mr. CANNON] may both extend their remarks in the RECORD on the question of expenditures.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. CANNON] have leave to extend remarks in the RECORD on the subject of expenditures. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the conference report.

The conference report was agreed to.

EXTENSION OF REMARKS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the workmen's compensation law.

The SPEAKER. Is there objection?

There was no objection.

Mr. WARBURTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of good roads.

The SPEAKER. Is there objection?

There was no objection.

THE TARIFF.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. LONGWORTH. Mr. Speaker and gentlemen of the House, it has been on very rare occasions during my 10 years of service that I have arisen to address this House upon matters not directly under consideration. I hesitate to do so now in these closing hours of the session, when so much necessary legislation is actually trembling in the balance and when great appropriation bills may fall by the board. I ask your indulgence only because the matters of which I shall speak will very soon be of primary importance and will be the first business of the extra session of the next Congress.

It is not my intention to discuss the tariff question in general, but to allude only to a few points brought out in the hearings recently had by the Ways and Means Committee. These hearings began on the 6th of January and closed on the 31st—less than a month. They included every schedule of the tariff law. It must be apparent that in this limited period the information collected was necessarily incomplete and the hearings more or less perfunctory. Where representatives of great industries involving millions of dollars and employing thousands of workmen, speaking not only for the employers but the employees as well, were given only 5 or 10 minutes to present their case, it can not be doubted that the evidence adduced was, to say the least, incomplete and unsatisfactory. Yet even under these circumstances some points were brought out which are well worth the most serious consideration by gentlemen about to undertake the revision of the tariff and by the country.

First, I desire to speak of the effect of tariff duties upon retail prices. It seems to me that the most salient fact brought out during the hearings was the wide difference between the producer's and the retail price of commodities in this country, all of which goes to prove that the grossest misapprehension exists among people even of the highest intelligence as to the effect of tariff duties upon the price that the consumer pays for any article used in his daily life. The testimony throughout shows that the retail price—that is, the price the consumer has to pay—of articles produced in this country, not only in the factory but on the farm as well, is in most instances from two to three and, in some cases, even many more times as high as the price the farmer or the manufacturer gets for the same article. I quote two instances only to show the truth of this general statement:

On page 2666 of the hearings as first published there is a table which shows that the average wholesale price of oranges on January 16, 1913, in Chicago, New York, Philadelphia, and Pittsburgh was less than 17 cents a dozen, while the retail price was more than 43 cents a dozen.

An interesting instance of the wide diversity between the wholesale and retail price of manufactured articles is to be found on page 3171. A Mr. Chase, a large cotton manufacturer in Massachusetts, detailed to the committee a sale made by him of 50,000 yards of cotton cloth to a retailer at 8½ cents a yard. He says:

I could, at 8½ cents, get possibly a little over a cent a yard profit, but I sold the goods. The man hurried me a good deal for delivery. I went to the city where the merchant did business a short time afterwards and went into the store and wandered around, until I came to the counter and recognized the goods that I had made. I asked the clerk how much it was, and I found it was then selling for 25 cents a yard.

Must it not be apparent that the duty on oranges or cotton cloth or on any article where the difference between the wholesale price and the retail price is so great can have only an infinitesimal effect upon the price the consumer pays?

Take the case of coffee, another article of daily use, upon which there is no duty at all—and we are the only country in the civilized world that does not tax coffee. I have not the figures at hand for the last three or four years, during which I understand that coffee has largely increased in price, but for the 10 years previous the average price of coffee landed at any port in the United States, prepared and ready for consumption, was less than 10 cents a pound, whereas the retail price of the same coffee to the consumer averaged between 25 and 30 cents a pound. It is interesting to note that the difference in the wholesale and retail price of coffee, an article which carries no duty, is just about the same as the difference in wholesale and retail prices of oranges and cotton cloth, articles upon which rather high duties are imposed.

This wide divergence between wholesale and retail prices is, I think, peculiar to this country. Germany, for instance, is a great coffee-drinking country and consumes the same kind of coffee that we do, almost all of it imported from Brazil. There the average import price was the same during the years I have mentioned as ours—that is to say, 10 cents a pound—but the retail price was less than in this country, the average being about 23 cents a pound, and that in spite of the fact that there is a 7 cents a pound duty on coffee in Germany.

In the face of these facts is it not an absurdity to say that the tariff is responsible for the high cost of living in this country? You must seek for other remedies, gentlemen, than the general reduction of the tariff if you desire seriously to reduce the cost of living.

I think that the real reason why there is so much misinformation as to the effect that tariff duties have upon the price the consumer pays is that people, even of great intelligence, do not stop to differentiate between the price paid for goods actually imported and similar goods produced in this country. If a man buys a suit of clothes in England, brings it back with him, and pays the duty upon it, of course the whole of the duty is added to his cost. If he buys in this country goods actually imported, the duty is probably added to the price he pays; but if he buys similar goods actually produced in this country, the duty, whether high or low, is by no means added to his cost. This was abundantly shown in the report of the Tariff Board on wool, and is to be found on page 14 of their report:

On the other hand, prices in this country on the fabrics just referred to are not increased by the full amount of the duty. A collection of representative samples was made in England of goods ranging from those which can not be imported at all to those which are imported continually. These were then matched with a collection of samples of American-made cloths which were fairly comparable and the mill prices compared for the same date. It is found that on goods entirely excluded the nominal rates of duty would reach an ad valorem rate of 150 or even over 200 per cent, but that the American fabric is actually sold in the market at from only 60 to 80 per cent higher than similar goods sold abroad.

On 16 samples of foreign goods, for instance, none of which are imported, the figures are as follows:

Total of foreign prices	$41.84
Duties which would have been assessed had they been imported	76.90
Foreign price, plus the duty, if imported	118.74
Actual domestic price of similar fabrics	69.75

Thus, though the nominal rates on such fabrics equal 184 per cent, the actual excess of the domestic price over the foreign price on similar fabrics of this kind is about 67 per cent. This is the result of domestic competition.

Many examples of this kind are shown in the hearings. On page 3890, during a colloquy between myself and a manufacturer of woolen goods, I asked the witness whether the duty was added to the price of goods manufactured and sold in this country, and he replied:

Absolutely not, Mr. LONGWORTH. There is no attention paid to that duty.

Later on I asked him whether the duty has any effect upon the price to the ultimate consumer, and he again replied: "Absolutely not."

Later on I asked this question:

There is, then, an absolute definite and sharp dividing line between what the consumer pays for an article actually imported and one that he pays for a precisely similar article manufactured in this country?

His reply was: "Surely."

I think it can be said with absolute authority that there are few cases, if any, where the whole of the duty is added to the price the producer gets for an article actually produced in this country, and that in the vast majority of cases only a very small portion of the duty, if any, is, in fact, added to the producer's price. As a matter of fact, there are many things being sold to-day in this country at a price actually less than the duty.

I do not intend to be considered as using this as an argument for unnecessarily high duties. The mere fact that in the case mentioned by the Tariff Board only a small per cent of the duty of 150 per cent is added to the price of goods produced here does not in itself present a good ground for maintaining a duty of 150 per cent. In my judgment such duties should be greatly reduced. I intend it only as an argument to combat the statement so generally made by those opposed to protection in any degree that the tariff is a tax which the consumer pays, whether the article is imported or not. This is an absolute misstatement of fact, and it is most unfortunate that so many people seem to believe it.

The question may be asked, "If it is true that the duty on articles produced in this country is not added to the cost to the

consumer, where does it go?" My answer is that where the duty is anywhere near the point required to measure the difference in the cost of articles produced in this country and abroad, it goes to labor. The record of the hearings fairly bristle with examples of this sort. I made it a point to bring out testimony of this kind wherever it was possible, and there was hardly a day during the progress of the hearings that the statement was not made by some American producer that if he could pay the same rate of wages paid by his competitors abroad he would not need or ask for any protection at all.

For instance, on page 4151 occurs a colloquy between myself and Mr. Craddock, representing the boot and shoe industry in this country. There I asked him this direct question:

If you could pay to people in your factory, or if your competitors generally could pay the people in their factories, the same rate of wages that are paid in European factories, would you need any duty on shoes?

And he replied:

Absolutely none, if we could pay the same wages.

Later on I asked practically the same question of Mr. McElwain, also representing the boot and shoe industry, a gentleman who was highly complimented by the chairman of the committee on the thoroughness of his presentation of his case, and I quote here what was said:

Mr. LONGWORTH. Would you be willing to waive the advantage that England has with reference to rates of material and to overhead charges if you could pay the same rate of wages that they do there?
Mr. MCELWAIN. In other words, to put us on a competitive condition in this country?
Mr. LONGWORTH. Yes; so far as the labor cost is concerned.
Mr. MCELWAIN. So far as labor and other items, would we be willing?
Mr. LONGWORTH. Would you be willing to waive your disadvantage in material and overhead charges if you could reduce your labor cost to the same cost?
Mr. MCELWAIN. Yes, sir.
Mr. LONGWORTH. In other words, this 15 per cent goes entirely to labor?
Mr. MCELWAIN. Yes, sir; there is no question about it.

A statement of the same kind was made by Mr. George A. Tenney, representing the cotton industry. On page 3456 the following colloquy occurred:

Mr. LONGWORTH. All you are asking is to be put on the same basis as to your labor cost?
Mr. TENNEY. Yes, sir; that is what it amounts to.
Mr. LONGWORTH. You do not want protection on your energy or brains, or anything of that kind?
Mr. TENNEY. No, sir.
Mr. LONGWORTH. If you paid the same rate of wages they are paying in England now, you would not need any protection?
Mr. TENNEY. I would not need any.
Mr. LONGWORTH. In view of the fact you have to pay the American wage scale protection is necessary?
Mr. TENNEY. I think it is necessary; absolutely necessary.
Mr. LONGWORTH. And that is all you are asking?
Mr. TENNEY. That is all we are asking for.

There is abundance of testimony to this effect also from the workmen themselves. A very large number of gentlemen representing the labor unions appeared before the committee, all protesting against a reduction of the duty on the goods produced by them, upon the express ground that the existing duties go to labor and that any cut would result either in the reduction of their wages or the loss of their employment. I have not time to quote from any of these statements, and I will only refer to as typical that made by Mr. J. M. Neenan, representing the National Window Glass Workers, at pages 634 and 636 of the hearings.

Given the fact, as is conclusively established, that the American in every line of industry receives wages at least twice as high as those paid to workmen in any other competing country; given the fact that the American employer is making only a reasonable profit, and that a fair share of that profit is finding its way into the pay envelope; given the further fact that the American producer is almost invariably at a disadvantage in cost of material and overhead charges as compared with his rival abroad, does it not stand to reason that a cut in duties below the difference in the production cost must necessarily cause a cut in the contents of the pay envelope?

This description of conditions I believe applies to the great majority of American industries to-day. Here and there, of course, we find duties which are absolutely prohibitory and which offer to the producer a possible opportunity, whether he actually takes advantage of it or not, to make unreasonable profits. Here and there, of course, we may find instances where a fair share of the profits is not finding its way into the pay envelope. It is not such duties as these that we who believe in a system of reasonable protection are seeking to defend. We do not advocate duties to protect unreasonable profits. We do not stand for the coddling of industries by the use of the tariff-making power of Congress where profits are being unfairly divided between employer and employee; but we do contend that the fact that such cases may exist is no excuse for recklessly applying the pruning knife to tariff duties everywhere, with the inevitable result that the chief sufferer in the end will be the American workingman.

It is a favorite argument nowadays of those who are opposed to the principle of protection that, admitting the truth of the fact that American wages are at least twice as high as in any other country, our labor is so much more efficient than labor anywhere else as to more than make up for the additional cost to the American employer. This argument has been used frequently in speeches made upon the other side of the aisle, and notably by the gentleman from New York [Mr. REDFIELD]. The trouble with the gentleman's argument is that he invariably cites extreme cases. He has said, for instance, if I remember rightly, that he would rather have 1 American carpenter do a job for him than 20 Chinese carpenters. He might have cited a more extreme case than that. When I was in Canton, China, six or seven years ago I remember talking with an English gentleman who was engaged in building a line of railroad. One of the principal pieces of work that had to be done was the cutting down of a hill and placing it in a hollow. He had to rely on Chinese laborers, whose equipment consisted of a small basket, which they filled with material dug from the hill and carried on their heads and dumped in the hollow, a quarter of a mile away. The work was proceeding so slowly that, thinking to expedite matters, this gentleman ordered a large shipment of wheelbarrows and showed the Chinamen how to use them. What was his surprise the next day to see them coming down from the hill with the wheelbarrows loaded with dirt upon their heads. No amount of argument convinced these Chinamen that there was any other proper way to carry dirt except on their heads, as their ancestors for thousands of years had done before them. Comparisons between the efficiency of this sort of labor and of American labor, equipped with modern tools, is merely ridiculous; but such instances as these have no bearing whatever upon actual labor conditions in this country and in those enlightened countries like Germany, France, and England, with which we are in competition in almost every line of production.

Of course, as a general proposition it is true that a workman who is well clothed, well fed, and well housed has an advantage in efficiency over another who is poorly fed, poorly clothed, and poorly housed. In this respect American workmen have an advantage over their competitors in any other country, and this is largely because laborers abroad are willing to do without those things which have become necessities under the American standard of living. But from this it does not follow that American labor is anything like doubly or trebly as efficient as foreign labor costing only one-half or one-third as much in wages. As a matter of fact, in many highly competitive industries, as, for instance, the chemical, metal, and woolen industries, American labor is no more efficient—and ofttimes even less efficient—than similar labor in Germany, England, and France. Under these conditions the scaling of duties down to a point below that necessary to make up the difference in the actual production cost must inevitably be felt by labor, and if applied throughout the tariff schedules must inevitably result either in the discontinuance of these industries here or the scaling down of wages to a point somewhere near the wages of foreign labor, and in the end this will affect not only the wages of men actually employed in protected industries but in industries also which are usually classed as non-protected. There can be no general cut in the wages of factory hands without a cut following in the wages of carpenters and bricklayers and workingmen generally. The wages of men of whom is required substantially the same degree of effort, industry, and skill must always be at about the same level, no matter what their particular industry may be. If we are to preserve the American wage scale in all forms of industry, we must preserve duties which shall at least protect the wages of workmen who are in active competition with workmen abroad.

I shall feel that I have been justified in submitting these observations if I have been able to bring out clearly the two points which it seems to me have been developed by these tariff hearings more fully than ever before—first, how little the tariff has to do with retail prices and how greatly it has to do with producers' prices—in other words, how the American citizen, whether employer or employee, as a producer, is vitally affected by tariff duties on the article which he produces and how remotely he is affected as a consumer by the tariff on the articles he consumes. Is it possible to substantially reduce retail prices through the medium of lowering the tariff merely without reducing producers' prices below a living point? In other words, can you reduce substantially the cost of living

through the tariff-making power of Congress without diminishing the purchasing power of the people of the Nation? That is the problem that will confront the party in power in the next Congress, and upon its wise solution you will stand or fall.

In my judgment you are doomed to failure. I do not believe that general prosperity in this country can be maintained under a policy of tariff for revenue only. I agree that much depends upon how that policy is to be construed and applied. If applied in one way it would have no effect whatever upon the cost of living. If applied in another it would probably reduce the cost of living, but only at the expense of the ruin of the industries and the business of this country. Applied as it has been in some of the bills which passed this House in the last session of Congress it will give needlessly high protection to some industries and worse than free trade to others, for your newly invented policy of placing the finished product of the American producer on the free list and maintaining duties on all the intermediate products is worse than free trade and can be justified by no existing theory of political economy. This policy was, I think, well and tersely characterized by one witness who appeared before the committee, Mr. Neal Brown, a very eminent Democrat, who denominated it the "illegitimate offspring of unknown parentage," and his discussion of this question on page 2214 is worth reading.

The worst feature of your tariff-for-revenue program is that you make it mean one thing at one time and quite another thing at another. During the campaign last fall your cry throughout the country was that you would reduce the cost of living to the American people by abolishing all duties maintained under the protective principle of allowing for the difference in the cost of production of articles produced in this country and abroad, and yet repeatedly prominent Democrats came before the committee during the hearings and argued that the pledges of the Democratic Party to the people meant no such thing. Mr. Joseph S. Auerbach, for instance, a lawyer of distinction, a prominent Democrat in New York and one who took an active part in the campaign, appeared twice before the committee, on one occasion advocating an increased duty on plate glass and on another an increased duty on ball bearings. He rested his case upon the Democratic platform and the assurances of Democratic leaders as to what that platform meant. On page 748 the following occurs in his testimony:

> It is true that you are to have before you the duty of living up to the pledges of the Democratic Party to the people; but as a Democrat by principle and practice I have no fear of them rightly interpreted. We are not, however, to confuse ourselves as to what were those pledges even though prepared to accept them at their face value.

And later, having argued in favor of an increased duty on plate glass, he said:

> In all this, however, the solemn promise was that there would be taken into account and allowed for the difference in cost of production here and abroad. The chairman of this committee again and again has expressed this view forcibly, eloquently, and persuasively, too, as the result of the last election makes abundantly clear.

On page 1208 of the hearings will be found the following colloquy between Mr. Auerbach and myself upon the question of what the promise or covenant of the Democratic Party with the American people people really meant:

> Mr. LONGWORTH. I have heard you say several times to-day and the other day that it was a part of the covenant of the Democratic Party with the people, in considering this question of tariff revision, to make a tariff on a revenue basis and take into consideration the question of the cost of production of articles manufactured in the country with the cost of production of similar articles manufactured abroad. I would like to know, for my own information, where you find any mention of that covenant either in the Democratic platform or in any utterances of the Democratic leaders during the last few years.
>
> Mr. AUERBACH. I find it everywhere, wherever the question has been discussed. I find it in all of the deliberations here, and I find that you are trying to learn the difference between the cost abroad and the cost at home.
>
> Mr. LONGWORTH. Where do you find in the utterance of any Democratic leader the use of the phrase "the difference in the cost of production here and abroad"? Can you cite me to any utterance?
>
> Mr. AUERBACH. Yes, sir; I will hand you privately some declarations of some gentleman whom you would concede to be the leaders of the Democratic Party.

Great heavens, Mr. Speaker, has it come to this, that the covenants of the great Democratic Party are to be construed through the medium of private letters, that the real meaning of their pledges of tariff revision are to be taken not from their platform, not from the declarations of their leaders upon the stump or upon the floor of Congress, but from assurances privately given to great business interests which must remain concealed from the light of day? Was this the reason why your treasure chests were so overflowing in the last campaign? Was this the reason why many of the great moneyed interests of the country viewed with such serene complacency your enthronement in power? Are your campaign promises to reduce the cost of living to yield eventually to the "covenants" made by your leaders with big business?

I did not accept Mr. Auerbach's offer to peruse these covenants. I do not know and did not ask who were the "leaders" referred to. I entirely absolve any member of the Ways and Means Committee from any complicity in or knowledge of these things. But for some reason or other, slowly but surely, as it seems to me, the theory that the result of your tariff revision will substantially reduce the cost of living is being abandoned. On page 3171 the gentleman from Alabama, chairman of the Ways and Means Committee, whose superior knowledge of the tariff question none will dispute, had this to say:

> I recognize, of course, the great difference between the wholesale price and the retail price, but this committee can not adjust that.

And later, at page 3246, in reply to a question asked by Mr. Howard, who was on the witness stand:

> Mr. Chairman, do you think that the consumer will get the benefit of this?

That is to say, the general abolishment of all protective duties.

> The CHAIRMAN. Well, we hope he will. We think he will on some articles; on some articles he probably will not.

This is a mighty milk-and-water assurance, to say the least, to the American consumer, of any benefit that may come to him from the tariff revision you contemplate. If this is to be the result—or, rather, the lack of result—of this revision, your pledges made to the people in the last campaign were made with intent to mislead or else you have found that they can not be lived up to.

The truth of it all is that it is a "condition and not a theory that confronts you." You have come to a realization of the fact that the tariff is not responsible for the increased cost of living in the last few years in this country. You have come to the conclusion that nothing short of a most radical reduction all along the line will have any perceptible effect upon consumers' prices, and you fear to go that far lest the whole industrial and business structure of this country come clattering down upon you. You hesitate to grasp either horn of the dilemma. You are still in doubt whether to put through a revision which will not cause great business disturbance but which will not reduce the cost of living at all, or, on the other hand, whether your one object shall be to reduce the cost of living at no matter what the damage to the industries and purchasing power of the people of the Nation.

In all I have said I do not wish to be considered as questioning for a moment the sincerity or high purpose of my colleagues on the majority side of the Ways and Means Committee. For every one of them I have the highest regard and esteem. I have formed many friendships with gentlemen on the other side which it consoles me to believe, now that I am about to retire from service with them, will endure as long as I live.

Mr. Speaker, during the 10 years that I have served here I have frequently had sharp debates with gentlemen upon the other side of this House. I confess that I have sometimes stated my opinion of Democratic policies with perhaps brutal frankness, but I have never questioned, and I do not now, the purity or patriotism of the motives that animate gentlemen on the other side of the aisle, either as individuals or as a party. For the Speaker of this House I entertain the most unbounded affection and esteem. I admire him as a statesman and I like him as a man. [Applause.] There is no gift in the power of the American people to bestow, no office to which he could be elected, that he would not adorn even as he adorns the Speakership. [Applause.]

Just a word as to another great Democratic leader, whom I have the good fortune to know intimately. I have never met a more able, upright, and honorable man than is the gentleman from Alabama [Mr. UNDERWOOD]. [Applause.] I hold him to be a scholar and a gentleman in all that those two terms imply, and I say of him, too, as I have said of the Speaker, that he would worthily fill any office in the gift of the people of this country. [Applause.] I only wish, Mr. Speaker, if we are to have a law modeled on the principle of tariff for revenue only that the gentleman from Alabama could write it himself. I would be glad to see such a tariff law go on the statute books, because I know that every item in it would be dictated by principle, and not by pressure or political expediency. But I have no hope that any tariff bill written by the gentleman from Alabama will go upon the statute books. I fear that when that bill has finally run the gantlet of this House and of the Senate the gentleman from Alabama will not know his own handiwork, and that the bill will in its final analysis represent the result not so much of rigid adherence to principle as of a series of

trades in which the big fellow will get the best of it and the little fellow will get the worst of it.

If I have learned anything during my service on the Committee on Ways and Means it is this, that no thoroughly accurate, scientific, permanently satisfactory bill can be enacted unless it is based upon the findings of a permanent nonpartisan high-powered tariff commission. [Applause on the Republican side.]

And I believe that the day is not far distant when the tariff will be revised by a party which is committed to that principle. Mr. Speaker, in the seclusion of private life I shall watch with interest the labors of my colleagues on the other side of the House. With all respect to their patriotism and the purity of their motives, I fear that they are doomed to failure, because I do not believe that any tariff which ignores the principle of protection can make for the general prosperity of the people of this country. If I am right, the time may not be far distant when I shall be here again. [Applause.] But whatever the future may have in store for me, I know you will believe me to be sincere when I say that I wish every man in this House the best that life may afford of health, happiness, and prosperity. [Loud applause.] Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, in these closing hours of eulogies and swan songs, mingled with messages from the Executive and from the Senate and reports of committees of conference, I avail myself of the courtesy extended by the House for a very few brief observations.

My service here has not been very long—only four years—but long enough to make many good friends, so that the pain of being violently separated from the pay roll is far from being the only regret at retiring from the House. Nor have my friends been limited to one side of the big aisle, as it is so often called by our fair, courteous, and much-beloved Speaker. They are quite as numerous on the Democratic side as on our own, and in the present Congress even more, for there are so many more of them. To all of these I wish to say that I appreciate more than I can express their many courtesies, and more than all the fact that it has been my privilege to here enjoy the friendship of so many good fellows. I shall treasure the memory of my association here with you while life lasts.

I go away with mingled feelings of regret and relief. It is not necessary to tell any of you that the path of a Congressman is not strewn all the way with roses; that each rose is situated between two thorns is not an inapt figure of speech. To take part in the actual work of this House, to study not only the bills and reports, but even the hearings before committees, and to follow intelligently the legislation enacted here is a most delightful though strenuous task. To attend to the numerous and multifarious requests of individual constituents, though often difficult, is always both pleasant and interesting. The hardest part to bear is the unfair criticism of those to whose interest it is to oppose you or of others instigated by them; and it has been my experience as well as my observation that a large proportion of the sum total of unjust criticism leveled against men in all ranks of public life is traceable to such poisoned sources.

It is not pleasant for an honest man to attempt to deceive, even though the purpose of the deception be to make folks at home think you the greatest man in Congress next to the Speaker; and yet it must be done if you would tarry here. Everybody's doing it. I should be ashamed to look myself in the face if through the instrumentality of sympathetic newspaper correspondents I should find myself so puffed up in the home papers that my colleagues here would not be able to recognize the likeness; and yet such practices are frequent, as they are, also, potent. So through the catalogue of pleasant and unpleasant things connected with public service—and I am not certain in which scale rests the preponderance of testimony. When away from the life here, its joys and its cares, one may be able to gain the right perspective and make a just estimate as to the permanent value of service here.

Apropos of the closing sentiments of the speech of my friend from Ohio [Mr. LONGWORTH] I here submit a few lines of hastily constructed verse. Except as therein otherwise specified the sentiment is entirely impersonal and includes all who believe in all that is best in the party represented by this side of the House. The gentleman from Ohio has said, "Au revoir, but not good-by." I have attempted to put the same sentiment into verse.

QUACK-QUACK OF THE LAME DUCKS.

Republican aquatic birds,
We're lame, as you may see,
From cares of state and long debate
We are to be set free.
We fought the battle bravely, and were
Vanquished in the fray,
Some think we ne'er shall fight again,
I rather think we may;
And we'll come back; yes, we'll come back—
Two years, or four, and we'll come back.

We hadn't even half a chance
To win out in the fight,
But held our banners high aloft
And battled for the right;
Our party sorely rent in twain,
The opposition strong;
Result—we now are leaving you,
But not for very long.
For we'll come back; yes, we'll come back—
Two years, or four, will bring us back.

McKINLEY, HILL, and LONGWORTH, too,
DALZELL and PRINCE and others,
And many called Progressives true
Are going with their brothers.
Such fate dissension brought to all;
If licking's what was needed,
'Twas quite enough. The lesson learned,
It surely will be heeded;
And they'll come back; yes, all come back;
Two years, or four, will bring them back.

Our virile Uncle JOE, alas!
Is also booked to go;
Regretted much by everyone,
By friend not more than foe.
When Danville district voters wake
To look about and find
How much they've lost by what they've done
They'll surely change their mind,
And send him back; yes, send him back—
Two years, not more, will bring him back.

Mr. MARTIN of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MARTIN of Colorado. For the purpose of asking unanimous consent to address the House for 15 minutes. What I have to say being prepared, I am quite sure of not running beyond the time allotted to me.

The SPEAKER. How much time does the gentleman ask?

Mr. MARTIN of Colorado. For 15 minutes, or such portion of that time as I may need.

The SPEAKER. The gentleman from Colorado asks unanimous consent to address the House for 15 minutes or such portion thereof as he may desire. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, while I should very much like to hear my friend and very good colleague on the committee to which I am assigned [Mr. MARTIN of Colorado], yet I would like to ask whether, in the opinion of the Chair, that would preclude me from moving at this hour to suspend the rules and pass a bridge bill.

The SPEAKER. No; it will not after the gentleman concludes. Is there objection? [After a pause.] The Chair hears none.

THE LATE REPRESENTATIVE MADISON.

Mr. MARTIN of Colorado. I come to lay forget-me-nots upon the shrine of the memory of my friend and colleague, ED. MADISON, to refer to an incident in our earlier lives that eventually touched our hearts into deep and satisfying fellowship, and to say a final word as a Member of Congress, from which I am now about to retire, for reasons to which I shall allude only briefly and impersonally, and as they affect many of the Members of Congress, living and dead.

Twenty years ago a young locomotive fireman whiled away a long lay-over at Dodge City, Kans., by sitting in the rear of the court room and listening to the trial of a case. Unused to such scenes it made a deep impression upon him—the solemnity of it, the learned ability of the judge on the bench, the forensic combats of the lawyers at the bar, the tense interest of the community; but he was particularly impressed with the personality and ability of the leading lawyer for the defense, a young man, black haired, clean shaven, square of jaw and shoulder, the music of a strong, keen voice tuned to the pitch and playing the scale of natural oratory, definiteness and precision in his method, weight, and compelling in his manner.

They did not meet, the fireman and the lawyer, but the former went his way with the clear image of the latter graven upon his memory by eyes of desire; and many times afterwards his mind went back to the scene in the court room and its central figure. As the years went by he often thought of the young lawyer and made inquiry, learning first that he had become district judge and finally that he had been elected to Congress; but still they did not meet, and never met until, after the lapse of 16 years, they met in this Chamber as the Representatives of adjoining States and contiguous congressional districts.

It is the commonest triteism that truth is stranger than fiction, for no sane imagination, projecting itself from the little court room, could have foreseen the day when the young lawyer, as a distinguished Member of Congress, would be making what proved to be his last speech upon the floor of the House, and having as a warm friend and colleague among the assembled Members his unknown auditor of that other day.

But the people of that prairie community had gone down into the sand hills of the Arkansas, and in a little prairie schoolhouse had found a young lawyer-teacher, had called him into the public service, and had seen that with each advance he justified their estimate and enlarged their concept of his worth until, in his all too brief tenure in the Halls of Congress, he had risen distinctly into leadership and had begun to make his impress, not only upon his colleagues regardless of party, but upon the political institutions and the legislation of this great country.

It is a romance and it is a marvel, yet it is so common that we may easily overlook its deep significance. For it typifies America and spells her enduring greatness. Her imperishable hope and her indestructible guaranty is the capacity for leadership, for statesmanship, resident in the body politic; the ED. MADISONS in the little schoolhouses, in the little court rooms, on the farms, on the railroads, in the mines and mills, everywhere and in all callings and walks of life, fitting for and awaiting the summons to higher service. Surely we have only to look about us for undoubting assurance that no matter how deep and dark the valleys of our national life, how high and forbidding its steeps, we shall level those lifts and pass on to greater and yet greater heights.

But I have not yet summed up the value as a statesman of our departed friend and colleague. It was not all in his physical impress, not all in his magnetic personality, not all in his natural gift of oratory or his ability in debate, not all in his integrity and courage of conviction, though he had all these attributes in rich measure. Above all these his distinguishing characteristic was sound judgment. This rarest of faculties, even in men of the greatest gifts, equaled the sum of all his other gifts, was the crowning attribute of the man, and, added to these others assured him high and yet higher place in the councils of the Nation.

But in the morning of a statesman's career and in the forefront of the fray which still rends our national political life, and with heart and brain teeming with the problems pressing for solution, broken by the burden, he fell as a soldier falls, as so many of his colleagues have fallen, and was laid to rest, his mourners all who knew him, his couch the brown bosom of his western plains, his shroud the waving prairie blue stem, his requiem the prairie's ever-blowing winds. He has gone whence he came.

A Ship of Mist sailed out of a cloud,
Out of a cloud at the sunrise time;
The glint of the dawn was on sail and shroud,
The glint of the dawn of the sunrise clime.
Into the blue from the harbor gray,
Into the blue of the living day,
Into the vast, she sailed away.

"Ahoy, lone sailor; what of the voyage?"
"I've neither chart nor bearing, friend."

A Ship of Mist sailed into a cloud,
Into a cloud at the sunset time;
The shade of the dusk was on sail and shroud,
The shade of the dusk of the sunset clime.
Into the gloom with the dying light,
Into the gloom of the endless night,
Into the vast, she sailed from sight.

"Ahoy, lone sailor; what of the voyage?"
"I'm past the care of caring, friend."

But let me digress a moment from the beaten path of individual eulogies; let me come close to other thoughts and feelings that press upon my heart and mind. During this term of Congress this has been many times a house of mourning. If every seat in this Chamber vacated by death during this term of Congress were draped with its sable emblems, it would present a most solemn spectacle. And if this spectacle could be seen by the country and its significance understood, it would give pause to much criticism. But even these vacant chairs and black-suited desks would not take the toll of those who fall here, and whose seats are vacated and whose careers are ended or broken by the strain, as surely as those who pay as well the forfeit of life itself. Beyond doubt a congressional career is now in its demands the most severe and exacting of all careers. The life of a Congressman has become a ceaseless struggle. He is in Congress fighting, or at home campaigning, keyed always to high pitches of feeling and effort, and besieged always with demands which grow with his ability to feed them.

I have little patience with the popular witticisms about the life in Congress, its ease, its emoluments, its pleasures. The truth is, Congress in its personnel typifies largely the survival of the fittest, and is made up in the main of men who would not remain in public life a single day were it not for the great honor which is the due of that greatest of all services in the cause of human progress, public service.

Although a poor man, I would despise myself to think that I came to Congress for its ease, its emoluments, or its pleasures. I came because the seed was born in me and because the honor of its service was the ambition of my life. And when I say this of myself I state what I believe to be the rule and not the exception. I shall go hence, reserving the right and discharging the duty to criticize the public acts of the Members of Congress, but with respect born of knowledge and experience for the lot of the Congressman, the great and varied measure of his duties, the cankering character of his responsibilities, the integrity of his motives, and the courage of his actions.

I have not spoken of Mr. MADISON in his private life as a husband, father, and citizen, but I know that in these relations he was all that we hope for our own, and the cottage in which he dwelt, surrounded by wife and children, was enshrined in the hearts of unenvious friends and neighbors, to all of whom his public career was an unmixed pride and his death a personal loss. Measured by dollars, he died a poor man; but, measured by deeds, he lived a rich life, and left to his family and kindred the legacy of that good name which is more to be desired than great wealth, to struggling youth the stimulus and example of his own climb from obscurity to eminence, to his friends the memory of a just man whose light shone brighter with increase of radius, and to the archives of his country the record of a faithful and efficient public servant.

Having spent the last years of my boyhood upon a farm in the district which he later represented in Congress and which has been the home of my people for 30 years and where my mother sleeps, having passed the first years of my manhood upon a railway division of which his home city was a terminal, having had the honor at his invitation of being the guest of that community, and being bound to it all by so many tender ties, it is to me a peculiarly sad privilege and pleasure to pay his character and memory this tribute of my esteem and love, and not inappropriate, I trust, in the light of all the circumstances, to have enlarged upon it by personal and related references and by touching upon a phase of life in the National Congress which so nearly concerns so many of its Members.

To the family of EDWARD H. MADISON, who must continue the unmarked way of life without his strong, sure, and protecting guidance, I wish all the solace and strength that may come from the contemplation of all that he was to them, to the community, and to the country; and to those who are to tarry yet a little time upon the scenes where his labors have closed I wish health, honor, and achievement while in the arena of public action and peace and content when they retire.

VETO MESSAGE OF THE PRESIDENT ON THE SUNDRY CIVIL BILL (H. DOC. NO. 1451).

The SPEAKER. The Chair lays before the House a veto message of the President of the United States.

[For message, see Senate proceedings of this day.]

Mr. FITZGERALD. Mr. Speaker, I move that the House, on reconsideration, pass the bill (H. R. 28775), the objections of the President to the contrary notwithstanding. [Applause.]

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding, and on this the Clerk will call the roll.

The question was taken; and there were—yeas 264, nays 48, answered "present" 3, not voting 66, as follows:

YEAS—264.

Adair	Boehne	Carlin	Davidson
Adamson	Booher	Carter	Davis, W. Va.
Aiken, S. C.	Borland	Cary	Dent
Ainey	Brantley	Clark, Fla.	Denver
Akin, N. Y.	Broussard	Claypool	Dickinson
Alexander	Buchanan	Clayton	Difenderfer
Allen	Bulkley	Cline	Dixon, Ind.
Anderson	Burgess	Collier	Donohoe
Ashbrook	Burke, S. Dak.	Conry	Doremus
Austin	Burke, Wis.	Cooper	Doughton
Ayres	Burleson	Copley	Driscoll, D. A.
Barnhart	Burnett	Cravens	Dupré
Bartlett	Byrns, Tenn.	Cullop	Edwards
Bathrick	Callaway	Curley	Ellerbe
Beall, Tex.	Campbell	Curry	Esch
Bell, Ga.	Candler	Daugherty	Estopinal
Blackmon	Cantrill	Davenport	Evans

Faison	Henry, Tex.	Maher	Russell
Farr	Hensley	Mann	Saunders
Fergusson	Hobson	Martin, Colo.	Scott
Ferris	Holland	Mays	Scully
Fields	Houston	Miller	Shackleford
Finley	Howard	Mondell	Sharp
Fitzgerald	Howell	Moon, Tenn.	Sherwood
Flood, Va.	Hughes, Ga.	Moore, Tex.	Simmons
Floyd, Ark.	Hull	Morgan, La.	Sims
Fornes	Humphreys, Miss.	Morgan, Okla.	Sisson
Foster	Jackson	Morrison	Sloan
Fowler	Jacoway	Moss, Ind.	Small
Francis	James	Mott	Smith, J. M. C.
French	Johnson, Ky.	Murdock	Smith, Saml. W.
Fuller	Johnson, S. C.	Murray	Smith, Tex.
Gallagher	Kendall	Needham	Stanley
Gardner, Mass.	Kennedy	Neeley	Stedman
Garner	Kent	Nelson	Stephens, Cal.
Godwin, N. C.	Kindred	Norris	Stephens, Miss.
Goeke	Kinkaid, Nebr.	Nye	Stephens, Tex.
Goldfogle	Kinkead, N. J.	Oldfield	Stone
Good	Kitchin	O'Shaunessy	Sweet
Goodwin, Ark.	Konig	Page	Switzer
Gould	Kopp	Palmer	Taggart
Graham	Korbly	Patten, N. Y.	Talbott, Md.
Gray	Lafferty	Pepper	Taylor, Ala.
Green, Iowa	La Follette	Peters	Taylor, Ark.
Greene, Mass.	Lamb	Pickett	Taylor, Colo.
Greene, Vt.	Langley	Plumley	Thayer
Gregg, Pa.	Lee, Ga.	Porter	Thomas
Gregg, Tex.	Lee, Pa.	Post	Towner
Gudger	Lenroot	Pou	Townsend
Hamilton, Mich.	Lever	Powers	Tribble
Hamilton, W. Va.	Lewis	Prince	Turnbull
Hamlin	Lindbergh	Pujo	Tuttle
Hammond	Linthicum	Rainey	Underhill
Hardwick	Littlepage	Raker	Warburton
Hardy	Lloyd	Randell, Tex.	Watkins
Harrison, Miss.	Lobeck	Redfield	Webb
Harrison, N. Y.	Longworth	Rees	White
Hart	Loud	Reilly	Willis
Hartman	McCoy	Richardson	Wilson, Ill.
Hawley	McDermott	Roberts, Nev.	Wilson, N. Y.
Hay	McGillicuddy	Roddenbery	Wilson, Pa.
Hayden	McGuire, Okla.	Rodenberg	Witherspoon
Hayes	McKellar	Rouse	Woods, Iowa
Heflin	McLaughlin	Rubey	Young, Kans.
Helgesen	Macon	Rucker, Colo.	Young, Mich.
Helm	Maguire, Nebr.	Rucker, Mo.	Young, Tex.

NAYS—48.

Ames	Dodds	Hill	Patton, Pa.
Anthony	Driscoll, M. E.	Hinds	Payne
Bartholdt	Dwight	Howland	Speer
Bates	Dyer	Lafean	Steenerson
Berger	Fairchild	Langham	Sterling
Bradley	Fordney	McCreary	Stevens, Minn.
Browning	Foss	McKenzie	Thistlewood
Burke, Pa.	Gardner, N. J.	McMorran	Tilson
Calder	Griest	Matthews	Vare
Cannon	Guernsey	Merritt	Volstead
Crago	Henry, Conn.	Moore, Pa.	Whitacre
Dalzell	Higgins	Olmsted	Wilder

ANSWERED "PRESENT"—3.

Andrus	Crumpacker	Parran

NOT VOTING—66.

Ansberry	Gill	McCall	Sells
Barchfeld	Gillette	McKinley	Sherley
Brown	Glass	McKinney	Slayden
Butler	Hamill	Madden	Slemp
Byrnes, S. C.	Harris	Martin, S. Dak.	Smith, N. Y.
Covington	Haugen	Moon, Pa.	Sparkman
Cox	Heald	Morse, Wis.	Stack
Currier	Hughes, W. Va.	Padgett	Stephens, Nebr.
Danforth	Humphrey, Wash.	Pray	Sulloway
Davis, Minn.	Jones	Prouty	Talcott, N. Y.
De Forest	Kahn	Ransdell, La.	Taylor, Ohio
Dickson, Miss.	Knowland	Rauch	Underwood
Dies	Konop	Reyburn	Vreeland
Draper	Lawrence	Riordan	Weeks
Focht	Levy	Roberts, Mass.	Wood, N. J.
Garrett	Lindsay	Rothermel	
George	Littleton	Sabath	

So (on reconsideration) the House agreed to pass the bill, the objection of the President to the contrary notwithstanding.

The Clerk announced the following additional pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. RANSDELL of Louisiana with Mr. KNOWLAND.

Mr. STACK with Mr. KAHN.

Mr. LINDSAY with Mr. HUMPHREY of Washington.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. SLAYDEN with Mr. MCKINNEY.

Mr. SHERLEY with Mr. DAVIS of Minnesota.

Mr. BROWN with Mr. BUTLER.

Mr. COVINGTON with Mr. MCKINLEY.

Mr. BYRNES of South Carolina with Mr. BARCHFELD.

The result of the vote was announced as above recorded.

REORGANIZATION OF CUSTOMS SERVICE (H. DOC. NO. 1450.)

The SPEAKER laid before the House a message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Ways and Means and ordered to be printed.

[For message, see Senate proceedings of March 3, 1913.]

THANKS TO THE SPEAKER.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] will please take the chair.

Mr. CANNON assumed the chair amidst loud applause.

The SPEAKER pro tempore (Mr. CANNON). The House is in order, and the gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, with a pleasure which wells from the bottom of my heart and as a token of tribute to the splendid ability of our Speaker and as an evidence of the affectionate regard in which every Member holds him, I rise to offer the following highly privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The CLERK read as follows:

House resolution 877.

Resolved, That the thanks of this House are presented to the Hon. CHAMP CLARK, its honored and distinguished Speaker, for the able, impartial, courteous, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair during the present term of Congress, now about to end.

[Loud applause.]

The SPEAKER pro tempore. Without objection, and the Chair hears none, the resolution is agreed to. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment, bills of the following titles:

H. R. 28840. An act authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada;

H. R. 21849. An act for the relief of Felix Morgan; and

H. R. 28098. An act to authorize the construction of a bridge across the Sabine River at Orange, Tex.

The message also announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the President pro tempore to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

In compliance with the foregoing resolution the President pro tempore appointed Mr. WARREN and Mr. MARTIN as said committee.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 28499. An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28613. An act to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.;

H. R. 27090. An act for the relief of Cora Evans;

H. R. 21849. An act for the relief of Felix Morgan;

H. R. 28093. An act to amend an act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912;

H. R. 28840. An act authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada;

H. R. 23673. An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea;

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes;

H. R. 26680. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 1567. An act for the relief of Maria McMurdie;

H. R. 28775. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes;

H. R. 27789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 28632. An act to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La.;

H. R. 28633. An act to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana";

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914;

H. R. 27148. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 25780. An act to amend section 3186 of the Revised Statutes of the United States; and

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 132. Joint resolution providing for an American commission for the investigation of rural credits in Europe;

S. 7875. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.;

S. 7747. An act for the relief of Charles Dudley Daly;

S. 7415. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, in New Mexico, and for other purposes;

S. 3843. An act authorizing the Secretary of the Interior to lease to the operators of coal mines in Oklahoma additional acreage from the unleased coal land of the Choctaw and Chickasaw Nations;

S. 8273. An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls;

S. 8390. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8540. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 24266. An act to authorize the sale of burnt timber on the public domain;

H. R. 28699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 21849. An act for the relief of Felix Morgan;

H. R. 28840. An act authorizing the construction of a railroad bridge across the St. John River between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada;

H. R. 28632. An act to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La.;

H. R. 27148. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28093. An act to amend an act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912;

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 25780. An act to amend section 3186 of the Revised Statutes of the United States;

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes;

H. R. 23673. An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914;

H. R. 28499. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28633. An act to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana";

H. R. 27789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 27090. An act for the relief of Cora Evans;

H. R. 28613. An act to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.;

H. R. 28775. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 26680. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 1567. An act for the relief of Maria McMurdie; and

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, communicated to the House of Representatives by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 3, 1913:

H. R. 20511. An act for the relief of Samuel Butter & Co.;

H. R. 21709. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

H. R. 21714. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia;

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia;

H. R. 23939. An act to legalize titles in the District of Columbia to certain citizens;

H. R. 25264. An act for the relief of W. A. Kelly;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906;

H. R. 28635. An act to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 24703. An act to extend the authority of receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues;

H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;

H. J. Res. 326. Joint resolution providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho;

H. R. 27806. An act granting a pension to Mary MacArthur;

H. R. 28730. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 23676. An act to regulate the officering and manning of vessels subject to the inspection laws of the United States; and

H. R. 27323. An act to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law.

HOUSE BILLS RECEIVED AT THE CAPITOL AND APPROVED BY THE PRESIDENT.

On March 4, 1913:

H. R. 26080. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 27148. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28283. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914;

H. R. 28499. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28699. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes;

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes;

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes;

H. R. 24266. An act to authorize the sale of burnt timber on the public domain;

H. R. 25780. An act to amend section 3186 of the Revised Statutes of the United States;

H. R. 25781. An act to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 27789. An act to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes;

H. R. 28093. An act to amend an act entitled "An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico," approved May 11, 1912;

H. R. 28613. An act to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.;

H. R. 28632. An act to authorize the construction of a bridge across Twelve Mile Bayou in Caddo Parish, La.;

H. R. 28633. An act to amend the act approved January 27, 1912, entitled "An act to authorize the construction of a bridge across Caddo Lake, in Louisiana";

H. R. 1567. An act for the relief of Maria McMurdie;

H. R. 21849. An act for the relief of Felix Morgan;

H. R. 27090. An act for the relief of Cora Evans;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 28840. An act authorizing the construction of a railroad bridge across the St. John River, between the town of Van Buren, Me., and the parish of St. Leonards, Province of New Brunswick, Dominion of Canada.

REPORT OF COMMITTEE TO WAIT ON PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. The committee appointed on the part of the House to act with the committee appointed on the part of the Senate to wait on the President of the United States and notify him that the House was about to adjourn, and ask him if there were any further communications to be laid before the House, desire to report that they have performed their duty, and the President of the United States informs them that he has no further communications to make.

THANKS TO THE SPEAKER.

The SPEAKER pro tempore. The office of Speaker in the House of Representatives is a great office, with great responsibilities, requiring uniform courtesy, patience, and, at times, forbearance. Many men have filled this great office during my service—Blaine, Kerr, Randall, Keifer, Carlisle, Reed, Crisp, and Henderson, and the present Speaker of the House. At times the popular body, abounding in partisanship, directly representing the people, rendering an account every two years, seemingly is not only enthusiastic, but in its enthusiasm is sometimes severe; and yet this present body, as was the case with former Congresses, when the blood cools, has ever been ready to accord deserved indorsement to the presiding officer, whoever he might be, from one Congress to another.

I had long service with the gentleman from Missouri, the Speaker of the House. His ability is known throughout the length and breadth of the land and is fully appreciated. Few men in the history of the Republic have had stronger public indorsement than the Speaker of the House [applause], and from observation throughout my long service in this body I take pleasure in saying that during his speakership no man has presided with greater fairness and with greater courtesy. [Applause.]

Mr. GREGG of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on Senate bill 5068.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks upon the bill indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTHOLDT. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Missouri makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Wyoming makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BORLAND] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. McKELLAR. Mr. Speaker, I desire to make the same request.

The SPEAKER pro tempore. The gentleman from Tennessee makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. LAFFERTY. Mr. Speaker, I ask leave to extend my remarks on the eight-hour law, relating to the employment of females, that was up for consideration this morning.

The SPEAKER pro tempore. The gentleman from Oregon [Mr. LAFFERTY] asks unanimous consent to extend his remarks on the bill named. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER resumed the chair amid general applause.

The SPEAKER. Gentlemen of the House of Representatives, I would have a heart of stone if I were not deeply sensible of this manifestation of the esteem and confidence of this House.

It is a great thing to be Speaker of this body. I violate no confidence in stating that within 30 minutes from now I could have been sworn in as Vice President of the United States if I had wanted to be, but I preferred to stay with you. [Prolonged applause.]

I would have preferred to serve in this House even if I had had no belief that I would be reelected Speaker. The greatest pleasure that I shall have in life as a public man will be to remember the unfailing kindness, the entire courtesy, and the unwavering friendship of the Members of the House of the Sixty-second Congress [applause], and that remark applies equally on the two sides of the great aisle. [Applause.]

I have worked hard to discharge the duties of the Speakership faithfully, intelligently, and with absolute impartiality, and

am proud of your approval. It is a rich heritage for my children and my children's children.

I was greatly pleased to have the resolution offered by the gentleman from Illinois [Mr. MANN]. I have overruled him more frequently and sustained him more frequently than all the other Members of the House put together. [Laughter and applause.]

I was delighted to have my venerable and well-beloved friend, the Hon. JOSEPH G. CANNON, preside on this occasion. [Applause.] We fight in this House, but we fight like men; and, considering the heat of the fight, I do not believe that any other body of men was ever assembled in the world where there is so little permanent animosity growing out of the proceedings. May God bless you all.

And not to detain the House, because time presses, I again thank you, and I wish for every Member, whether he is coming back or not, a safe return to his home and long life, happiness, prosperity, and peace of mind. [Applause.]

The House of Representatives of the Sixty-second Congress stands adjourned without day.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. KAHN: Petition of citizens of the State of California, protesting against the passage of legislation for the removal of duty on sugar; to the Committee on Ways and Means.

Also, petition of the Associated Chambers of Commerce of the Pacific Coast, of San Francisco, Cal., indorsing the aims of the Army League to collect statistics for the improvement of the military and naval forces along the coast line; to the Committee on Military Affairs.

Also, petition of the Associated Chambers of Commerce of the Pacific Coast, of San Francisco, Cal., favoring the passage of legislation to make appropriations for the purpose of experimenting with methods to prevent unnecessary losses to fruit raisers; to the Committee on Agriculture.

Also, petition of the Associated Chambers of Commerce of the Pacific Coast, favoring the passage of legislation for the installation of additional lighthouses on the Pacific coast; to the Committee on the Merchant Marine and Fisheries.

